



Musawah Global Life Stories Project

CANADA COUNTRY REPORT

**Documenting Women's Life Stories
Relating to *Qiwamah* and *Wilayah***

Women's Voices from Canada



**Canadian Council of
Muslim Women
Le conseil canadien des
femmes musulmanes**

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**This report, which was submitted to the Musawah Secretariat by the country team,
has been lightly edited by the Secretariat for format and style**

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Introduction

All believing men and believing women, and all truly devout men and women, and all men and women who are true to their word, and all men and women who are patient in adversity, and all men and women who humble themselves before God, and all men and women who give in charity, and all self-denying men and self-denying women, and all men and women who are mindful of their chastity, and all men and women who remember God unceasingly: for all of them has God readied forgiveness of sins and a mighty reward.
(Quran 33:35)

This message of the Quran was implemented by the Prophet Mohammad over a period of 23 years. As a prophet and leader, he dramatically changed the course of history because he was such a strong advocate against injustices.

It is ironic that in spite of Islam's extraordinary impact on the course of human history by means of its transformative ethos rooted in social justice, liberation and compassion, the systematic oppression of women continues to be a pertinent reality for millions of Muslims around the globe.

While the Quran upholds the value of human dignity regardless of race, class or gender, its teachings have often been misused and abused by those in positions of power to reinforce, and in some cases, justify the economic, social, spiritual and political marginalization of women.

This is especially the case within the context of Muslim family laws, and more specifically marriage and divorce.

In the current patriarchal milieu, which transcends religion and culture, 35 percent of women have experienced physical and/or sexual violence in their lifetime, with some national studies indicating a number as high as 70 percent.¹

Women account for two-thirds of the 1.4 billion people currently living in extreme poverty², yet perform 66 percent of the world's work, earn only 10 percent of its income, and own one percent of its property.³

The Canadian Council of Muslim Women (CCMW) (<http://ccmw.com/>) is grateful to our sister organizations in the Musawah network for including us in this pertinent multi-national initiative. Like Musawah, CCMW supports and adheres to an emancipatory understanding of Islam, one which upholds the equality and dignity of Muslim women.

<<http://www.unwomen.org/ca/what-we-do/ending-violence-against-women/facts-and-figures>>.

² United Nations Development Program. The Millennium Development Goals Report: 2010. 10 Dec 2013. <<http://www.un.org/millenniumgoals/pdf/MDG%20Report%202010%20En%20r15%20-low%20res%2020100615%20-.pdf>>.

³ United Nations Development Program. *Gender Equality and UNDP*. 7 Dec 2013. <http://www.undp.org/content/dam/undp/library/corporate/fast-facts/english/FF-Gender-Equality-and-UNDP.pdf>.

The Life Stories Project represents a much-needed re-examination of *qiwamah* and *wilayah*. These illustrate how orthodox religious scholarship and understandings play a role in the fortification of gendered inequalities in the relationship between men and women. The focus of the project is on Muslim family laws in the areas of divorce, marriage, custody, finance and sexual rights.

The CCMW study focuses on seven Canadian Muslim women who agreed to share their life journeys with us, journeys which were marked by emotional, physical and spiritual struggle as well as triumph. We express our deepest gratitude to each of them and dedicate this report to them and to those Muslim women who identify with, and see a part of themselves in the stories told.

The report's Part I includes information about CCMW and explains the methodology and process of selecting Resource Persons (RPs), and collecting life stories. This section also discusses the data collection tools used and looks at the limitation and challenges of the research presented.

Part II provides the Canadian context and an Appendix. The Appendix gives an overview of Canadian Muslim communities, including some statistical and sociological data gathered from secondary sources.

Part III is a short summary of the concepts of *qiwamah* and *wilayah* as the entire project is based on how these concepts play out in the lives of Muslim women.

Part IV comprises the primary data on which the research is based, the life stories of seven Muslim women, followed by analysis. It provides biographical information of the Resource Persons and relates in their own words, as much as possible, their life experiences, followed by critical reflection and analysis on the life stories. This section concludes by collectively analyzing the data to include highlighting recurrent themes and the variety of experiences, views and practices found among the Resource Persons who participated.

We have identified common shared THEMES; provided some information on the status of Muslim family laws in Canada; and included a section entitled Lessons Learnt, and Future Empowerment Strategies.

Part I: Project background and methodology

The Canadian Council of Muslim Women (CCMW) is a national non-profit organization whose overarching mission is to advocate for the equality, equity and empowerment of Muslim women. Founded in 1982, the organization has drawn upon faith and social justice for the betterment of Canadian society.

