Gender, Race, Islam and the ‘War on Terror’
May 11-13, 2006
A community dialogue

Sponsored by the Ruth Wynn Woodward Professor
Department of Women’s Studies, Simon Fraser University
Vancouver, British Columbia, Canada

Workshop Overview and Outcomes
Liz Philipose, RWWP 2005-06
A community dialogue

GENDER, RACE, ISLAM, & THE WAR ON TERROR

WITH:
- Mas Hanna College: Asma Barlas
- National Institute of Woman's Studies, Lahore, Pakistan: Nighat Said Khan
- Concordia University: Amina Jamal
- BAQDAD for Women’s Rights: Rosalie Gould
- Lawyer, Vancouver: Zool Suleman
- University of British Columbia: Sunera Thobani

MAY 11.06
Heritage Hall
3102 Main Street, Vancouver, BC
5 - 9pm Panel Presentation & Reception

MAY 13.06
Vancouver Public Library
350 W. Georgia Street, Vancouver, BC
5 - 7pm Panel Presentation

www.sfu.ca/womens-studies

Free and open to the public, no registration required.
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Contact us for more info, or visit our website for updates.
Organizers and Purpose

The symposium consisted of two public panel presentations and two days of workshops with invited participants. The organizing committee consisted of Habiba Zaman (Associate Professor, SFU Women’s Studies), Itrath Syed (MA student, UBC), Almas Zakuidin (PhD student, UBC), Sunera Thobani (Assistant Professor, UBC Women’s Studies) and myself. Amanda Shaw was the projects administrator. The committee met regularly for several months, mainly generating ideas for speakers, convenors and participants. We had several interests represented on the committee: war and militarism, global politics, secular feminism, feminist approaches to the Qu’ran and mosque politics, faith-based feminism and identity-based cultural politics. The title of the symposium and the range of speakers represent a collaborative joining of these interests, to put secularism in conversation with faith-based approaches to feminism, and to challenge secular feminism to understand the significance of faith in the lives of most women in the world. Islam was the primary focus as a cultural identity, a religious identity, a racialized category, and the vilified ‘other’ of the ‘war on terror’. We aimed to bring together as broad a representation of participants as possible, including students, community activists and advocates, academics, international participants and Canadian participants from all regions of the country.

Public Panel Presentations

The first panel included speakers Asma Barlas, Professor of Politics, Ithaca College, and author of “Believing Women” in Islam: Unreading Patriarchal Interpretations of the Qu’ran; and Rosalie Sindi Medar-Gould, Executive Director of BAOBAB for Women’s Human Rights, Nigeria. Each spoke about their work with Islam and women, Asma from the perspective of a devout person dedicated to reading the Qu’ran for its liberatory potential, and Sindi from the perspective of a non-Muslim working (mainly) with Muslim women in Islamic legal frameworks. We had plenty of time for discussion and many issues and questions were raised. The panel was well-attended and the hall was almost full (220 people).

The second public panel included four speakers: Zool Suleman, immigration lawyer who works on racial profiling cases in Vancouver; Sedef Arat-Koc, professor, Ryerson College, whose work is on women, the war on terror and whiteness in Turkey; Amina Jamal, postdoctoral fellow at Concordia, whose work is on Jamaat women in Pakistan; and Sunera Thobani, professor, women’s studies, UBC, whose work is on media representations of Afghani women. Sedef discussed the shrinking spaces for dissent and feminist discussions of race, nation and gender in Canada, and the problems posed for democratic politics in this era of the ‘war on terror’. Amina discussed her work with women in Pakistan and the complexities they negotiate between faith, law and equality. Zool spoke about some of the complications of immigration proceedings in Canada brought by new legislation on detentions, deportations, the right to legal counsel and profiling of Muslims. Sunera discussed media representations of Muslims in Canada and the ways they limit political debate amongst feminists and other social justice activists. The panel was moderated by Habiba and again, the library was almost filled to capacity (300 people).

Working TV has webcasts of both panels: http://workingtv.com/main3.html
Workshop Outcomes

The workshops convened at Harbour Center on May 12 and 13. We had 40 participants, plus a number of undergraduate and graduate students from UBC and SFU who sat in on the sessions. Four workshops were held over two days. Each workshop convenor gave a background presentation to introduce the workshop before we dispersed into small groups and responded to the workshop outcomes after we reconvened in plenary and heard reports from each group.

In addition to the workshops, we had a speaker each morning. Raana Rahim, family services lawyer in Toronto, discussed a number of her cases which involved families from Pakistan and social services that operate from prejudicial assumptions, exacerbated by the post-911 context of heightened bigotries against Muslims and people perceived to be Muslim. Shahina Siddiqi of Islamic Social Services in Winnipeg, presented on the institution of Sharia law in Canada and her support for the idea. She is a mediator and community advocate who works with community-based Sharia cases and argued that the laws are consistent with principles of equality as outlined in the Charter and other Canadian law.

It is possible to report on the workshop outcomes because of the hard work of several volunteer notetakers, for which I am very grateful. They were Sanzida Habib, Xinying Hu, Raquel Park, Jennifer Reed and Iram Zaidi. Workshop One had four discussion groups; Workshop Two had three discussions groups; Workshop Three had one large discussion group; Workshop Four had two discussion groups.
Workshop One
Asma Barlas convened a workshop on Qu’ranic hermeneutics where participants were asked to read select passages from the Qu’ran and offer contrasting interpretations of them.

“Reading the Qur’an: Challenges and Possibilities for Muslim Women”
Asma Barlas
In this workshop, we will look at the Qur’an both as a text that is used to oppress women and also as a means for their emancipation and liberation as well. Such a focus is meant to help us understand the problems and challenges women face both in Muslim countries and also within immigrant communities in the West.

Background
Most problems for women stem from the fact that Muslims on the whole buy into an ideology of male supremacy that manifests itself in a variety of forms. These range from misogynistic attitudes towards women, to laws that discriminate against them, to outright violence against them in the shape of domestic abuse and, most egregiously, the heinous “honor” killings.

Unfortunately, because most Muslims ascribe this ideology to Islam itself, it is hard for women to contest sexist and patriarchal readings of the Qur’an that have the weight of 1,400 years of history and tradition behind them. However, as I hope to show in this essay, the strongest argument against male privilege (patriarchy, broadly defined) may come from the Qur’an itself.

Parameters of the workshop
In the short time available to us, we can only scratch the surface of two complex and controversial questions: why do Muslims read the Qur’an as a patriarchal text, and is it possible to read it, instead, as being liberatory for women?

Below, I provide my perspective on these questions; the case study at the end of the essay will allow participants to arrive at their own conclusions. However, before proceeding any further, I’d like to make some caveats.

Three caveats
First, although Muslim understandings of the Qur’an impact how they treat women, this doesn’t mean that all Muslims have actually read the text; indeed, most rely on a second-hand knowledge of the Qur’an’s teachings that is often infused with ideas that
have no scriptural sanction.¹ And, of course, even those Muslims who do read the Qur’an do not always live by its teachings.

Second, in spite of the discrimination they encounter, Muslim women don’t live identical lives or, for that matter, uniformly oppressed ones; nor is it right to ascribe their status in specific societies to the Qur’an alone. As many scholars² have pointed out, a whole host of factors besides religion shapes women’s lives.

Lastly, it is too much of a racist stereotype to view all Muslim men as violent or to assume that only Muslims commit violence. So-called “honor” killings, for instance, are not as pervasive as the Western media would have us believe, and misogyny and violence against women persist even in the liberal and democratic societies of the West even if they take somewhat different forms.

Having said all this, I believe that one reason sexual inequality and misogyny are so prevalent among Muslims is that they are clothed in religious and scriptural language and imagery. That is why it is important to engage the Qur’an in order to challenge, and also to change, Muslim attitudes towards women.

History, hermeneutics, and patriarchy

In large part, the reason Muslims read the Qur’an as a patriarchal text is because of how they read it. As an example, I would like to take verse 4:34 that is read as establishing men’s dominion over women (I have divided it into three parts and kept some words in Arabic whose English translations I have underlined):

Men are [qawwamun ala] the protectors
And maintainers of women,
Because God has given
The one more (strength)³
Than the other, and because
They support them
From their means.

Therefore the righteous women
Are [qanitat] devoutly obedient and guard
In (the husband’s) absence
What God would have them guard.

As to those women

¹ For instance, many Muslims believe that the woman was created from the man’s rib even though there is not a single statement to this effect in the Qur’an which says they both originated in a single nafs, or self.
³ Abdullah Yusuf Ali’s use of the word “strength” is a pure interpolation since there is no word in this verse that can be translated as saying that God gave men more strength than women. The Holy Quran: Text, Translation and Commentary, New York: Tahrike Tarsile Quran, 1988.
On whose part ye fear [nushuz] disloyalty and ill-conduct,
Admonish them (first),
(Next), refuse to share their beds,
(And last) [daraba] beat them (lightly)
But if they return to obedience,
Seek not against them
Means (of annoyance).
(4: 34, in Ali, 190).

Although qawwamun is usually translated as protector or maintainer, as Azizah al-Hibri argues, “this is not quite accurate. The basic notion involved here is one of moral guidance and caring.” Even if one reads qawwamun as referring to a man’s financial role in maintaining the family, such a role is contingent since it is only possible in “matters where God gave some of the men more than some of the women, and in what the men spend of their money.” In light of this stipulation, it is clear that “men as a class are not ‘qawwamun’ over women as a class.”

Reading this verse as establishing men’s superiority over women also undercuts the Qur’anic teaching that men and women are each other’s awliya, meaning “‘protectors,’ ‘in charge,’ ‘guides,’” according to al-Hibri. But how, she asks, can “women be ‘awliya’ of men if men are superior to women? … How could women be in charge of men who have absolute authority over their lives?”

And, just as one can have different readings of qawwamun, so can one of the three other words that seem to be inimical to women: qanitat, nushuz, and daraba.

Amina Wadud, for example, maintains that nushuz refers to marital discord, not to a wife’s rebellion against her husband. (This seems to be borne out by verse 4:128 that refers to a wife who fears nushuz on her husband’s part.) Even if the wife initiates the nushuz, it does not follow that the Qur’an enjoins obedience to the husband. As Wadud says, it “never orders a woman to obey her husband . . . [or make it] a prerequisite for women to enter the community of Islam.” That is why she herself interprets qanitat as signifying an attitude of obedience on the part of all believers to God and not the wife’s obedience to her husband.

As for daraba, it too has multiple meanings, including not only “to strike,” but also to “set an example,” and “to separate.” Moreover, it is not the same as darraba which means “to strike repeatedly or intensely.” Even if one does not agree with Wadud that the verse is “prohibiting unchecked violence” against women, it is still worth asking why, of all the meanings of the word, Muslims have picked the worst! After all, the Qur’an also says that God created mates for us of our own natures so that we can dwell with them in love and tranquility and it counsels believers to forgive even those spouses who are their avowed enemies.

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6 Wadud, 76.
7 Wadud, 77, 76.
Of course, to arrive at this different understanding of the verse, one not only needs to re-examine the meaning of isolated words, but, also to take a holistic approach to the Qur’an rather than reading it “verse-by-verse.”

One can’t prove too much with just one example, but, the point of giving it is to show that words don’t always have only one meaning and, like all other texts, the Qur’an also lends itself to different readings. We therefore need to ask why only anti-women readings of it have become dominant among Muslims instead of taking these readings as a natural function of the text “itself.” After all, the text is dependent on us to interpret it!

In this context, one can argue that one reason Muslims have read the Qur’an as a text that privileges males is that, historically, only male exegetes living in patriarchal societies have interpreted it. In other words, patriarchal readings of the Qur’an have to do with who has read it, how, and in what specific contexts.

The Qur’an, hermeneutics, and liberation

Many contemporary Muslim scholars read the Qur’an differently, as supporting sexual equality and, in fact, as condemning patriarchy. And they get to such a reading not just by re-interpreting specific verses, but, also by embracing a very different understanding of theology and methodology than do most Muslims. Here I will discuss my own work which is illustrative of such an approach.

Since Muslims regard the Qur’an as the word of God, I believe the appropriate starting point for reading it should be a theologically sound understanding of God. In other words, we should seek the hermeneutic keys for interpreting the Qur’an in the very nature of the divine being whose word we believe it is.

For instance, if the Qur’an tells us that God is just and that God’s justice lies in never doing zulm to anyone (transgressing against their rights), then, we should not read zulm into the Qur’an either. My view is that since patriarchies do in fact transgress against women’s rights, reading patriarchy into the Qur’an has the effect of ascribing zulm to God. We should therefore be willing to rethink patriarchal readings of the Qur’an even if many Muslims accept them as true.

Similarly, if the Qur’an tells us that God is one and only God is Sovereign (the doctrine of Tawhid), then we cannot legitimately read the Qur’an as setting up men as sovereign over women and as intermediaries between God and women.

Likewise, if the Qur’an says that God is unlike anything created—hence beyond sex/gender—then we should regard references to God as “He” as bad linguistic conventions rather than as accurate claims about God’s being. (Men often claim privileges on the

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9 Wadud.
grounds that a masculinized God has some special affinity with them; however, this is an insufferable homo-social heresy that we need to reject.)

A second aspect of my hermeneutics is to read the Qur’an by means of a method the Qur’an itself suggests: to read it as a whole, to privilege its foundational ayat or verses over its allegorical ones, and to read it for its best meanings. The last is a significant injunction because it shows that we can read even God’s word in less than good ways and it also places on us the moral obligation to read it for the best. (Of course, to arrive at a shared notion of the best, Muslims need to have the freedom and opportunity to debate religious meaning openly.)

Lastly, I read the Qur’an in light of a clear definition of patriarchy which I treat as a continuum at one end of which is the tradition of rule by the father/husband, and at the other, a politics of sexual differentiation that privileges males. The virtue of this definition is that it encompasses both religious and secular forms of patriarchy and allows us to explore the Qur’an’s stance on both.

Using these principles I arrive at a very different—and antipatriarchal—reading of the Qur’an whose main features I can summarize as follows:

To begin, unlike religious patriarchies, Islam does not represent God as male/Father and, in fact, it explicitly forbids sacralizing God as Father. The Qur’an also does not valorize fathers or fatherhood, in the manner of traditional and religious patriarchies. To the contrary, it repeatedly warns against “following the ways of the father,”\(^{12}\) which we can read either literally as father’s rule or more broadly and symbolically, as a blind adherence to tradition (taqlid).

The Qur’an does recognize, however, that patriarchies exist and that men are the locus of power and authority within them, and it does often address men. But, to be clear, addressing men is not the same as sanctioning patriarchy.

Significantly, far from privileging men, the Qur’an establishes men and women as ontological equals by locating their origins in the same source and reality:

Reverence
Your *Rabb* [Sustainer],
Who created you
From a single *Nafs* [Self]
Created, of like nature,
[its] *zawaj* [mate] and from them twain
Scattered (like seeds)
Countless men and women;--
Reverence God, through Whom
Ye demand your mutual (rights).\(^{13}\)

Remarkably, the Qur’an does not maintain that women and men have been given different faculties and, nor does it define men and women in terms of masculine or feminine attributes. Indeed, it does not even associate sex with gender. Thus, while the


\(^{13}\) 4:1; in Ali, 178.
Qur’an recognizes biological differences, it does not assign them any gender symbolism. Not a single verse suggests that gender roles are a function of biology or that biological differences make women and men unequal. And, inasmuch as sex/gender do not define moral personality in the Qur’an, I believe it is misleading to ascribe sexual inequality to the Qur’an.

The Qur’an’s position on sexuality is also revolutionary in that it recognizes the importance of sexual desire and the need for its fulfillment, though always within the framework of a moral sexual praxis whose standards are virtually identical for men and women. The Qur’an also does not differentiate between the sexual nature of women and men by ascribing specific types of urges to them.

However, it is true that the Qur’an treats women and men differently with respect to some issues and this has led most Muslims to believe that it treats them unequally. However, this is a crudely reductionist interpretation not only of the Qur’an’s provisions, but, also of the concept of difference itself.

Difference is not the same as inequality and treating people differently doesn’t necessarily mean treating them unequally; nor does treating them identically always mean treating them equally. Indeed, differences are sometimes essential for recognizing the sexual specificity of human beings.

Moreover, the Qur’an does not tie its different treatment of women and men to any claims about male ontological superiority or female inferiority. There is no narrative in the Qur’an that men and women are unequal or opposites, or that women are like lesser or defective men, or that the two sexes are incompatible, incommensurable or unequal, in the tradition of Western and Muslim misogyny.

In the end, the only basis on which the Qur’an differentiates between humans is on the basis of their moral praxis, and it makes clear that both women and men have the capacity for moral personality and it holds them to the same standards:

For Muslim men and women,—
For believing men and women,
For devout men and women,
For men and women who are
Patient and constant, for men
And women who humble themselves,
For men and women who give
In charity, for men and women
Who fast (and deny themselves).
For men and women who
Guard their chastity, and
For men and women who
Engage much in God’s praise
For them has God prepared
Forgiveness and great reward.14

These are the reasons that I argue the Qur’an does not support either traditional or modern forms of patriarchy. Indeed, there is much in it that allows one to argue on behalf of sexual equality, which is why I think that Muslim women’s movements have one of the best defenses of their cause in the Qur’an itself.

**Case study**

Given the focus of this workshop, it might be useful for you to attempt your own exegesis of a verse as a way to understand the problems and possibilities inherent in the interpretive/hermeneutic exercise. Below, are three translations of verse 2:228 that is generally read as establishing male superiority over women; after reading these translations, please address the questions that follow:

1. **Muhammad Asad:**

   And the divorced women shall undergo, without remarrying, a waiting-period of three monthly courses; for it is not lawful for them to conceal what God may have created in their wombs, if they believe in God and the Last Day. And during this period their husbands are fully entitled to take them back, if they desire reconciliation; but, in accordance with justice, the rights of the wives [with regard to their husbands] are equal to the [husbands’] rights with regard to them, although men have precedence over them [in this respect]. And God is almighty, wise (p. 50).

2. **M.M. Pickthall:**

   Women who are divorced shall wait, keeping themselves apart, three (monthly) courses. And it is not lawful for them that they should conceal that which Allah hath created in their wombs if they believe in Allah and the Last Day. And during this period their husbands are fully entitled to take them back, if they desire a reconciliation. And they (women) have rights similar to those (of men) over them in kindness, and men are a degree above them. Allah is Mighty, Wise (p. 53).

3. **Amina Wadud:**

   Women who are divorced shall wait, keeping themselves apart, three (monthly) courses. And it is not lawful for them that they conceal that which Allah has created in their wombs if they believe in Allah and the Last Day. And during this period their husbands are fully entitled to take them back, if they desire a reconciliation. And [(the rights) due to the women are similar to (the rights) against them, (or responsibilities they owe) with regard to] the *ma’ruf*, and men have a degree *[darajah]* above them (feminine plural). Allah is Mighty, Wise (pp. 68-69).

   *Ma’ruf though translated as “kindness,” has wider implications says Wadud.*

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Questions

The following questions are meant to get you to think about this verse, the larger issue of interpretation, and the role of the Qur'an in Muslim women’s lives:

1. How has the word degree or “darajah” been used in this verse? That is, do you read it as a universal statement about male superiority, or a specific reference to a husband’s rights? If it is the latter, what rights? What is at stake for Muslim women in reading this verse differently?
2. Say you are a Muslim woman living in a patriarchal society who reads this verse as referring to the husband’s rights in a divorce. How would you defend your reading to someone who disagrees with it?
3. Given that most Muslim women are uneducated, how can they develop their own understanding of the Qur’an?
4. Can one read the Qur’an as a liberatory text in oppressive societies?
5. Would moving “beyond the text” (as some Muslims scholars have begun to advocate) be more helpful in the struggle for equality? In effect, can does religion promote “secular” values like equality?

Group A

The discussion began by noting the difficulties of translation from Arabic to English and the potential for important meanings to be lost. Further is the problem of interpretation by people with different levels of knowledge and competence with the Qur’an, and the difference between the ways that believers and non-believers might interpret texts. The versions of verse 2:228 quoted in the case study each has their own context and interpretation, specific to time and place.

Specifically, the group discussed the meanings of the words daraba and darjaa and the concept of Idda. Where different translations might suggest that daraba is a prescription, it is the case that the word is descriptive. Idda refers to a waiting time after marital discord, to provide women in particular with emotional healing time to decide how to proceed with their marriages. Idda grants Muslim women agency in that the husband can return to the marriage only if she desires reconciliation. Whereas darjaa might be read as license, in fact it is more accurately a reference to a privilege. There are dual meanings of darjaa, as a responsibility or a right. For example, darjaa could refer to the legal rights of men in relation to a pregnant woman; or it connotes a personal responsibility on the father’s part to ensure that his child is nursed. In either case, darjaa does not mean that men are superior to women. Rather, in cases of marital discord the desired ideal is that the spouses come to consensus and compromise. In the case of an impasse, the husband has the right to make a decision for the marriage. In Islam, man is the leader for the family; however, leadership means service in Islam, not superiority. There are a range of benefits that women receive because of the principles of darjaa, daraba, and Idda including that men are responsible to provide for their children as well as for their wives in pregnancy and are responsible for the financial support of wives and children during the marriage.

With these interpretations in mind, the group suggested that the Qur’an can indeed be read in liberatory ways. The reasons it is not read for the benefit of women is because
traditional readings have been done by men for the purpose of establishing their superiority. This is intentional and has to be understood in the context of male domination and institutionalized patriarchal privilege. Further, there is the context of colonialism and colonial readings of Islam which took it as a religion which was inherently oppressive to women to justify colonial rule and conquer. Both colonial and patriarchal interpretations have been internalized by women, and women are socially conditioned to accept oppression. The problem arises for immigrants in Canada, as official multiculturalism is also patriarchal and reads Islam as necessarily patriarchal.

However, the intrinsic nature of patriarchy is not the intrinsic nature of Islam. Islam does not legitimize patriarchy. Islam addresses both men and women equally and imposes the same religious obligations on them.

There is relative ignorance amongst both men and women about the actual texts of Islam and Islamic law, and there are also the complications of interpretative competence on the part of many. Textual readings of the Qur’an are important and perhaps ground the discussions for more egalitarian interpretations.

There is a need to appreciate the diversity of Islamic Law. Muslims and citizens need to demand that people who are empowered to interpret are qualified to do so. There needs to be transparent processes of passing judgment. There should be an increased importance placed on the Qur’anic principles of fiqr and ijtehad, which refer to the Islamic practices of intellectual debate, questioning and reasoning. The Qur’an has to be deliberately read with egalitarian intentions. Finally, Muslims need to reconcile their own contradictions in identity and commitments, for instance, the divides within communities between ‘modern’ or ‘moderates’ and ‘conservatives’, between those who veil and those who do not, etc, to find ways to respect different ideologies and interpretations of faith without seeking to impose singular authoritative demands.

Group B
The discussion started with Raana Rahim’s case study about a Muslim woman who lost guardianship of her son in a Canadian legal decision. There are cultural elements of the case that need to be considered, including the forms that violence and patriarchy take in immigrant families, in Muslim culture and in the larger patriarchal context of Canada. If you are a Muslim woman without knowledge of Muslim laws, it is difficult to exercise rights in terms of inheritance and divorce. In this particular case, Canadian law did not account for religion or culture in its decision to revoke guardianship, and this impacts all Muslim women in Canada. The isolation that many women in immigrant communities experience leaves them unprepared to deal with Canadian law. There’s a problem of advocacy that arises, and the role of Muslim scholars in Canada in providing advocacy to Muslim women. There is a need for organizing, perhaps along a feminist model, of Muslim women who fight against sexism and racism on many fronts, as black women have organized to fight for their rights within the white system. There needs to be multiple strategies. For instance, Muslim women with knowledge of Islam could work inside their communities. Muslim scholars should contribute their research to community work, including feminist interpretations of Islam.

Group C
The point was made that the linguistic privileging of Arabic to understand the Qur’an is unwarranted because the majority of Muslims are not Arabic readers, and also, understanding a text is always interpretive.
The discussion centered first on possible meanings of the verse in the case study. Members offered the possibility that the concept “darajah” means that the right of a man in this instance is “one degree” higher than that of a woman because he can’t know—without her telling him—whether she is pregnant. Since men need to be told by her, they have some privileged position in this circumstance, but not in a more general way. There was also the possibility offered that it means that if a woman is pregnant and a man leaves her, he has a responsibility towards her that he would not otherwise.

There was agreement that the Qur’an should be about the struggle to make meaning—it is endlessly interpreted. But realistically, most people don’t get to interpret it. They go to authorities for clear answers. As a text, it is an article of faith to say that it is the word of God, channeled through Muhammed and written by scribes.

Asma offered brief interpretations of each interpretation.

1. Is about the theme of reconciliation. The husband’s advantage is that he can rescind the divorce. He can decide to reconcile.
2. The husband can remarry right away; while the wife has to wait 90 days.
3. The advantage for the husband is that he can initiate divorce.

The point is that it is clear that who does the interpreting is important. And we can see the history of ideas in these interpretations. But the dominant idea continues to be that men are just superior, favored by God. This is a nearly universal interpretation.

The discussion then shifted to meanings of “patriarchy.” The interpretations are obviously shaped by patriarchal society. There is a tautology at work - that patriarchy persists because Islam is patriarchal. This is based on an implicit, or explicit, assumption that Christians and Jews have reworked and reinterpreted their holy texts more that Islam has, which is seen as more text-based than those other religions.

Discussion moved to ways in which women resist patriarchal interpretations. It is always a complex relationship women have to Islam and to patriarchy. Both are also complex and unstable institutions. But patriarchy is always the given context Islam operates in, and there are lots of benefits to not resisting patriarchy. It is even difficult to read the text in a way that resists a patriarchal reading of it because of the enormity of male-dominance structuring the reading.

The group pondered the idea of “moving beyond the text.” The possibilities seem to be to not read it, or to rely on authoritative readings. But the question is whether the Qur’an is a useful text for all kinds of liberation. We are taught that many of those values are secular, but it is possible and important to reclaim them as offered through God. To see God as loving, egalitarian—and read through that. But that brought up the possibility of the bargain between “the devil and the deep blue sea” like Sharia law in Canada, for example. This debate does offer some useful openings for examining the real flaws in it’s “pluralist” laws. But ultimately Asma Barlas ended by saying that “It’s a very narrow space to stand in,” regarding the way the debate is easily framed as between liberal white feminists and patriarchal muslims.
Group D

The discussion began with some preliminary concerns about the need for an Arabic speaker to assist in exegetical readings of the Qur’an. At the same time, there was a sense that there are always multiple interpretations and translations of texts. Members tended to agree that the verse Asma provided in the case study was inclusive of men and women, husbands and wives equally, and that the key link was that the verse is to be interpreted ‘in accordance with justice’.

In fact, the Qur’an overall is meant to be read in accordance with justice, and that would be the spirit of the Qur’an, much like we talk about interpreting statutes “in the spirit of the law”. If people are reading the text “in the spirit of the Qur’an”, does this imply that the readings are moving “beyond the text”, as asked by Asma? This led to a discussion of different texts of Islam, between the hadith as comparably authoritative, but not as comprehensive or cohesive as the Qur’an. There was discussion of the Meccan Qur’an which is said to capture the spirit of Islam, and the Medina Qur’an which is interpretations by convert communities to deal with living daily life. The Meccan version has more of a sense of justice at the core of it.

Reading verse 2:228 in a Meccan approach, of centering justice and attempting to get at the intent of the verse, the issue at stake is martial disharmony and the ways to address it. The verse is speaking to the mutuality of marriage between husband and wife, and both the rights and responsibilities that each have to the marriage and to children. What the verse is attempting to achieve is protection for children, protection for pregnant women and protection for men to have access to their children. The patriarchal reading of the verse is not necessarily in accordance with the intent of the verse nor in accordance with justice.

However, while it is quite possible to read texts differently and offer more egalitarian interpretations, there is a problem of getting communities behind different interpretations, for example in places such as Iran or Egypt.

A strategy that is employed in Nigeria by BAOBAB is to encourage Muslim women to read the text as a woman, that is, to focus on the places where agency of both parties is possible and to encourage women to read “if the desire is for reconciliation” as applicable to them and their desire. In doing so, BAOBAB encourages women to be the agents and interpreters of the Qur’an and finds ways to get them behind revised and more egalitarian interpretations.

A different strategy was discussed in relation to Iran, where women have campaigned against the implementation of certain laws without reading or reinterpreting the text, necessarily. Rather, their campaigns are based on the universality of justice within the Qur’an and challenging mullahs to apply justice to women as much as to men. In this instance, a lack of education nor an ability to interpret text does not stop women from understanding their faith as just and inclusive of their rights.

Another strategy was discussed, this one from Bangladesh where a woman was sentenced to stoning and later committed suicide. Women’s groups took up the issue and successfully used both the Qur’an and secular case law to prosecute the lawyers and religious leaders involved in the case. Several other examples of advocacy and national campaigns were offered, from Pakistan and Nigeria in particular, to show that it isn’t necessary education or Qur’anic literacy that forces reinterpretations of Islamic law.
All agreed that a necessary component of instigating more egalitarian implementation of Islamic law is the creation of women’s spaces where collective conversations can happen.

On the question of “moving beyond the text”, the group discussed different instances of strategic interpretation. It isn’t the case that in every circumstance, the Qur’an will be useful, and in many cases, a mix of both Qur’anic and secular laws is necessary to push state law to egalitarian positions. In Bangladesh, Turkey and Nigeria there have been successful strategic uses of the Qur’an.

Asma’s point that there is also a “behind” the text, and a “before” the text, was raised, to suggest that there has to also be a historical contextualizing of the Qur’an, including a contextualizing of the progressive movements within Qur’anic teachings that have been present since its inception. For instance, family laws in Afghanistan were historically quite progressive but there was little awareness of this fact.

Further to the question of moving beyond the text was the suggestion that it is not only legal rights that are necessary, but also political empowerment that enables women to access their rights. There are sociopolitical and socioeconomic conditions that hinder women’s ability to achieve their rights. For instance, Canadian law grants equality between men and women in divorce settlements, yet many women are not in a financial position to leave their marriages or access their rights. There is a difference between right and justice, and a need to discuss the relationship between these. In liberalism, rights seem limited in relation to justice, a much broader concept. There is the problem of the politicization of justice in Islamic societies which could be addressed by going back to the text, to reach Muslim women from a place of faith and to argue that it is what grounds claims for equality. “Beyond the text” leaves faithful women out and the idea does not appeal to them; further, it leaves little to found or base claims to rights except via secularism. Finally, the point was made that even in societies where Islamic texts are read in patriarchal ways, the Qur’an can be liberatory to the extent that faith provides spiritual liberation and solace.
Workshop Two

Sunera Thobani convened a workshop on media representations of Afghan women with a focus on two particular documentaries that have aired on the CBC several times. The background presentation included viewing several clips from the documentaries. Two of the workshop groups (A & B) merged for this discussion.

“Representation and the Media” Sunera Thobani

1. Introduction

This workshop will examine representations of Islam, the ‘West’, Muslims and the ‘war on terror’ in the media. It will also identify strategies to disrupt the racialized and gendered discourses currently being popularized by/through the media.

The last decade of the twentieth century witnessed an increased merging of political, corporate and media elites in Canada, with the liberal ideal of relatively autonomous media ownership having been all but fully eclipsed. This increasing concentration of media ownership became a major public concern, as did the increasingly interventionist stance adopted by the owners of the media.

While control over news reporting and editorial content is often directly exerted by elites, much more insidious are the effects of the naturalized assumptions shared and propagated by the media without a resort to censorship. It is these assumptions, naturalized in the reporting of the war, which will be the focus of the workshop.

The majority of populations depend largely on the media for their knowledge about – and understanding of – current events, and most particularly, of international affairs. As numerous media scholars point out, the media enable not only the imagining of the ‘nation’, but also the imaging of its international interests, of the nature of its ‘enemies’ and ‘allies’, as well as their multiple convergences and conflicts.

In their study of Canadian media reporting in the aftermath of the 9/11 attacks on the United States, T.Y. Ismael and J. Measor found it to be “sensational”, “emotional” and “repetitive”. They conclude that the media have “…uniformly failed to perform their traditional watchdog function over the Canadian government in analyzing and presenting alternatives to the selection of government policy”. 16 Identifying “the lack of context” and the “racist notions” as particularly problematic, their study echoes the earlier findings of Edward Said and Karim H Karim, who each traced the resilience of “centuries-old primary stereotypes” in North American media, particularly that of “the violent Muslim”. 17 Karim has argued that these media discourses “accord an implicit primacy to nation-states, particularly to elite nations such as the American superpower”, and make “invisible” the “wholesale violence” of these elite nations while “highlighting” the violence of “sub-national groups”.


Misrepresentations of Islam and Muslims are certainly rife within the media, as are orientalist and gendered constructs of other ‘non-western’ populations. Selective definitions of violence and terrorism clearly serve to divert attention away from the murderous policies of the United States and Canada, and their European precursors, in the Middle East and Central Asian. The mainstream media are today deploying the discourse of terrorism to mediate the ground for daily encounters between a ‘terrorized’ ‘west’ and ‘hate-filled’ Muslims. Within a public sphere that is dominated by the media to an unparalleled degree, media reports play no small role in furthering the exaltation of the ‘west’ and the demonization of Islam.

The mainstream media’s reporting of the ‘war’ in North America has recently come under criticisms for its obsequious apologetics for the Bush Administration’s objectives. However, rather less attention has been paid to accounts of the war produced by women’s rights and human rights activists. In this workshop, we will also focus on the representations of women, race and gender relations in the works produced by feminists and human rights activists.

In my presentation, I will discuss two documentaries, Return to Kandahar and Daughters of Afghanistan, made by two Canadian journalists who are also women's/human rights activists. Canada has been a staunch ally of the United States in the ‘war on terror’, and an active participant in the invasion and occupation of Afghanistan. I will argue that representations such as those produced in the two documentaries played no small role in influencing public opinion in support of the war.

2. Case Study

Return to Kandahar is a documentary sequel to the quasi-fictional film, Kandahar, directed by the renowned Iranian film director, Mohsen Makhmalbaf. Made before the 9/11 attacks, Kandahar received much international attention and critical acclaim. The film featured Afghan-Canadian journalist and human rights activist, Nilufer Pazira, in her journey to Afghanistan as she set out to locate and rescue her sister/friend, Dyana who was left behind when the family fled the civil war that followed the withdrawal of the Soviet occupation forces. Return to Kandahar, (co-directed and co-edited by Paul Jay, a Euro-Canadian male, and Nilufer Pazira) documents yet another attempt by Pazira to locate Dyana, in June 2002.

Daughters of Afghanistan (directed by robin Benger), made in 2002 by the well-known Canadian journalist, documentary filmmaker and women's/human rights activist, Sally Armstrong, documents the experiences of four Afghan women. These women are Dr. Sima Samar, a Hazara woman and a human/women's rights activist; Hamida Omed (or Umed), a teacher and activist at Dr. Samar’s high school for women; Sogra, a Hazara refugee woman who sought shelter with her children at one of Dr. Samar’s projects; and Lima, a young girl, orphaned and responsible for raising her younger siblings.

My presentation will draw attention to the complex role of ‘independent’ women activists/filmmakers, who are not often associated with the dissemination of imperial ideologies and war propaganda.
3. Questions for discussion
1. What are the major themes in the mainstream media’s representations of Islam, Muslims, the ‘West’ and gender relations within Muslim communities?

2. Do the media representations produced by feminists and human rights activists (Muslim and non-Muslim) differ from those of the mainstream media? If so, how do they differ?

3. How can we disrupt the hegemonic representations of Islam, Muslims, and the ‘West’ prevalent in the mainstream media?

4. Feminists and human rights activists whose work can be used to contribute to the dominant anti-Muslim discourses have presently acquired unprecedented access to the media. How should we respond to their work?

5. What strategies can we develop to contest the current exaltations of ‘western’ societies, especially on the question of gender relations?

6. How can we build alliances with non-Muslim communities in countering racialized media discourses?

Recommended Readings


Groups A and B
The discussion raised some of the major themes in mainstream media representation of Islam, Muslims and gender relations within Muslim communities after 9/11. There has been a marked increase in negative and oppressive depictions of Islam/Muslims since 9/11. High-profile examples of public debates include the cartoon controversy in Denmark and the veil in Quebec, both of which speak to the underlying issues of hidden fears and anxieties of living amongst Muslims in Europe and Canada.

When Muslims are asked to speak about these issues, a number of problems arise. For instance, simply because a person speaks as a Muslim does not mean that her views are progressive or acceptable to larger social justice models. The example of Irshad Manji was raised to question whether she is a fair representative of the ‘liberated Muslim woman’, and whether she should be a representative for such a large and diverse group of people.

The group discussed the possible motivations of media to offer negative portrayals of Muslims. There is a need to marginalize Muslims, to make them feel like non-citizens, and to continue the imperial legacy that suggests the west is the saviour of the non-west or native world. This imperial legacy is within mainstream media and is reproduced in imperial feminism. For instance, Vogue magazine hailed the opening of the first beauty salon in Afghanistan after US troops had invaded. This was at a time when the country faced very serious problems of poverty and the lack of education. Widespread coverage of Barbara Bush’s visit to Afghanistan is also part of imperial legacies that show the west to be the great benefactor of ‘third world’ countries.

Alternative media is also complicit, as Sunera’s case illustrates. New films made by human rights activists from Muslim countries and populations also produce negative attacks against Muslims. These are almost more damaging since they have more credibility for a larger audience. There are problems of tokenism and native informing to address.

The discussion turned to questions of strategy. For instance, even as there are critiques to be made of mainstream and alternative media in the context of imperial legacies, it is also the case that there are real problems that need to be addressed. For instance, in Pakistan, there is widespread oppression of women that is caused by current socio-economics and local conditions and cannot be attributed to colonization or foreign interference.

What are some appropriate responses or solutions? There is a need to investigate the underlying fears and anxieties and address them directly; there needs to be more public education about the history of colonization, the conflicts between third world and first world, and the discourse of the secular west and fundamentalist Islam. Another strategy is for Muslim women to build coalitions with other non-Muslim populations that are negatively portrayed in the media, for instance, Aboriginal communities in Canada. There is a need to engage with media from the point of strength, not apology or weakness, and soundbites have to emerge from strength and conviction. There needs to be a wider use of the internet and blogs to deconstruct the stereotyped image of the aggressive, violent Muslims, particularly by the younger generation of Muslims. Finally, it is important to understand the psychology of the media and the reasons for why some
people become spokespeople, eg Irshad Manji. Muslims need to respond to media, and especially Muslim women need to get into media and employ a range of strategies.

Group C
The workshop raised the question about how to respond to seemingly “positive” representations of Muslim women in documentaries made by sympathetic filmmakers, both Muslim and non-Muslim.

The question applies to many contexts. Teaching novels for example becomes very difficult because students hold onto a caricature of Muslim women no matter how hard one tries to dislodge it. Any representation, even complex ones, gets put into pre-existing stereotypes.

And so much of popular culture, (i.e. Commander in Chief) continues to use Muslim woman as white women’s stepping stone to leadership and subjectivity.

Most agreed that in many cases it is difficult to make big distinctions between mainstream and alternative press. For example RAWA and organizations like it, work to put out an image of women as liberated, choosing to be “free” in liberal humanist terms.

The ways that white women continue to use all women of color to get their own rights is clear in most representations of Muslim women. This is a key way that discourses of feminism are deployed for imperialist purposes.

Even successful activism on our own terms through “kitchen table planning,” means more attention by mainstream organizations and that is generally problematic. Meanings are put in mainstream terms and there is little room for alternative meaning making. It is quickly coopted by the mainstream.

On the other hand, having access to mainstream media is a power that more alternative or traditional Muslims do not have. So it can be a way to carve out a little space, perhaps. But mostly, it is a way Muslims are put back in familiar frames.

Different outlets like blogs and “wikis” might be the way to make alternative and mass meanings that disrupt hegemonic representations.

Group D
The discussion raised a number of related questions: who controls representation? Who has creative control and financial control? In general, it is clear that media everywhere is not sensitive to Muslim countries. For example, Tasmina Nasrin, a feminist writer, aroused violent reaction amongst fundamentalists in Bangladesh and got a lot of national and international media attention that depicted her as the sole feminist in the country. It is also the case that media representations are the purveyors of certain kinds of myths, of Western media as democratic and unbiased and of western countries as free and democratic. At the same time, many countries are represented as Muslim when in fact they are secular, and Western Christian countries are represented as though they are secular.
There are several strategies to disrupt media representations. First, it is important to understand how media operates and who is in control of it. Second, there is a need to understand how media packages information for audiences that are primed to accept certain images, and how media is only one part of larger social structures. It is necessary to critique media, write letters, meet with reporters and be activists to change representations. If hundreds of people are activated, media outlets would have to respond.

Beyond being reactive to media, an example from Nigeria suggested that women’s organizations should train the media and engage publishers and reporters to hear the issues from our perspectives. BAOBAB has a component of media training on violence against women for this purpose. We also need to create our own media, Muslim-owned media, feminist media, at grassroots and community levels. We also need to broaden the framework to counter racialized media discourse in general, by showing how other communities are targeted at different times, and the power of media depictions to create oppressive circumstances. The example of Japanese Canadians in WWII was raised. Mainstream/white feminists have to be held accountable as well. Finally, there is a need for alliance building. For instance, Somali women are also Muslims yet they are ignored in the discussion on the impact of 9/11 on Muslim women. In challenging oppressive media representations of Muslims, coalitions needs to account for Muslims beyond the Middle East and Central Asia and to become more inclusive.
Workshop Three

Amina Jamal convened a workshop on the Sharia debates in Ontario, presenting a comprehensive background to the debates with consideration to Sharia law in other places, multicultural policies in Canada and the status of women. She provided us with four articles for background information, included as Appendix 1. Four groups merged for the discussion.

“Islamic Feminism” Amina Jamal

Shariah Debates in Canada
The “case” that I have selected for this workshop is the so-called Shariah Issue which received substantial media attention in Ontario in 2005. I think most of you will have some familiarity with the issue but I will recount some of the main points that I want to emphasize.

Background
- In 2003, a group of Muslims in Ontario set up an organization called the Islamic Institute of Civil Justice. They suggested that the Institute would provide Muslims with the option to use principles of Islamic law to arbitrate on matters of family and inheritance rather than rely on “secular” courts. The aim of this Institute was to operate as an arbitration body for Ontario’s Muslim communities. The justification was that Ontario’s existing Arbitration Act allows religious groups to resolve family disputes as long as the judgments do not conflict with the fundamentals of Canadian law. Some groups such as Orthodox Jewish and Ismailis were already using this form of arbitration. On the other hand, Women’s groups notably the Canadian Council of Muslim Women were convinced that such legal provision would be detrimental to the rights of Muslim women, especially low income, marginalized immigrant women. The CCMW argued that Family matters should not be subject to privatization.
- In June 2004 the government appointed Ontario’s former Attorney-General Marion Boyd to undertake a review of the existing Arbitration Act. Boyd issued her report in December 2004 “Dispute Resolution in Family Law: Protecting Choice, Promoting Inclusion” upholding the Arbitration Act and suggesting that Muslims be allowed to settle civil law and family matters according to Islamic guidelines.
- From December 2004 and December 2005 there was an intensive and highly public and publicized campaign by supporters and opponents of the Boyd Report. I will not go into the details of the different statements and arguments but there was a definite polarization of political positions as well as social identities. One side was positioned as “Secular, modern and progressive Muslims” and their supporters. Their opponents were supposed to be “Religious, backward and narrow minded Mullahs,” “Western civilization Versus Islamic backwardness,” “Feminism versus Fundamentalism.” Eventually in October 2005, the Ontario Government moved to ban all religion-based arbitration in family disputes.

The Issues for Feminists and Antiracists
Many progressive and antiracist feminists, from Muslim backgrounds and otherwise, felt challenged by the need to uphold Muslim women’s struggles and at the same time stay clear of the racist undertones we detected in the debates. Therefore Professor Sherene
Razack of the Ontario Institute for Studies in Education and I organized a Roundtable of Muslim Feminists in Toronto in November 2005 to review the campaigns for and against Sharia Arbitration. We were most interested in the manner in which the pro- and anti-Sharia discourses had become polarized leaving many of us unable to express support for either the “feminist” or the “fundamentalist” position. In this roundtable it became clear that despite our collective experience of feminist and antiracist organizing, many of us had remained silent during the debates, as we could not locate a space from which to speak to an issue that was structured in a simplistic dichotomy of Islamic patriarchal oppression versus Western freedom and modernity. While we were troubled by the rise of oppressive forms of political Islam and the accompanying control of women, we found it unfeasible in the post-911 climate to support a position that could cast some Muslims as religious and backward and others as secular and modern. The major concern that came to light during the discussions was the paralyzing imperative to “choose” between racism and hetero/sexism.

Questions for group discussion:

a. How do race, gender and class operate in constructing political positions as Islamic and secular?

b. Are we seeing a politics of Good Muslim Women versus Bad Muslim Women?

c. How and in what ways does Feminism participate in these politics?

d. What does this mean for anti-racist, anti-imperialist positions?

e. How can feminist academics and activists disrupt the dichotomy?

f. What would these politics look like?

g. Other Questions from the participants?

Workshop Discussion
Amina’s case study was preceded by Shahina Siddiqi’s presentation on the reasons she and Islamic Social Services was in favour of instituting faith-based (Sharia) tribunals in Ontario. Shahina is a community arbitrator and mediates many cases of Sharia disputes at the community level. She argued that instituting Sharia in an official capacity ensures that Muslims can exist as equal participants in Canadian citizenship, and that it is not necessarily the case that Sharia law has to be implemented in oppressive or discriminatory ways.

The discussion took up Shahina’s point about faith-based arbitration to wonder what how the Muslim community could have dealt with the debates in and about the Ontario decision. This is because media created a deliberate moral panic about Muslims in Canada, and this is partly heightened by the post 9/11 context. Other faith-based systems have arbitration status in Canada, yet Muslims were singled out as particularly problematic.
Shahina’s argument: Muslim organizations should follow the guidance of the Qur’an and Sunna and arranged town hall meetings in communities. The issue was hijacked by media representations because people were not educated about the basics of Sharia. There was some dispute about the possibility of having actual dialogue about these issues. Historically, women in Canadian Muslim organizations have had little success in making demands or having real dialogue with the larger community. However, in other countries, there have been effective discussions within Muslim communities about faith-based arbitration, thus it is possible and in fact, necessary to make the attempt.

The Sharia debate silenced most Muslims in Canada because there was little space to debate the issues. The discussion was polarized between ‘yes’ and ‘no’ (to tribunals) and there was no viable position to take. The discussion was also polarized between feminists saving us from our men, and Muslims saving their faith. People against Sharia were put into bizarre positions of being anti-Muslim, and there were divides made between ‘good’ and ‘bad’ Muslims once Sharia was a mainstream conversation. Muslim feminist had to reject the proposition that all Islamic law/tradition is completely oppressive to women for all time, a position that couldn’t allow for nuance or complexity. What was ignored in the debates is the racism of the debate. Because Muslims are already negatively stereotyped and the context is racist, it becomes too much of a luxury for Muslims to have any kind of discussion that might shed some negative light on Muslims. From the perspective of other marginalized groups in Canada, it was also raised that when white Canadians speak, they can have diverse opinions, but black or Muslim Canadians are expected to speak with one voice and to be prepared to speak to media as representatives.

The discussion raised the point that Canadian law reform should have been part of the discussion, given that seeking faith-based arbitration is asking the same Canadian state to intervene in community politics that is also producing anti-terrorist legislation that targets Muslim populations. So-called secular law in Canada needs to be opened up for debate and reform because it is not working in favour of Muslims. At the same time, it is important to consider the implications of faith-based arbitration because there are no good liberatory examples of faith-based family law in any country. So the implications of this debate are far beyond Canada; in many Muslim countries, the general attitude is that family issues should be settled in the private sphere rather than in public courts. Amina raised the point that she has never heard an issue talked about in an egalitarian way in the name of Sharia. It is problematic and this needs to be discussed. At the same time, since Sharia is being implemented at the community level, Shahina argued that we need it to be codified and public so it can be fair and equitable. This came back to a recurring point, that seeking implementation of Sharia presumes that Canadian law is a trustworthy vehicle for the protection of Muslim women’s rights, something that is not at all true in a post 9/11 context.

How do we resist the dualism of ‘good’ vs ‘bad’ Muslim women? How do we resist the construction of Muslim women as infants who have no agency and who need to be educated in modernism? How do we challenge white feminists in these depictions? For some, they favoured strategies of silence since speaking into the problematic context will only result in the distortion of their words. The point was raised that we need to talk strategically and not be open to all kinds of debates at all times. Further, debate needs to come from a position of strength. That is, Muslims might be minorities in Canada but they are not minority populations in the world. Others argued that in this mass mediated age, silence is not an option. Further, silence is taken as agreement with
whatever the state chooses to do, or taken to be evidence that Muslim women are without their own opinions, or as weakness and indecision. On the other hand, it is also weakness to react to every provocation made in the media.

The question of representation within Muslim communities and organizations was raised. Within some groups, only a few people have a voice and leaders define the issues even if many within the organizations were not in agreement. There were discussions at the community level happening long before it became mainstream and public. There were a number of concerns about Sharia raised but little about the inadequacies of Canadian law had been discussed. Beyond this, there wasn’t a clear vision of what the implementation of Sharia should look like given that it is practiced differently in different countries. It was felt that there was a lost opportunity in Ontario, to make the institution of faith-based arbitration an element of multicultural experimentation, to see how it could be implemented in a pilot project rather than shutting it down completely.

There were also concerns about claiming a space in Canada or demanding inclusion with the Canadian state since it is a relatively exclusive notion historically. Further, claiming to be Canadian without questioning the notion of Canadian nation-building through colonization and racial exclusions makes us complicit in structures that are oppressive. Focusing only on Muslims or Sharia means that we lose opportunities to learn from each other as racialized, colonized communities. Building alliances creates spaces for discussing issues and priorities and engaging each other. Inclusion in general needs to be problematized, particularly in a post 9/11 context, and a rethinking of things we used to take for granted needs to happen. The movement to privatize justice has to be seen in the context of neoliberalism and the privatizing of all government issues, for instance.

Given that existing Muslim organizations are difficult to navigate, the post 9/11 context and the need for coalitions between other racialized populations, the discussion turned possible foras for future organizing and strategizing. RACE was raised as a possibility; yet a number of concerns were raised about RACE since it is not an organization by and for Muslim women, and because being Muslim in Canada is not only a question of race and racism, but involves other complicated questions of cultural and religious identity. The discussed ended on the point that part of challenging colonization is to become self-defining, to define your own identity and issues and value. For this reason, strategies to respond quickly to emerging debates need to be forged, so the issues of Muslim women are not defined by and for other interests.
Workshop Four

Liz Philipose convened a workshop on the uses of torture in the ‘war on terror’ with questions toward intervening in Canadian public debate, particularly in relation to M Ignatieff’s Liberal leadership bid. The plenary split into two groups for the case study portion.

“Responding to the use of Torture” Liz Philipose

*The Romans inflicted torture on slaves alone, but slaves were not considered as men. Voltaire, 1764*

Introduction

On June 21, 2005, the Council of Agencies Serving South Asians (CASSA Ontario) posted an on-line article entitled “The Problem with Torture: No One Will Believe You”, detailing a number of occasions in Canada where officials have doubted the claims of “suspected terrorists” in detention or those being processed for deportation to a third country.\(^{18}\)

Advocates for the “secret trial five”, five people scheduled to be deported to Syria, Egypt, Algeria and Morocco argued that they would be subject to cruel and unusual treatment upon arrival, to which the then Minister of Citizenship and Immigration Joe Volpe said “They’re making that up”.

Maher Arar, perhaps the most famous deportee from Canada, was sent to Syria from JFK *en route* from a holiday abroad where he was held without trial or legal counsel and tortured for approximately ten months. The Canadian government held an inquiry to investigate responsibility to which the former Canadian ambassador to Syria Franco Pillarella said “he doubted Maher Arar’s credibility because his story contradicted what Syrian authorities were telling him at the time”.

In the “spirit of disbelief”, Canada was inadvertently to mark World Refugee Day, June 20 2005, by deporting Nepalese refugee Subas B.K. to Nepal where there was credible evidence that he would be subject to cruel and inhuman treatment upon arrival, one of the 10,000 people Canada annually deports to meet uncertain fates. Sumoud: a Political Prisoner Solidarity Group and Toronto Action for Social Change organized a global campaign to stop his deportation, in tandem with the condemnation of Amnesty International, Human Rights Watch and the UN High Commission for Human Rights. Louise Arbour.\(^{19}\) His deportation order was deferred under the tremendous pressure and he remains in Canada under temporary provisions, his fate yet to be determined.

There are many reasons for governments to deny their complicity in actions that are contrary to domestic and international law. States are invested in the projection of their image as rights-respecting and thus civilized, and certainly Canada has much at stake in maintaining its identity as a multiculturally-sensitive and globally generous state. Much


\(^{19}\) See Sumoud: A Political Prisoner Solidarity Group at http://sumoud.tao.ca/?q=node/view/334
Canadian business is conducted through that image and often Canada uses its image to solicit consent where the US with its reputation as a rapacious and self-interested actor cannot.\textsuperscript{20} Similarly, the US has a stake in denying the use of torture in that torture is seen to be uncivilized violence. The official language of the Congressional Hearings held in May 2004 after the first release of Abu Ghraib photos referred only to “prisoner abuse” by some individuals who were improperly trained and inadequately led by their immediate supervisors. The \textit{Taguba Report} also limited its view to a few individuals and the way they were trained in their positions within detention centers. Public speeches made by Condoleezza Rice and GW Bush reiterate the position that the US does not torture prisoners and detainees and this is in the midst of overwhelming evidence of contemporary and historical uses of torture by the US in many documented instances.\textsuperscript{21} Thus, we ought not be surprised when there are claims made about the incidence of torture that “no one will believe you”.

\textit{Defining torture}

The definition of what constitutes torture is a key focus of many of the legal and ethical debates about detention practices in the war on terror. Several authors parse between physical torture and psychological pain to suggest that there has to be a difference made between these practices to give meaning to the definition of torture (Elshtain, Posner, Levinson).

However, methods of inflicting psychological pain were developed by the US during the Cold War and are known to be highly effective ways to coerce people. The CIA Manual \textit{Kubark Counter-Intelligence Interrogation of 1963} describes the most effective methods of interrogation procedures, and the “Human Resource Exploitation Training Manual”, another CIA manual from 1983, offers similar information based on case studies from around the world (McCoy, 2004). Alfred McCoy says in a recent opinion piece that “the photos from Iraq’s Abu Ghraib prison are snapshots not of simple brutality or a breakdown in discipline but of CIA torture techniques” developed between 1950 and 1962.

Calling it “no-touch” torture, McCoy states that the techniques emphasized the value of psychological torture in what he calls “the first real revolution in this cruel science since the 17\textsuperscript{th} century” (McCoy, 2004). The first stage involves hooding, sleep deprivation and sometimes sexual humiliation. The second stage involves “self-inflicted” pain, that is, pain and discomfort that comes from “stress and duress” positions. For example, the ‘hooded man’ -Ali Shalal Qaissi - standing on the MRE box at Abu Ghraib was told that if

\begin{footnotesize}

\textsuperscript{21} Naomi Klein points out the audacity and irony of GW Bush’s choice of location to make yet another declaration that ‘we do not torture’, in Panama City, one half hour from where the School of Americas was from 1964-84, “a sinister educational institution that, if it had a motto, might have been ‘We do torture.’” (Klein, 2006). See also Jennifer Harbury, Torture Truth, and the American Way; William Blum, Killing Hope: US Military and CIA Interventions since WW VII, Common Courage Press: 2004; Alfred McCoy, \textit{A Question of Torture: CIA Interrogation from the Cold War to the War on Terror}, 2006.
\end{footnotesize}
he put his arms down, he would be electrocuted. McCoy states that “no-touch” methods were disseminated globally through USAID’s Office of Public Safety, to allied militaries and police departments. “No-Touch” torture methods were banned in 1975 by an act of the US Senate, and were officially revived as part of the GWOT, in early 2002 at Bagram Air Base near Kabul.

The depositions of prisoners held at Abu Ghraib, either those who were tortured themselves or who witnessed the torture of others, indicate a pattern and structure to the MPs behaviour. Known as “stress and duress” tactics, these are methods of preparing prisoners for the interrogation process, usually deployed by Military Intelligence groups known as “Human Exploitation Teams”. HR Watch reports that “stress and duress” tactics are authorized in Afghanistan, Guantanamo and Iraq.

The Taguba Report, one of several investigations into conditions at Abu Ghraib, lists the following acts of intentional abuse:

Page 292- Paragraph 6

a. (S) Punching, slapping, and kicking detainees; jumping on their naked feet;
b. (S) Videotaping and photographing naked male and female detainees;
c. (S) Forcibly arranging detainees in various sexually explicit positions for photographing;
d. (S) Forcing detainees to remove their clothing and keeping them naked for several days at a time;
e. (S) forcing naked male detainees to wear women’s underwear;
f. (S) Forcing groups of male detainees to masturbate themselves while being photographed and videotaped;
g. (S) Arranging naked male detainees in a pile and then jumping on them;
h. (S) Positioning a naked detainee on a MRE Box, with a sandbag on his head, and attaching wires to his fingers, toes and penis to simulate electric torture;
i. (S) Writing “I am a Rapist” (sic) on the leg of a detainee alleged to have forcibly raped a 15-year old fellow detainee, and then photographing him naked
j. (S) Placing a dog chain or strap around a naked detainee’s neck and having a female Soldier pose for a picture;
k. (S) A male MP guard having sex with a female detainee;
l. (S) Using military working dogs (without muzzles) to intimidate and frighten detainees, and in at least one case biting and severely injuring a detainee;
m. (S) Taking photographs of dead Iraqi detainees (ANNEXES 25 and 26)

Page 293. paragraph 8. In addition, several detainees also described the following acts of abuse, which under the circumstances, I find credible based on the clarity of their statement and supporting evidence provided by other witnesses (ANNEX 26):

a. (U) Breaking chemical lights and pouring the phosphoric liquid on detainees
b. (U) Threatening detainees with a charged 9mm pistol
c. (U) Pouring cold water on naked detainees;

d. (U) Beating detainees with a broom handle and chair;
e. (U) Threatening male detainees with rape;
f. (U) Allowing a military police guard to stitch the wound of a detainee who was injured after being slammed against the wall in his cell;
g. (U) Sodomizing a detainee with a chemical light and perhaps a broomstick;
h. (U) Using military working dogs to frighten and intimidate detainees with threats of attack, and in once instance actually biting a detainee.

Supporting the use of torture

The use of torture in war and against enemies is justified by the claim that torture is for the purpose of extracting information from reluctant informants. This is knowledge that is taken for granted and often works to rationalize what otherwise looks like sadistic brutality for its own sake.

In part, this is what makes possible American public opinion support the use of torture, even after the Abu Ghraib photos circulated. 32% of Americans support the use of torture if it is in the service of the ‘war on terror’. 24 Polls conducted by the Program on International Policy Attitudes and the Knowledge Networks after the Abu Ghraib scandal (July 2004) found the following results: 37% agree that non-conventional combatants and terrorists need not be covered by international treaties; 30% are against full prohibition on physical torture; 41% are against a full prohibition on mental torture and 44% are against a full prohibition on humiliating or degrading treatment. Asked if the detainees were Americans, the numbers dropped to 5% against a full prohibition on physical torture, 16% on mental torture and 19% on humiliating and degrading treatment. 63% of respondents say that sometimes military necessity overrides rules on the humane treatment of detainees. Between 50 and 55% of respondents say that if there is high certainty that the detainee has important information, they support the use of sleep deprivation, hooding, loud noises and stress positions. Only between 7 and 11% of respondents approve of sexual humiliation. In the polls asking whether Americans support the use of torture or other violations of international law, it is under the impression that what is meant is intelligence torture in the service of the global war on terror. 25

In the debates about the utility of torture, the assumption is that torture is always tied to interrogation and that the purpose of it is to extract crucial strategic information that helps to avert an attack. Elaine Scarry states that “torture consists of a primary physical act, the infliction of pain, and a primary verbal act, the interrogation”, and there are few instances of documented torture that did not connect to a question or investigation (Scarry, 28). At the same time that the idea of interrogation is intimately connected with the acts of inflicting pain on detainees, Scarry points out that “while the content of the prisoner’s answer is only sometimes important to the regime, the form of the answer, the fact of his answering, is always crucial” (Scarry, 29).

What this suggests is that there are other purposes to the use of torture and these are about the wielding of power over individuals and over groups of people, of demonstrating the ability and willingness to inflict great amounts of pain and humiliation despite international law and standards of morality for the purpose of wielding power through the propagation of fear. More important than the veracity of information elicited is the idea that prisoners surrender to the coercion - "what masquerades as the motive for torture is a fiction" (Scarry, 28).

Francoise Sironi and Raphaëlle Branche point out: “Contrary to received opinion, the real aim of torture is not to make people talk, but to make them keep quiet” (page 539). Their extensive research into the use of torture in the occupation of Algeria by France shows this repeatedly. Quoting people who have been tortured, common responses include: “I can’t talk about it. I’m afraid. It is too hard. I’m ashamed. You can’t understand” (539). Silencing is part of the torture, and the long-term effects of torture silence victims with the shame and humiliation. This too is deliberate because both are produced by the methods and mechanisms that sustain torture, methods that bring about real psychological destruction and cultural alienation. The regular practice of forcing people to sign prepared confessions or to give false information also suggests that information-gathering is not the goal.

In fact, Sironi and Branche argue that “intelligence torture”, torture for the purpose of extracting information, is a euphemism that covers the real aim of torture. Rather, the aim of torture is to destroy a people, a community, a culture and a nation. Torture techniques are aimed at undermining the identity of an individual and his or her connection to a wider group. Quoting Sironi and Branche:

Through the torture victim, the aim is to reach the group to which the victim belongs. The main objective of systems of torture is the destruction of cultural identity, “deculturation” (Sironi, 1999, 2001); for torture works through the individual on its real target, the group, whether occupational, religious, ethnic, political, sexual, or whatever. It is the collective dimension of the individual that is attacked, the attachment to a group that the aggressor has designated as the target (Sironi and Branche, pgs. 539-540).

**Doubt and Torture**

*Torture obliges us to be deaf and blind and mute. Ariel Dorfman*

There are multiple ways that claims to having been tortured are doubted and claims to racism are denied. The denial that race and racism are central elements of the US and other liberal democracies is part of what supports continued racist practices and forms the fabric of racist societies. Henry Giroux points out that the denial of racism functions as an alibi for racist practices and that to admit that racism is structured into the fabric of our polities is to concede power already, even without instituting compensatory measures. Denial of racism is linked to the denial that torture is employed for national security purposes in that national security itself is a concept that is racialized and linked with concepts of gender and sexuality. Further, modern torture is hidden and thus deniable “in the sense that it is at the margins of prevailing political discourses” because it is employed for nationalist and colonial purposes and the “victims are not members of their community; they are others, foreign; they are enemies, not friends” (Parry, 2005,
As Parry suggests, racism is a critical element of modern state violence and the practices of torture.

There are also less overt denials of the use of torture in some of the scholarly debates about the place of torture in the war on terror. These are not denials of the use of torture as such; rather, they are challenges to instituting or maintaining absolute prohibitions on the use of torture in the war on terror. In challenging absolute prohibitions on the use of torture in the war on terror, doubt is expressed about the severity of the effects of torture on victims, and doubt is expressed about the grievous nature of torture as established in the Geneva Conventions and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment. Until recently, even as torture is employed in the service of US foreign policy, it has been declared a grievous violation of human rights and human dignity and absolutely prohibited along with genocide, at least since 1948.

The arguments that question the use of torture are from “necessity”, that is, in the war on terror, we are faced with a continuous “ticking time bomb” and the very real possibility that at any given moment, another attack will be launched. The arguments assume that torture or coercion are employed for the purpose of interrogation, and that this is a tool that must be available to extract vital information that could thwart large-scale violence against civilians.

Richard Posner, in “Torture, Terrorism and Interrogation” states: Torture lacks a stable definition; not all coercive interrogation is torture; “is it worse to question a person under bright lights or to threaten to beat him up?” (Posner, in Levinson, pg 291). Alan Dershowitz states that “nonlethal torture is currently being used by the US in an effort to secure information deemed necessary and to prevent acts of terrorism” (Dershowitz, 2004, p257), and what would make it ethically acceptable is if the use of torture was strictly regulated rather than prohibited absolutely, and thus remain hidden.

Jean Bethke Elshtain argues that we must reserve the characterization of torture for severe violence (such as bodily amputation and sexual assault) if we wish to have a meaningful discussion about the place of torture. She argues that the present context of “a violent and dangerous world” demands that we make use of coercive and manipulative tactics that might not constitute torture but include sleep deprivation and beatings when necessary. Otherwise, “we deprive law enforcers of some of its necessary tools” to wage the war against terror (Elshtain, 2004, p 79).

John Parry argues that while discrete actions may not constitute torture in and of themselves, the background in which these actions are taken must be considered to make sense of the actions. The background of a situation of torture is total domination, and the intent of the torture is to escalate that domination to the point of breaking the victim. This is especially true in situations where the torture victim or detainee is identified with values that threaten the social order at stake. Torture, then, is either a collective or individual assertion of overcoming vulnerability through domination. In the case of the war on terror, situations of total domination are established through secret renditions and sudden deportations, early morning raids and neighborhood sweeps, arrests without charge or legal representation, indefinite detentions without contact with the world, family, self. Military occupation contributes to a context of domination. With this context in mind, Parry suggests that even less painful tactics of hooding, extreme
temperatures or continuous noise serve to upend the worldview of the prisoner and thus, constitute torture.

The use of torture in the war on terror reflects deliberate policy decisions of the US government, tied to the prison industrial complex and renewed versions of domestic militarism. The publicity of the torture serves some important purposes for the US government and populations who benefit from the occupation. On one hand, they are threats - examples of what happens to people who are in the way of pursuing US goals. In this instance, if the violence is understood to be illegal under international laws against torture, the threat becomes even more fearful, that is, there are no mechanisms of accountability available. The idea of the ‘ghost detainee’ or ‘the disappeared’ speaks to the terror of being produced as outside of the law and of civilization, part of what Parry suggests is part of the domination central to torture. The use of torture against detainees is a process of turning pain into power.

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**Case Study**

Michael Ignatieff is professor of the practice of human rights, and the director of the Carr Centre for Human Rights Policy at Harvard University. He is also a Liberal member of Parliament in the Canadian House of Commons, representing the region of Etobicoke-Lakeshore (Toronto) since January 2006. He formally announced his bid for the leadership of the Liberal Party recently. As a bilingual (French and English) person, and professor at a prestigious university with a long record of scholarly work and political commitments, Ignatieff has a great deal of support within and outside of his party and could become Prime Minister of Canada in the future.

Ignatieff is an influential commentator on the use of torture in the war on terror. He states: “nobody denies that the physical torture or repeated and degrading psychic humiliation of individuals amounts to an ultimate violation. There is no doubt about the moral facts.” (Ignatieff, 2004).  He goes on to state “For torture, when committed by a state, expresses the state’s ultimate view that human beings are expendable” (Ignatieff, 2004). At the same time, he concludes that torture has a place in the war on terror and what can legitimize its use is if the violence inflicted matches “our” political goals. Though he argues for the absolute prohibition on the use of torture in keeping with international law since 1948, he also writes that “there is the problem of the exceptional case” where authorities may judge torture necessary to save lives.

In a 2004 *New York Times Magazine* article, Ignatieff states:  
To defeat evil, we may have to traffic in evils: indefinite detention of suspects, coercive interrogations, targeted assassinations, even pre-emptive war. These are evils because each strays from national and international law and because they kill people or deprive them of freedom without due process. They can be justified only because they prevent the greater evil. The question is not whether we should be trafficking in lesser evils but whether we can keep lesser evils under the control of free institutions. (Globe and Mail online."Leadership candidates: A biographical look at the 11 people running for the leadership of the Liberal party in December, 2006").
Most of the debates about the legitimate use of torture or “lesser evils” have not raised the point that the war on terror deliberately targets Muslims. This is despite the documented fact that the vast majority of detainees in US detention centers from Guantanamo to Manhattan to Bagram Air Base are identified for arrest through racial profiling. It is also despite the fact that much of the torture that has been documented targets detainees on the basis of their religious and cultural identity.

The quotation above was printed in a *Globe and Mail* article about Ignatieff and other Liberal leadership candidates. Yet, most of the media coverage of Ignatieff’s leadership bid does not take issue with his position on the use of torture, nor does it portray his support for military intervention in Iraq and Afghanistan as controversial. In fact, most media and party insiders view Ignatieff as a left-leaning, rights-respecting, progressive and socially-minded Liberal.

**Questions:**
1. What do you think about Ignatieff’s position on the use of torture?
2. Should the use of torture on terror become an issue for Canadian political debate?
3. Is the potential for Michael Ignatieff to become PM something that demands a debate on the use of torture?
4. If so, who should raise concerns? Who should intervene in political debates?
5. In what ways could the debate about the use of torture be encouraged?
6. Is gender an issue when discussing the use of torture?
7. Should candidates for state leadership in general (Canada or elsewhere) be compelled to publicize their positions on the use of torture?

**Group A**
The discussion began by evaluating the role of Canada in the ‘war on terror’. Canada is depicted as a middle power and peacekeeping nation, but it is complicit in the project of war and the issue of torture is significant to Canadians in general. The group felt that Ignatieff’s comments conceal the context of the ‘war on terror’ and Canada’s role in it, since he speaks of torture without speaking of the specific subject of torture. It is also true that his claim of ‘lesser evil’ sacrifices certain populations to being tortured on behalf of others. The argument of ‘lesser evil’ dichotomizes the west versus the rest. The practices of extraordinary rendition make it possible for Canada to act as though it is not complicit and as though it has no obligation to intervene in cases of torture.

The language of war, torture, pre-emptive strikes, genocide and just wars use western discourses to legitimize war and torture, and much of the challenges to the use of illegitimate violence is through the same terms. Does engaging the language of war and laws of war validate some uses of violence? It was felt that it does, and at the same time, there is a need to contextualize violence as it happens. The ideas about ‘lesser evil’ and torture itself is underpinned by orientalist and colonialist discourses. These terms needs to be deconstructed and critiqued, much as the larger liberal discourses of individuality, compassion, justice, and science (to find the best ways to torture) need to be unpacked and challenged. In the images of torture, heterosexual Muslim male culture is under attack, brown bodies are the target of war, and they are circulated to highlight the backwardness of Muslim culture. This is a strategy of a larger world order, not the work of a few individual torturers.
Group B
The point was raised that the circulation of images of torture serve some particular functions here. They work to intimidate Muslim Canadians and show what can happen to anyone who is against the ‘war on terror’. It works to terrorize people to comply with US interests. The issue of torture is a tool to make people feel less secure. There is also a desensitization that happens with the circulation of photos as the images become normalized.

The idea that Ignatieff supports the prevention of a greater evil through the use of torture was questioned – who is defining the greater evil? Who can be sacrificed to avoid the greater evil? The point was made that torture is seen to be legitimate when white people are being protected; torture in Rwanda is not discussed in the same ways that it is discussed in the cases of Kosovo or Bosnia. The ‘greater evil’ argument is based on the idea that 1 white dead body is worse than 100 tortured brown bodies.

The images of torture were highly sexualized, with masculinity and femininity being depicted and attacked. The photos from Abu Ghraib were of men being tortured; women as torturers were depicted. However, women as torture victims were not widely circulated and did not become iconic. The colonial mission of saving women means that women have to be erased as torture victims. Many missions of neo-colonialism include attacks on masculinity. Muslim men are continuously depicted as challengers to colonialism and western imperialism, whereas Muslim women are depicted as passive and as tortured by Muslim men and Muslim culture. The circulation of such images reinforces the idea of demonized Muslim men and passive Iraqi women.

It was raised that a recourse to law as a way to stop torture is problematic since it is perfectly legal to detain and torture Muslims under ‘war on terror’ legislation. There is no need for evidence, a trial or legal representation. There is no law that protects individuals, but it not lawlessness; rather, we are in a legalized version of the right to detain and torture suspects. This is the same mechanism that allowed concentration camps to exist in Germany, a state of exception. At the same time, there are populations who are seen to be incapable of living under the law because they are not seen to be completely human. The imperialist argument is that they need to be ruled by force instead, because this is what they can understand. The question was raised about developing a new United Nations, of different international agencies that can intervene, that might represent different interests. This is raised after 9/11 by Bill Graham, then foreign minister, as a way to get rid of the Geneva Conventions and other legislation that he felt was outdated.

The final point discussed was about the need to ‘Canadianize’ the debate and to focus on the complicity of Canada in torture elsewhere, eg Somalia. Or to see how Canada abdicates its responsibility to intervene against US foreign policy. There was a concern about starting with Ignatieff’s statements about torture because it frames the debate as though it is not centered in Canada. Canada has its own context and there are real specifics of our cases. At the same time, it was argued that there seems to be little distinction between Canada and the US in the ‘war on terror’. Ignatieff is running for the leadership of Canada; as such his ethical arguments are indicative of what he’d bring to the Prime Minister’s office. Further, it was raised that Canada is engaged in similar military practices to the US, in military recruitment in schools, in the ideology of the ‘war
on terror; in the perpetuation of negative images of Muslims, in forging anti-Muslim legislation, etc, which raises more of a border-crossing question: what is the possibility for people of colour here and there to be politically active in such a context of fear and increased racism? Who is framed as the citizen (Canadian, US) that is saved by the use of torture? How are immigrant communities continually silenced when discussing these issues? How do we address the fact that Muslims in authority collude with the police state as ‘good Canadian Muslims’ and conflate Islamic merit with this kind of collusion?
Conclusion

The workshop participants and the topics we covered are not the usual fare for a gathering on gender, race and war. The fact that we centralized Islam in our discussions is unique, and having a mix of secular, political, academic, activist and devout women together challenged everyone at some level to stretch beyond comfort zones and to speak on different and perhaps more inventive grounds. Given the volatility of the topics, the diversity of participants, and the necessarily tense encounter between politics and religion, the symposium was a highly successful experiment that gave each of us much to consider in future advocacy and intellectual work.
Appendix One: Background Articles for Workshop Three: Islamic Feminism, Amina Jamal


CANADIAN COUNCIL OF MUSLIM WOMEN:
POSITION STATEMENT ON THE PROPOSED IMPLEMENTATION OF SECTIONS OF MUSLIM LAW [SHARIA] IN CANADA.

The Sharia Proposal:

Some Canadian Muslims are proposing the implementation of sections of Sharia [Muslim law] to settle family disputes outside the court system through arbitration committees/tribunals. Due to provisions of the provincial Arbitration Act, the arbitrated agreements may be accepted by law, resulting in a bypass of the court system.

We have discussed the issue of implementing Sharia/Muslim family law with those who are proposing it and we wonder about the motivation. For example, we are concerned with some of the written statements made by Mr Mumtaz Ali, one of the founders of the Islamic Institute of Civil Justice, which stress that not following the option is “tantamount to heresy-apostasy” This sort of coercion belies the voluntary nature of the binding arbitration. Others have dismissed our concerns without providing any rationale as to why Canadian law should not be followed.

Definition of Sharia:

The word Sharia, is defined as “the path leading to the water” i.e. a way to the very source of life and means the way Muslims are to live. In the early years of Islamic development the word Sharia was not used, as other terms such as fiqh, [jurisprudence] deen [faith] and ilm [knowledge] were more prevalent.

The schools of jurisprudence, fiqh, developed as a system in the mid 8th CE and Sharia became identified more narrowly with law, rather than with deen or faith. As Muslim law, it was interpreted over 100 years after the death of the Prophet Mohammad, by jurists in different countries, who themselves insisted that these were but interpretations

Islam is a world-wide religion and the traditions and practices vary from region to region. Muslims are not of one opinion about the laws of Sharia, e.g. criminal or family, and there is disagreement as to whether Sharia laws are divine laws or whether they are man made, based on the divine text, the Quran. There is also ongoing debate about the static or evolving nature of the jurisprudence and its adaptation to the realities of today’s world.

The Canadian Council of Muslim Women, a pro-faith national organization, makes a clear statement that we are not against Sharia, correctly defined, but what we are against is the application of Muslim family law. We know that there is no uniform understanding, interpretation or application of the law which is complex, applied differentially in different countries, and in some instances the practices are detrimental for women. It is difficult to comprehend how it will be applied in Canada.

Muslims have Five Beliefs and Five Pillars of Practice and there is no sixth pillar or belief which states that Muslims have to practise fiqh [Muslim jurisprudence].

CCMW Concerns:
We can identify certain worrying themes related to the proposal.

a] As newer immigrants, Muslims are searching for markers to identify themselves as a faith group and the use of Sharia/Muslim family law is being used as one such marker.

We are concerned that, in deference to their religious beliefs, some Canadian Muslim women may be persuaded to use the Muslim family law/Sharia option, rather than seeking protection under the law of the land. The argument is that to be a “good” Muslim one must live under Muslim family law, and that this is an issue of religious freedom or human rights. Although none of these statements is accurate, they may sound convincing to some.

We share the anxieties of being new immigrants and a minority, but fear that these can drive Canadian Muslims to construct an identity which incorporates all sorts of elements, including living under Muslim law, so as to demarcate what it is to be Muslim. But not all of these elements are essential to living in Canada as practising Muslims.

b] Using the extreme argument that this is the right of religious freedom, even if inaccurate, makes other Canadians and politicians wary of any analysis and resolution of the issue. The issue of separation of state and institutionalized religion needs to be clarified in the context of religious freedom and multiculturalism policies.

We acknowledge the well meaning intentions of some to reflect the sensitivities of Canadian Muslims, and for their need to have a presence and some power in society to ensure their interests are met. However, the introduction of a Muslim family law/Sharia council may not solve the problem, and in fact may exacerbate the issues for families.

c] The other cry is to state that this is “multiculturalism.” This is another false argument, because in fact it is really a misuse of the policy. Multiculturalism was never meant to take away the equality rights of a group such as those of Muslim women.

d] Another theme is that instead of addressing the issues resulting from the inefficiencies or ineffectiveness of the federal/provincial court system, the government has allowed for the growth of privatization of the legal system and the lowering of some of the safeguards.

We are not naïve and know that there are issues with Canadian law. However these can be challenged by the concerted efforts of all Canadians, without reference to anyone’s religious or cultural beliefs.

CCMW Position on the application of Muslim family law and human rights for Muslim Women.

CCMW holds that human rights as declared in the United Nations Universal Declaration are consistent with the ideals of Islam, and as believing Muslim women we can adhere to the Quran and to the U.N Declaration. We see no contradiction between the rights and responsibilities as expressed in the divine message and those articulated by the nations of the world. As Canadian Muslim women we uphold the Charter of Rights and Freedoms and expect it to apply to us as fully as to any other Canadian.

There is no incongruity between the Quran and the U.N declaration which recognizes the “inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” Further, it states that “a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge.” We believe that all peoples must come to a recognition of the
commonality and universality of these rights as they do not contradict nor are they limited to a specific culture or country.

An important right in the Universal Declaration of Human Rights, Article 7 states “all are equal before the law and are entitled without any discrimination to equal protection of the law.”

We again state clearly and strongly that we are not against Sharia, as the beaten path leading to water, and a metaphor for how Muslims are to live. The term Sharia is misused for the narrower term of jurisprudence, i.e. Muslim law, and our concerns focus on the application of one aspect of Muslim law, which is the family law. Although some Muslims are insisting that living under traditional Muslim law is mandatory and are arguing for its use as a marker of Muslim identity, CCMW and others, believe that there is no Belief nor Practice which states such a position. 4

We acknowledge that the current debate in some countries regarding the introduction of Muslim family law is part of the political use of religion, and in Canada we must be cautious not to be caught up by the politicization of religion.

CCMW is cognizant that our stand, regarding Muslim law, places us in a difficult position. We are a pro-faith organization of Muslim women, we do not want to provide further ammunition to those who are keen to malign Islam and yet we must be honest about the issues which affect us within the Muslim and non-Muslim communities. Silence is not an option.

We know that Muslim law is not monolithic, nor simple, nor applied consistently across the world and so we seriously question how it will be applied here in Canada and why is it needed here? The idealization of Muslim law based on a patriarchal family model does not work for women. We suggest that as with any law, it is problematic to apply some aspects and not consider the “totality” of the system, its context and its underpinning principles.

CCMW sees no compelling reason to live under any other form of law in Canada, as we want the same laws to apply to us as to other Canadian women. We like the Charter of Rights and Freedoms, which safeguard and protect our equality rights. We know that the values of compassion, social justice and human rights, including equality, are the common basis of Islam and Canadian law.

Therefore CCMW’s objective is to assist Canadian Muslim women to live under laws which safeguard these Islamic ideals. To achieve this objective, we are collaborating with other groups to research the questions we have raised; to publish our findings and to write a paper for Muslim women, politicians, sister organizations and the media about the ramifications of adhering to Canadian or Muslim family law. As part of this project, CCMW will consult with Muslim women, originating from Africa, Middle East, South Asia, South East Asia and those who are Canadian-born, to learn about their concerns and opinions regarding both Canadian and Muslim law for Canada.

CCMW is advocating with law makers that there has to be a common civil code for all citizens of Canada and allowing the use of other legal systems discriminates against a group of Canadian women

Research On the Application of Sharia:

Of interest to Canada, is the research, “Knowing Our Rights: Women, family, laws, and customs in the Muslim World” completed in 2003, by the network, WOMEN LIVING UNDER MUSLIM LAW [WLUMIL] The research was on 15 countries which apply Sharia law and its impact on women.
What they found was that the laws varied greatly from country to country.

“What is assumed to be Muslim in one community may be unknown, or even be considered un-Islamic, in other Muslim communities”

p17.

and

“The fact that these laws are not sacrosanct but are man-made [literally so because women were excluded from the law making process] is often obscured by those attempting to gain moral and political authority from them. Equally obscured is the diversity of Muslim laws, which reflects the various and changing concerns of the societies from which they emerged”

p29.

Some countries where Muslim law is applied, such as Tunisia, have interpreted the law as limiting marriage to monogamy, while others like Pakistan, allow polygamy if the first wife agrees. Other examples are that in the Sharia schools of jurisprudence [fiqh] inheritance laws favour males; a husband can divorce his wife without legal recourse; financial support for wives can be for a limited time period only; granting of alimony is questionable; division of property can be against the woman’s interest and child custody can be given to fathers, according to the age of the child. Muslim family law/Sharia also permits polygamy and so this could be permitted in Canada.

These practices may work in some countries such as Saudi Arabia, but the reality of most Canadian families is quite different.

**Conclusion of the WLUML Research:**

The WLUML report cautions that States, [e.g. Canada] must be careful not to fall into the trap of “not interfering in the traditions of the Muslim communities for such apparent sensitivity concerning community rights is often, in effect, a very calculated policy of discrimination” P35.

**Example of the use of Sharia/Muslim family law and its effect on a Muslim woman.**

In the mid 1980s, an Indian Muslim woman was divorced by her husband of many years. According to the Muslim family law used in India, she was given maintenance for a 3 month period at the dissolution of her marriage. This left her destitute, and the courts’ ruled that she was entitled to maintenance from her husband.

The Indian court decision caused an uproar amongst many Indian Muslims as they perceived this as interference with Sharia, and the government of the day, rescinded the court’s decision. 6

A memorandum was submitted to the Prime Minister, from a number of concerned Muslims, in 1986, and they said:

“Regardless of the rights and privileges that Islam may have conferred on Muslim women, they should not be denied the rights guaranteed by the Indian Constitution based on the recognition of equality, justice and fraternity of all citizens. It is
imperative in a secular polity like ours to go beyond the rights conferred by various religions in order to evolve laws which would provide justice and succour to all women, irrespective of their religious beliefs” *

We submit that this applies in Canada as well.

[Quoted on p99 of Shahbano and the Muslim Women Act: A Decade On. Published by WLUML,1998].8

Risks of Permissive Canadian Legislation:

We are very concerned that the laws of Canada are allowing the use of other systems of law in this country. We have been told by the federal and the provincial governments that under the provincial Arbitration Act, it is legally possible to use Muslim family laws or any other legal system for binding arbitration.

If Muslim family law/Sharia is allowed to be used for binding arbitration, there seem to be no provisions within the court system which will ensure that agreements do not result in unjust settlements for Muslim women. The Act does not require legal representation for women, nor that records are to be kept of the arbitration process, nor any criteria for the skills/training of arbitrators. Only the award goes forward to the courts and how the court is to decide on its merits is a moot point because again the Act allows for unequal arrangements if the woman agrees and the government states that it has no role in arbitration deals.

We point out that the “voluntary” nature of the woman’s agreement may be coloured by the coercion put upon her that she is being a “good” Muslim by following some arbitrator’s interpretation of Sharia/Muslim family law.

We have received a letter from the Ontario Attorney General’s office, dated April 26/04, which explains what the Arbitration Act can and can not do to protect women in the process of binding arbitration. We are very concerned that the government seems to have little interest in ensuring the equality rights of Muslim women, because the Act is so open. CCMW is writing to the Premier regarding the Act and its misuse for family matters.

Our questions still remain unanswered: will this result in a two-tier system of justice for Canadian Muslim women, comprised of binding arbitration according to Sharia/Muslim family law, and court system as an overseer? Who will be the Arbitrators, what will be their training not only in Canadian law but in a complex, variant system of law, and who will ensure the competency of the individuals who will serve as Islamic jurists in applying Sharia/Muslim family law in the Canadian context?

Binding Arbitration or Informal Mediation:

We are aware that there are many informal mediation bodies functioning in Muslim and non-Muslim settings. However, informal mediation is very different from a binding arbitrated settlement. Once parties agree to the binding arbitration, but find that they are dissatisfied with the decision they must pursue any redress from the court system.

Some argue that using binding arbitration, with Muslim law, only formalizes the informal mediation which is currently taking place. We disagree. What is being proposed is the immediate implementation by people who, however well meaning, have little in-depth knowledge or understanding, who may know about some schools of jurisprudence only, but feel qualified to deal in legal matters and make “expert” judgements for binding arbitration.
This sounds no different to what is now occurring, except there is the added danger that binding arbitration, using Muslim family law, will be given legitimacy and respectability under Canadian law.

It is also important to note that the use of arbitration for commercial or other similar issues is distinct from its use for matters of public interest, such as family disputes and resolutions. This use is qualitatively different and requires particular safeguards.

Request for a written public proposal from the proponents of Muslim family law.

We have not heard if any of the proponents have made public a comprehensive proposal. The proposal needs to include details such as the structure, procedures, maintenance of written public records, representation for both parties, the schools of jurisprudence to be used and the training of the arbitrators. The proposal must be in legal, statutory language and each issue in family law must be assessed against the Charter of Rights and Freedom. This means that they will demonstrate how they propose to ensure that equality rights will be upheld by the proposed use of their interpretation of Muslim family law. The proposal should have a built in public evaluation so that the practices are transparent and open to all.

Issues within the Canadian Legal System:

We understand that because there are cost inefficiencies or ineffectiveness within the court system there is a growing alternative system of law, outside the courts, in an attempt to address the court backlogs and costs associated with resolving family disputes.

Within this context, we have a real concern that rather than attempting to address the issues of the traditional justice system, policy makers are focusing on mediation and other forms of settling disputes as an expedient and cost saving option. The alternative system may have certain advantages but consideration has not been given to the impact on women and children.

The 1998 research, “Family Mediation in Canada: Implications for Women in Canada” [by Equality Matters and the National Association of Women and the Law] on the publicly funded Canadian Mediation Programs, pointed out the difficulties for women who use this system of mediation. According to the paper, there appear to be no criteria to measure whether women’s equality is protected or undermined. Also, family mediation services are “removed from state regulation and public scrutiny” and “no public record detailing the nature of the dispute or the terms of the agreement is necessarily attached to a mediated case.”

As to arbitration, the report states that arbitration is a

“private process that is similar to litigation or court adjudication, except that [1] the parties name a neutral third party, the arbitrator, and [2] the arbitrator is bound neither by the rules of court nor the law of evidence. The parties give the arbitrator the authority to make binding decision on particular issues in disputes”

Even with these difficulties with mediation and with arbitration, we have learnt that there may not be legal assurances put in place to ensure Muslim women’s rights are protected when they obtain binding arbitrated agreements using Muslim family law.

It is worrying that there may not be any monitoring of women’s equality rights. Further, the proposed binding arbitration within a realm of “privatization and removal from public scrutiny”
should be a major concern to lawmakers in terms of justice and equality of both parties. Canadian Muslim women may be treated differentially from other Canadian women in family disputes regarding marriage, property settlements and child custody.

Media

There has been high media interest in this topic and along with the Canadian media, CCMW has been contacted by media from Italy, Austria, Holland, France and the U.S.A. CCMW has been told that some countries such as Yemen, has had coverage stating that if a western country is allowing Sharia/Muslim family law, then others should follow suit. Canada will set a potentially dangerous precedent and all the more reason to consider the matter seriously.

Quotes regarding the voluntary nature of consent.

We provide these quotes because we have seen the proponents offer differing statements to the media.

In the document of Mr Mumtaz Ali [The Islamic Institute of Civil Justice] states on page 15.

“...then the court will hand them over to an arbitration board for a final decision, a binding ruling. That ruling would be final and would not be subject to the approval by secular court...”

“...a Muslim who would choose to opt out at this stage, for reasons of convenience would be guilty of a far greater crime than a mere breach of contract-this could be tantamount to blasphemy-apostasy.”

“When people are marginalized by their faith in a country [Canada] which only pays lip service to the rhetoric of democracy and freedom...”

FOR FURTHER INFORMATION:

Please visit CCMW website: www.ccmw.com

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Thank you.
Rethinking Secularism ... Rethinking Feminism

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01/07/2002

This is not an attempt to re-invent the wheel, but rather to place the concepts within their paradigmatic context. This is to highlight the origin of dispute between the secularists and those who see Islam as an all encompassing religion that represents a different view to that of Christianity—and to that of secularism for that matter. With the absence of the Church as an institution in the first place in the faith of Islam, the idea of separation between church and state is thus meaningless.

The core question is the difference in the frame of reference.

Defining Secularism

Secularism, in theory, and secularization, as a historical process, do not mean the mere separation between church and state, for this supposes that secularizing processes are confined to the political and economic realm. Yet an increasing number of scholars are arguing that secularism is a comprehensive world outlook that operates on all levels of reality through a large number of explicit and implicit mechanisms.

The secularist outlook is basically one that starts by marginalizing God, or sometimes even announcing His death, placing the human at the centre of the universe as its logo. The complex duality of transcendental monotheism is replaced by a sharp dualism between the human being and nature, which manifests itself through a conflict between the two; while at the same time attempting to explain human nature by focusing solely on its physical or material dimension. The problem, however, is eventually resolved in favor of the natural, and the category of the human is thereby absorbed in and reduced to the category of nature.

The initial enlightenment humanism is replaced in the course of the secularization process by a naturalistic anti-humanism. And the initial dualism of the human being and nature is replaced by a thoroughly naturalistic monism: that is, the reduction of reality to one natural law, imminent in all matters. This is the epistemological basis for a process of deconstructionism and desanctification that became not only the perspective through which nature was seen, but of the human being itself and all its transcendental criteria.

Feminism: A Stage of Secularism

Trying to contextualize feminism and to understand its archaeology is very much linked to the history of secularization of the European mind and of all sciences. The mentality of generations of women’s liberation activists and theoreticians has also been shaped by Marxist notions of patriarchy and position towards family. Those ideas are related as well to the Marxist stance towards religion as a male-made set of oppressive ideas, especially when it comes to women. These ideas infiltrated even non-Marxist circles and became embedded in the majority of feminist writings and discourse.
It is interesting to see how the analysis of the social construction of reality in the sociology of the sixties was taken further by feminists to focus—by the nineties—on the sexual construction of reality instead. The social contract on which the humanist enlightenment liberal approach based its equality notions was deconstructed, as well and an alternative sexual contract that has been at the centre of debate.

Forms of lesbian and bisexual feminism can be given as examples of this self-referential or self-contained discourse; where the body has become the logo of a Weltanschauung (worldview), pushing the naturalization of the human being as far as one can imagine and achieving full lucidity in questions of morals. Now the shift from the human being as the center of the world to the body becomes clear. This sort of analysis can be applied at the level of political theory in order to understand the shift from the modern concern about the political body, to the feminist and post-modern enthusiastic interest in body politics. This too, is a historic secular moment.

Though feminism has, and with lots of insight, criticized many social circumstances that are hindering and restricting women in the Third World, very little has been done from the other side of the globe to contextualize feminism, its sociology of knowledge, and paradigmatic limitations. More attention should be given to re-examine its declared universality as an answer to women’s problems, an answer that almost implicitly claims in this regard is the end of history.

The Legal Leviathan

Since 1945, more than twenty different international legal instruments that deal specifically with women’s issues have been drafted.

Starting with the United Nations Charter, which was the first multilateral treaty in that regard, it clearly enunciated a norm of non-discrimination on the basis of sex. There were also the conventions concerning the protection of women from exploitation, the improvement of their conditions of employment—finally arriving at the Declaration on the Elimination of Discrimination Against Women.

It is important to analyze the assumptions made within these documents concerning the role of women in society and which identify some basic patterns that have emerged in this process of codification. Three analytic categories can be applied to the provisions of the treaties regarding the status of women. They seek to establish or maintain protective, corrective, and non-discriminatory causes.

First, some writings argue that the protective category describes those provisions which reflect a societal conceptualization of women as a group which either should not or can not engage in specified activities. The protection normally takes the form of exclusionary provisions, articles which stipulate certain activities from which women are prohibited.

Second, the corrective category also identifies women as a separate group that needs special treatment, but their aim is to alter and improve them, without making any overt comparison with the treatment of men in these areas.

Third, the non-discriminatory, sex-neutral category that includes provisions which reject a conceptualization of women as a separate group and rather reflect on men and women as entitled to equal treatment. The idea here is that biological
differences should not be a basis for the social and political allocation of benefits and burdens within a society.

One can argue that these categories represent a historical evolution, as previously mentioned, of feminism as a subtext of the process of secularization. Such secular laws are considered unjust and patriarchal, and their process of legislation have become the target in themselves in order to gain a feminist-style equality; hence the recent preoccupation with power and political power.

Having the legislative power in its hand, the state became an important actor in this process. The state also played a very important role in the secularization process that led to the disappearance of many social bonds and the dominance of contractual relations. The state became the major actor on all scenes, and many functions were transferred to it as a result of the decline of extended family values and the new reality of the increasingly shaky nuclear one. The state also took over most of the activities once performed by the religious institutions and became the guardian of all aspects such as education and health care. Even morality—a secular morality without ethics—became the order of the day.

The feminist thought and movement evolved then around the search for power, trying to become more and more empowered; looking to law as a mere tool to obtain equal rights in accordance with the feminist understanding of equality, especially in the political sphere. Little attention was given to the announced “death of the family.” Seeing the situation, many started to defend family values, even those who worked for causes like individualism and independence.

With the “coming out” of the lesbian and gay movements and the powerful theorization on lesbian epistemology, many women became intimidated, nay, confused. Within the same line of thinking, in the last (secular) analysis, one should not define the family according to some fixed, biased, pre-modern measures! The classical family structure, according to gay and lesbian discourse, is to be renegotiated; a new form and understanding of "a family" must be given.

Against that, if one expresses a different perspective from that of the gay movement, the mildest accusation would be homophobia, the strongest would be fundamentalism.

**Islam Feminized: Parenting the State**

The feminist discourse in the Arab and Muslim world also witnessed a qualitative change, moving from general demands of equality to adopting more or less the broad international agenda of the feminists; though not criticizing religion, as such, but rather the male, or to be more correct, the patriarchal interpretation of it. Demands of lesbianism were not openly discussed due to the cultural circumstances of the Arab and Islamic societies.

The movement increasingly used a legal approach to women’s problems. The crisis of family values in modernizing societies did not seem to be of much concern. The recent campaign led by feminists, mainly professional lawyers, to change the personal status law, the one that concern family cases, in Egypt, Lebanon, and Morocco, and their ongoing effort to change the marriage contract to guarantee greater equality, are indicative examples.

How equality can be guaranteed within social structures that are facing increasing poverty and deteriorating conditions for basic life under the Structural Adjustment
Programs dictated by the International Monetary Fund and the World Bank is not a question asked by the majority of feminist activists. The answer would lead to a deeper discussion of state social and economic policies, and as they are desperate to have the state’s approval of their agenda to translate it into legal changes, they would not wish to upset the regimes.

The political conditions related to the feminist legitimate presence are, in general, restrictive. Until now, the law, working as a bargaining instrument, has been successfully abused by the state as well as by the feminists. Within that balance of power, the feminist movement has become one of the allies of the regimes against the fundamentalist threat. In the discourse of Arab feminist movements, the direct discussion of the question of full implementation of Shari‘ah (Islamic law) had to be marginalized, in order not to lose the support of the masses of women who would not tolerate a direct attack on Islamic principles.

The epistemological and the political approach are therefore very important in understanding the real dilemmas of feminism in the Islamic world, especially regarding the question of equality and the legal rights of women. No profound understanding can be achieved unless this analysis is also done on the international level—namely addressing international law, as well as international networking of NGOs and their role in dealing with the relations between the North and South as agents of the New World Order, or at least facilitators of its structural mechanisms.

**Society: Togetherness!**

The bitter lessons we learned from modernity should not be repeated. We need to open up to new ideas, but we do not have to repeat the same mistakes, falling into the same traps that no one could have foreseen when the European enlightenment project started. We have the golden opportunity to construct our own renaissance by carefully looking into where and how things went wrong.

If sociologists in the West are carefully studying the changing nature of social relations in the late capitalist era, this analysis is highly important for us. We still have the chance to change our social structures, and work on issues like social equality and social justice in relation to the existing social bonds—without having to lose those relations or helplessly watch them decay. We do not have to settle down with a form of togetherness if we can liberate women and still keep the family.

There are many complex aspects of women’s lives and issues that we, as social scientists committed to political struggles for justice and human dignity, need to explore. Recent socio-anthropological studies carried out by Western researchers—native researchers are not usually permitted to undertake such studies—attempted to approach the life of the majority of poor (supposedly oppressed) women in a different way. Such studies found out how these women overcame their bitter reality by using the social and kinship ties around them in their survival strategies, and how these strategies succeeded in making their lives better, as well as their children’s. The importance of household economy as an informal sector for women to use to their benefit is also under focus now.

**We do not have to turn the past of the West into a future for the East.** Many educated women in the Islamic world are rediscovering the liberating potential of their religious traditions. They demand respect, they actively participate in economics and politics, but they also are proud of motherhood as a value and a
role, they believe in the family as a social institution and regard themselves as the guardians of the culture. Increasing numbers of them choose, sometimes against the wish of their own families, to be within the wider Islamic resurgence. They suffer from restrictions and sometimes rigid discrimination and violation of their human rights by the political regimes.

Their life is also worth looking at and drawing lessons from, and what’s more, to show how simplistic approaches regarding their identity and consciousness need to be revised.

**Further Readings:**


• Nadia Abdel Wahab and Amal Abdel Hadi (eds), *The Feminist Movement in the Arab World*, Cairo: New Woman Research Centre, 1995. (Arabic)

• *Women, Law and Development, Cairo*: New Woman Research Centre, 1997. (Arabic)


• Diane Singermann and Homa Hoodfar, *Development, Change and Gender in Cairo; A View from the household*, Indianapolis: Indiana University Press, 1996.
Arab-American Psychiatrist Wafa Sultan: There is No Clash of Civilizations but a Clash between the Mentality of the Middle Ages and That of the 21st Century

Following are excerpts from an interview with Arab-American psychiatrist Wafa Sultan. The interview was aired on Al-Jazeera TV on February 21, 2006.

Wafa Sultan: The clash we are witnessing around the world is not a clash of religions, or a clash of civilizations. It is a clash between two opposites, between two eras. It is a clash between a mentality that belongs to the Middle Ages and another mentality that belongs to the 21st century. It is a clash between civilization and backwardness, between the civilized and the primitive, between barbarity and rationality. It is a clash between freedom and oppression, between democracy and dictatorship. It is a clash between human rights, on the one hand, and the violation of these rights, on other hand. It is a clash between those who treat women like beasts, and those who treat them like human beings. What we see today is not a clash of civilizations. Civilizations do not clash, but compete.

Host: I understand from your words that what is happening today is a clash between the culture of the West, and the backwardness and ignorance of the Muslims?

Wafa Sultan: Yes, that is what I mean.

Host: Who came up with the concept of a clash of civilizations? Was it not Samuel Huntington? It was not Bin Laden. I would like to discuss this issue, if you don't mind...

Wafa Sultan: The Muslims are the ones who began using this expression. The Muslims are the ones who began the clash of civilizations. The Prophet of Islam said: "I was ordered to fight the people until they believe in Allah and His Messenger." When the Muslims divided the people into Muslims and non-Muslims, and called to fight the others until they believe in what they themselves believe, they started this clash, and began this war. In order to stop this war, they must reexamine their Islamic books and curricula, which are full of calls for takfir and fighting the infidels.

My colleague has said that he never offends other people's beliefs. What civilization on the face of this earth allows him to call other people by names that they did not choose for themselves? Once, he calls them Ahl Al-Dhimma, another time he calls them the "People of the Book," and yet another time he compares them to apes and pigs, or he calls the Christians "those who incur Allah's wrath." Who told you that they are "People of the Book"? They are not the People of the Book, they are people of many books. All the useful scientific books that you have today are theirs, the fruit of their free and creative thinking. What gives you the right to call them "those who incur Allah's wrath," or "those who have gone astray," and then come here and say that your religion commands you to refrain from offending the beliefs of others?

I am not a Christian, a Muslim, or a Jew. I am a secular human being. I do not believe in the supernatural, but I respect others' right to believe in it.

Dr. Ibrahim Al-Khouli: Are you a heretic?

Wafa Sultan: You can say whatever you like. I am a secular human being who does not
believe in the supernatural...

Dr. Ibrahim Al-Khouli: If you are a heretic, there is no point in rebuking you, since you have blasphemed against Islam, the Prophet, and the Koran...

Wafa Sultan: These are personal matters that do not concern you.

[...]

Wafa Sultan: Brother, you can believe in stones, as long as you don't throw them at me. You are free to worship whoever you want, but other people’s beliefs are not your concern, whether they believe that the Messiah is God, son of Mary, or that Satan is God, son of Mary. Let people have their beliefs.

[...]

Wafa Sultan: The Jews have come from the tragedy (of the Holocaust), and forced the world to respect them, with their knowledge, not with their terror, with their work, not their crying and yelling. Humanity owes most of the discoveries and science of the 19th and 20th centuries to Jewish scientists. 15 million people, scattered throughout the world, united and won their rights through work and knowledge. We have not seen a single Jew blow himself up in a German restaurant. We have not seen a single Jew destroy a church. We have not seen a single Jew protest by killing people. The Muslims have turned three Buddha statues into rubble. We have not seen a single Buddhist burn down a Mosque, kill a Muslim, or burn down an embassy. Only the Muslims defend their beliefs by burning down churches, killing people, and destroying embassies. This path will not yield any results. The Muslims must ask themselves what they can do for humankind, before they demand that humankind respect them.

http://www.memritv.org/Transcript.asp?P1=1050
Interview: A review of the Muslim Personal/Family Law Campaign
coordinated by Rabia Mills

FIRST PUBLISHED AUG. 1995

The following is an interview conducted with Syed Mumtaz Ali, President of the Canadian Society of Muslims. Insha'Allah the reader will gain a better understanding of the Personal/Family Law Campaign itself and the issues surrounding it.

Introduction

1. What is meant by Muslim Personal/Family Law?

For Muslims, Personal/Family Law (PFL) is a key ingredient which helps the individual and the community struggle toward harmonious equilibrium. Muslim PFL governs fundamental aspects of individual and community affairs. It encompasses issues affecting the personal status of people and it deals with wills, inheritance, marriage, remarriage, marriage contracts, divorce, maintenance, custody and maintenance of children, guardianship, etc., hence the term Personal Law. However, in the Canadian context, to simplify matters, it may also be referred to as Family Law.

Muslim PFL is rooted in and derived from the two most basic sources of Islamic law--namely, the holy Qur'an and the Sunnah of the Prophet (pbuh). Repeatedly, the Qur'an enjoins and instructs Muslims to follow the Qur'an and the example of the holy Prophet Muhammad (pbuh). Again and again, Muslims are informed in the Qur'an that one cannot consider oneself a Muslim (one who submits to the command of Allah) unless one follows the guidelines, counsel, and principles related to us through the Qur'an and the Prophet Muhammad (pbuh).

2. Whom are you trying to reach with your Personal/Family Law (PFL) campaign? Is it directed toward both Muslims and non-Muslims?

Quite simply, we are trying to reach Muslims, non-Muslims, and Canadian governmental authorities at all administrative levels.

3. Why do you call this the Muslim Personal/Family Law campaign (PFL) and what is its history? When did this campaign begin?

In accordance with the holy Qur'an and Sunnah of the Prophet Muhammad (pbuh), we have mounted a campaign which would meet the needs of all Canadian Muslims, because right now we cannot meet these needs through
Canadian secular law as it presently stands. We call it the 'Personal/Family Law Campaign' because that is what it is—an effort to upgrade and achieve Muslim Personal Law in the familial context both within the Muslim community and in the Canadian judicial system. As to the inception and history of our campaign, I refer you to my opening comments in A Word from the President.

4. *Why are you confining your PFL campaign to family issues rather than other aspects of the Shariah?*

Our campaign for PFL addresses only a very small part of the Shariah—namely, the Muslim personal law dealing with family relationships. We live in a non-Muslim country which subjects us to laws which, for the most part, do not allow us to live our faith to the best of our ability. Confining our campaign to those areas where the Canadian judicial system could accommodate Muslim minority concerns is far more feasible, realistic, and practical than other areas of the Shariah. Family relationships is just such an area, in that while it does not make it necessary for Canadians to sacrifice the fundamental principles upon which the country was founded, it does enable the Canadian Muslims to have recourse to legal problem-solving based upon the Shariah.

5. *Why is the PFL so important for Muslims? Why do Muslims need it?*

As Canadian Muslims, you have a clear choice. Do you want to govern yourself by the personal law of your own religion, or do you prefer governance by secular Canadian family law? If you choose the latter, then you cannot claim that you believe in Islam as a religion and a complete code of life actualized by a Prophet who you believe to be a mercy to all. If you choose the former (i.e., to be governed by your religion), then you must accept the necessary consequence that you must follow a course of action that will enable you to achieve that end. You cannot shirk from your religious and moral duty to try for what can be achieved lawfully within the parameters of the Canadian democratic system and constitutional legal rights.

If Canada were some sort of archaic despotic regime, then your responsibilities would be different. But this is not the case in Canada. We believe that among the many beautiful aspects of democracy are its capacities for change, flexibility, fairness, and accommodation of a spectrum of possibilities and perspectives.

Democracy has not produced, so far, a perfect society. Instead, democracy is a process which is dedicated to a continuous attempt to improve the quality of life for both individuals and the collective. Part of the progressive search for discovering better, more equitable ways of doing things is to provide people with a variety of choices which are more suited to their individual and collective needs.
In the Canadian context, you cannot shirk from your civil responsibility to pitch in to bring your Canadian system a step closer to achieving that ideal of a perfect democracy. You must use democratic methods to seek democratic solutions to your problems, as suggested by the Canadian Society of Muslims. This is why the PFL is so important for you as Canadian Muslims--it is an opportunity to live your Islam to the best extent possible in the Canadian democratic context.

6. Why is Muslim PFL important to all Canadians, be they Muslim or non-Muslim? Why should Canada adopt it?

Firstly, it would be a more efficient, less costly and less burdened system for dealing with the relatively diversified approach of Canadians to their own family law.

Secondly, it is important for non-Muslim Canadians to carry out and act upon their fundamental principles and ideology which is put forward in the Canadian Charter of Rights and Freedoms. To not do so would be flagrant hypocrisy and a denial of rights to its citizens. It would put Canada in an awkward position on the world stage. Canada would be like a rudderless ship, unable to steer to its proclaimed destination of treating minorities fairly and equitably, not only according to their own Constitution, but also according to the requirements of the United Nations Organisation. In failing to fulfill this responsibility, Canadians would become victims of their own rhetoric and so any progress would be lost. Therefore, I think Canadians would want to accommodate Muslim PFL in some appropriate fashion and thus live up to their own aspirations and strivings toward democracy.

Thirdly, Canadians as individual members of the society would not be losing control but instead would broaden their mandate of sovereignty. They would enhance the quality of that sovereignty, in as much as the term 'sovereignty' in relation to individuals and communities of minorities is used in a relative rather than an abstract sense.

Lastly, by adopting Muslim PFL into the current system of law, Canadians would gain international recognition, particularly by the United Nations, for its exemplary fairness and practical facility toward minority rights.

7. But how can a separate system of law like Muslim PFL coexist with current Canadian Law?

As the English author, William Blake, succinctly stated in the late 1700s, "One law for the lion and ox is oppression." With this notion in mind, it is somewhat promising to note that several systems already exist now -- for example, Canadian common law, Quebec Civil law, Municipal by-laws, laws governing Aboriginal self-government on reservations, etc. Still, to cope with the changing
structure of our society, we need improvement and fine tuning to include and address more of our minority concerns.

We would like to see a more equitable situation which includes mechanisms for conflict resolution in order to meet the needs of all Muslims living in Canada. It would not be a separate system of law, per se, but rather an adjunct to current Canadian Law which incorporates and includes Muslim concerns in a fair and just way.

The Prophet Muhammad (pbuh) in his lifetime resolved beautifully the concerns and conflicts of non-Muslim minorities by applying Christian Law to Christians, Jewish Law to Jews, Parsi Law to Parsis, etc. This was done through their own respective separate judicial tribunals appointed by themselves as separate minority groups. Thus, what the Prophet (pbuh) did in this respect was in effect nothing but a judicial translation of an ideological co-existence that goes hand in hand with full integrity for all minority religious groups living within the Islamic state.

8. What changes are necessary to Canadian law to adapt to this?

We have put forward detailed recommendations in our submission to the Ontario Civil Justice Review Task Force The Review of the Ontario Civil Justice System1994. For those requiring a more detailed picture, I would recommend reading it. Chief among these recommendations was the establishment of Islamic arbitration boards to deal with PFL problems. We also recommended:

(a) that Marriage officers be given authority to act as Divorce officers;

(b) that disputes arising from a Muslim who fails to leave a Will be resolved through Muslim arbitration boards;

(c) that the Unified Family Court systems be extended to the whole province;

(d) that, with uncontested divorce, the husband and wife be permitted to waive the one-year separation requirement and that legislation be amended accordingly; and

(e) alternatively, that provisions relating to marriage, divorce and intestate succession be incorporated into Ontario Law as a part only applicable to Muslims.

We also offered a blueprint of how Muslim PFL is incorporated in Trinidad and Tobago. In that country, they administer Muslim PFL under the Muslim Marriage and Divorce Act.
9. Will this be very cost-effective? How will it benefit both the Muslim community and the Canadian system?

Yes, it could be very cost-effective. Court proceedings are very expensive to individual users and the provincial taxpayer. If we could settle Muslim disputes without these lengthy proceedings, then it would be more utilitarian for both Muslims and non-Muslims. Both from a streamline and cost point of view, what we are proposing would be less burdensome to the judicial system.

The Islamic Imperative

10. As an Islamic alternative to Canadian adoption, can a Muslim living in Canada become a guardian of a child according to Muslim Law?

No. Please refer to my article ‘Establishing Guardianship...’ in this Newsletter.

11. Can a Muslim living in Canada get a divorce according to Muslim Law?

No.

12. If a Muslim living in Canada should pass away without leaving a Will, would his or her matters of inheritance be dealt with according to Muslim Law?

No.

13. If a Muslim living in Ontario should, through disease, accident or old age, become mentally incapable of looking after his or her affairs, would the Ontario government give his or her family that responsibility and conduct the affairs of the incapacitated person in accordance with Muslim PFL?

No. Unless they have arranged for power of attorney, the Ontario government, through a government-appointed representative, could take control of that person's financial and personal affairs.

14. What about the situation where a legally incapacitated Muslim living in Ontario does not leave a Living Will? Would the needed decisions be made in accordance with Muslim Law?

No. Unless his Muslim next of kin are in a position to make such decisions on his behalf, in regard to his personal care (e.g., whether to continue or not to continue life support systems in a critical life/ death situation).

15. What significance does this have for the Muslim community?

Due to these obstacles, we are not able to follow Muslim PFL in Canada to our utmost capacity. If we prefer to disregard our religious duty to strive for inclusion
of our rights within the Canadian system, then Canadian secular law will take precedence over the Law of Allah and His Messenger.

16. What can be done about this situation? What practical steps can be taken by individuals and Muslims as a group toward achieving this goal?

You can do many things. First and foremost, you can educate yourself. Learn what your duties are in the Shariah. Learn how to best incorporate Muslim PFL within the Canadian framework. Then you can inform those around you about Muslim minority concerns. You can inform other Muslim groups about the necessity to lend their support to the Canadian Society of Muslims. For example, different Muslim organizations may have different aims and objectives, but they could all come together to form a unified (and strong) voice for this one struggle and common cause—one single issue.

The Canadian Society of Muslims has undertaken to lobby politicians and the judicial as well as the executive arms of government and also to inform the media regularly. Furthermore, the need for Muslim PFL for the younger generation is of great consequence. You can write to the Canadian Society of Muslims with comments and suggestions. You can help the Canadian Society of Muslims with letters of support. We are seeking methods to finance such projects and to establish resources to carry out research. Also, if you have done any study or work in this area, within Canada or in other countries, we could greatly benefit from your experience and helpful hints.

The one thing you must NOT do is nothing!

Implementation

17. What is the difference between mediation and arbitration? Which best suits a Muslim's needs?

With mediation, a third party intervenes between parties in a dispute to bring about an agreement or reconciliation. The mediator does this by encouraging both parties to discuss their conflicts openly. The presiding mediator mainly stands on the sidelines, so to speak, in that he tries not to interfere too much in the presentation and discussion of their case.

With arbitration, the third party (arbitrator) makes an informed decision in order to settle a dispute. The arbitrator acts like a judge, and can and does interrupt and direct the proceedings as the need occurs. The arbitrator does not stand on the sidelines as a mediator does. An arbitrator would take the initiative to make rulings and make a final decision after the case has been presented, whereas in the case of mediation, the parties are encouraged by the mediator to bring about a compromise solution by themselves. The mediator only formalizes that
compromised settlement of the dispute and then submits it to the court for final approval.

From the point of view of the Canadian Society of Muslims and our campaign goals, mediation is a toothless form of conflict resolution because it still does not address our needs for legislation to enact Muslim PFL within the Canadian domain.

Arbitration has more bite and is more effectual. Please see my opening comments to this Newsletter for my reasons for arbitration as the preferred method for Muslim PFL conflict resolution. It should be pointed out, however, that even under the Muslim PFL scenario, mediation is a preferred vehicle for the purposes of bringing about a reconciliation between the two parties in order to avoid the undesirable steps of taking up divorce proceedings. For this limited purpose, mediation is appropriate.

18. Would it be obligatory for all Canadian Muslims to accede to PFL requirements if the Muslim PFL were accommodated by way of adaptation or inclusion in some form or the other into the Canadian judicial system?

Those Muslims who would prefer to be governed by secular Canadian family law may do so. It would be more preferable, however, for Muslims to choose governance by Muslim PFL for reasons of conscience.

19. What if both parties cannot agree to be governed by PFL—say, in a divorce between a Muslim male and a Christian female?

Both parties would have to agree to Muslim arbitration or the case would be put before the regular Canadian courts. Due to the all-inclusive nature of religion, there is a potential for conflict when one set of practices faces opposition to another set of practices. This is why we insist that implementation of Muslim PFL (in cooperation with the existing judicial system) be on a voluntary basis. No one will be affected by such a system except those Muslims who wish this to be the case.

20. What criteria, then, would one have to meet to qualify for governance by PFL?

One would have to be a Canadian Muslim and would have to give prior consent, or put him or herself on a register of people consenting (beforehand) to be governed by Muslim PFL. In the hypothetical case given above, the Christian female could choose to waive her rights to secular Canadian law only if she chooses to and only if she were made aware and understood the consequences of such action. The court-appointed arbitrator could make this clear to her before she agrees to Muslim PFL. This is only a what-if scenario. It remains to be seen to what extent the Canadian judicial system will address our concerns.
21. **Who will form this arbitration board, a panel or an individual, and what sort of qualifications and experience will they hold?**

Ideally, a panel of specialists would be necessary. Such a roster would represent the cream of the crop of competence and expertise. They would consist of persons selected from (a) the bar (i.e., lawyers or retired judges) with required qualifications and experience at the bar or the bench; (b) religious scholars from the Muslim community with proper qualifications and accreditation; and (c) private arbitrators accredited by the governing licensing organization—or even one sole arbitrator if he or she has the qualifications of all three categories.

22. **It is very easy to see how an arbitrator would be very useful in cases of divorce. What about cases of (a) adoption, (b) marriage, (c) inheritance and wills, and (d) substitute decisions (i.e., powers of attorney), etc.?**

(a) If a Muslim would choose to be a guardian of a child, the arbitration board could provide a ruling on how they could achieve that in the Canadian legal context and within the parameters of Muslim PFL. (b) For marriage contracts, Islamic arbitration boards would, by their authority through their precedence-setting decisions, provide the stamp of legitimacy to such contracts. (c) If a person should die without leaving a will, Muslim arbitration could provide a binding legal ruling which is according to Muslim Law. (d) If a Muslim were to become incapable of conducting his affairs, either financially or physically, then substitute decisions could be provided by arbitration boards in accordance with the provisions of the Muslim Law.

23. **How will arbitration be enforced? Will there be checks and balances? For example, what if a person decides to opt out of arbitration after initially agreeing to it because of his feeling that he would get a more profitable decision through Canadian courts—say, in a divorce case?**

There would be built-in safeguards to ensure that there would be no conflict with secular law. For example, disputes would first go to secular court. If both parties agree, before filing a Statement of Defence, to being governed by Muslim PFL, then the court would hand them over to an arbitration board for a final decision, a binding ruling. That ruling would be final and would not be subject to the approval by secular court in the same manner as would be the case in mediation proceedings.

Once the parties have agreed to be governed by Muslim PFL, then they will be committed to it by their prior consent. As a consequence, on religious grounds, a Muslim who would choose to opt out at this stage, for reasons of convenience would be guilty of a far greater crime than a mere breach of contract—and this could be tantamount to blasphemy-apostasy. The Qur’an (7:2) is quite explicit in regard to the revealed law being the root-source of all activities:
Follow that which is sent down unto you [i.e., the law] from your Lord, and follow no protecting friends beside Him.

24. How much authority will they have? Will their recommendations be binding?

The arbitration award (decision/ruling), once rendered, would be filed with the court in which the matter commenced. This will enable it to be deemed to be a judgement of that court, and as such it would also be appealable as a judgement of that court. In other words, yes, their decisions would be binding. Their authority would be similar to, if not the same as, secular court authority.

25. Who will pay for this?

The parties to the dispute would pay the fees for arbitration.

26. There are different schools of Muslim Law. How would your proposed Muslim arbitration board reconcile them?

The arbitrators would arrive at their decisions based upon applying whatever school of Law the individual happens to follow. There are four schools of Sunni thought, for example. If the parties involved belong to one of those schools, then the law of that particular school would be applied. Similarly, if the parties involved belong to the Shia sect, then the Shia Law would be applied. It is just as simple as that!

Issues

27. Do you think your campaign is realistic?

It is supra realistic because it is inclusive and not exclusive. When people are marginalized by their faith in a country which only pays lip service to the rhetoric of democracy and freedom, then this undermines and upsets the balance of the whole country in so far as the equilibrium of amicable coexistence is concerned. One might argue that, in many ways, Islamic PFL is more flexible, accessible, simple and progressive than are its Canadian counterparts. Canada would not fall apart or into an abyss of chaos or legalized anarchy if the Canadian government permitted Muslims to control their own affairs in the realm of Muslim PFL. Claims of tolerance and coexistence do amount to something meaningful only if they are put into practice. Proof of the pudding is in the eating, as the expression goes. To continue our culinary metaphor, nothing short of a judicial translation of this ideological coexistence can successfully lay the claim to be the sufficient proof of eating the pudding of minority equanimity!

28. Polygamy is a divisive issue between non-Muslims and Muslims. Where do you stand on this issue?
I stand on the Shariah which states that a Muslim living in a non-Muslim country must obey Muslim Law to every extent possible, and that we must also adhere to the laws of the host country. Therefore, we accede to the Canadian Law on this point without accepting its superiority or supremacy over Muslim Law.

29. What sort of resistance are you encountering from non-Muslims and Muslims?

To meet the needs of all Muslims living in Canada we've conducted a comprehensive campaign which includes, among other things, an open dialogue. We invite both Muslims and non-Muslims to communicate their concerns to us. This will ensure that we express and exchange our views through such a dialogue on matters which affect them most. Progress by its very nature is slow but sure. Resistance occurs when communication lines become closed or clogged up and stereotyping prevails. Once all parties concerned realize that we as Muslims are not a threat, but instead desire peaceful coexistence in harmony with all, then Insha'Allah doors will begin to open.

30. Will that be soon?

Insha'Allah.
Appendix Two: List of Participants

Usamah Ahmad
Huma Ahmed
Reem Alnuari
Sedef Arat-Koc \(\text{Ryerson University}\)
Yildiz Atasoy \(\text{SFU, Sociology/Anthropology}\)
Asma Barlas \(\text{Ithaca College, Political Science}\)
Davina Bhandar \(\text{Trent University, Canadian Studies}\)
Lorraine Cameron \(\text{Status of Women Canada, BC}\)
Makhbuba Ergasheva
Seemi Ghazi \(\text{UBC}\)
Rosalie Sindi Gould \(\text{BAOBAB, Nigeria}\)
Gulalai Habib \(\text{Canadian Afghan Women’s Network}\)
Homa Hoodfar \(\text{Concordia University, Sociology/Anthropology}\)
Amina Jamal \(\text{Concordia University}\)
Yasmin Jamal
Amin Jamal
Sumayya Kassamali \(\text{Activist}\)
Reem Khan \(\text{Student, University of Toronto}\)
Renisa Mawani \(\text{UBC, Sociology}\)
Zubia Mumtaz \(\text{Activist}\)
Farida Osmani \(\text{Federation of Quebec Women}\)
Margaret Parsons \(\text{African Canadian Legal Clinic}\)
Shaista Patel
Liz Philipose \(\text{SFU, Women’s Studies}\)
Raana Rahim \(\text{Lawyer, Toronto}\)
Amina Rai
Saaida Rai
Dr. Saida Rasul
Zahra Rasul
Sherene Razack \(\text{OISE}\)
Itrath Syed \(\text{UBC, Women’s Studies}\)
Khanum Shaikh \(\text{UCLA, Women’s Studies}\)
Uzma Shakir \(\text{Council of Agencies Serving South Asians}\)
Shahina Siddiqui \(\text{Winnipeg Islamic Social Services}\)
Zool Suleman \(\text{Barrister and Solicitor, Vancouver}\)
Sunera Thobani \(\text{UBC, Women’s Studies}\)
Harsha Walia \(\text{No One is Illegal}\)
Almas Zakiuddin \(\text{UBC, Women’s Studies}\)
Habiba Zaman \(\text{SFU, Women’s Studies}\)
Farah Zeb \(\text{London School of Economics}\)