For over 30 years, it has advocated on behalf of Muslim women and their families. In addition to executing initiatives that work towards dismantling patriarchal structures and facilitating women's participation in Canadian society, it has also sought to enrich the identity of Canadian Muslims, encourage civic engagement, empower communities, and lastly promote inter-cultural and inter-religious understanding. It has achieved these ends through its community-based projects, publications, advocacy, public education, and by working with its local chapters and their members across the country.

CCMW was asked to be a part of Musawah's Initiative on *Qiwamah* and *Wilayah* and the Global Life Stories Project in 2012. In April of that year, CCMW attended a methodology workshop in Indonesia and a follow-up meeting in Malaysia in December 2012. The initiative is not only in keeping with CCMW's overarching goals and objectives, but more concretely, it builds on the advocacy work and projects we have engaged in. The campaign against religious arbitration in Ontario was based on the fact that no religious family laws have equality as a fundamental right for women. The Muslim Marriage Contract and our more recent project Violence Against Women: Health and Justice for Canadian Muslim Women⁴ also further our objectives of equality, equity and empowerment of women.

The advocacy for no religious arbitration: 2003–2005

One major example of CCMW's work, relevant to Musawah's Global Life Stories Project, was the struggle against the imposition of religious family laws in private, legally binding arbitration.

In late 2003, an organization called the Ontario Islamic Institute of Civil Justice announced that it intended to establish a "*Shari'ah* Court" that would offer legally binding arbitration by using Muslim family laws. This was legally possible because the Arbitration Act was open to the use of other laws in private, legally binding agreements.

An incredible coalition was formed of organizations and individuals to advocate against the use of religious family laws. The focus was not on Muslim family laws, but sadly, the media wrongly identified this struggle as against "*Shari'ah*."

CCMW took the lead in establishing a coalition for No Religious Arbitration, composed of over 50 sister organizations. It is difficult to name all the organizations, but the lead was taken by the National Association of Women and the Law (NAWL) (<http://nawl.ca/en/>), the Metropolitan Action Committee on Violence against Women and Children (METRAC) (<http://www.metrac.org/>), the Young Women's Christian Association (YWCA) (<http://www.worldywca.org/>), the Canadian Federation of University Women (<http://www.cfuw.org/>), and the Muslim Canadian Congress (<http://www.muslimcanadiancongress.org/>).

⁴ The Canadian Council of Muslim Women. *Violence against Women: Health and Justice for Canadian Muslim Women*. 12 Nov 2013 <<http://ccmw.com/projects/violence-against-women-health-and-justice-for-canadian-muslim-women/>>.

Widespread media attention focused on the limits of religious accommodation, Islam and the rights of women and minorities. Opponents and proponents of religious arbitration included those from within and outside Muslim communities. CCMW was clear that as believing Muslim women, our concern was about the application of gendered readings of *fiqh*, and the transparency and accountability of the private, legally binding arbitration process.

The struggle against the Act was successful, and now only Canadian family laws can be applied in private, legally binding arbitration.

It was through the course of our advocacy work with the Coalition and our other projects with Muslim women and communities that we became aware of the fact that at the time of marriage, many Canadian Muslim women sign away rights given to them under Canadian law and Muslim laws, such as the right to divorce. This is because many Muslim women are either misled by religious leaders, or because they are uninformed of the rights they are guaranteed according to Muslim and Canadian family laws.

In order to address this, in collaboration with Islamic scholar Dr. Lynda Clark (Concordia University) (<https://www.concordia.ca/artsci/cisssc/faculty.html?fpid=lynda-clarke>), and Canadian legal expert Pamela Cross, CCMW developed a Muslim Marriage Contract that draws attention to rights guaranteed to women under Muslim and Canadian laws. The sample contract also suggests ways to increase equality between husband and wife. Issues such as, but not limited to, polygamy, violence within the marriage, and freedom of movement have also been addressed within this contract. A distinctive feature of the marriage contract is that there is no requirement of a wali.⁵

The discussions during the course of our sample marriage contract project, the data gathered, analysis undertaken and tools produced have informed our work on the Musawah initiative on *Qiwamah* and *Wilayah*.

Methodology

Adopting the methodology presented at the Musawah Methodology Workshop in 2012, our study employs a feminist participatory form of inquiry. The approach is rooted in a critical scholastic approach concerned with examining the assumptions about women and gender roles found in mainstream Islamic traditions and *fiqh*, as well as an “ethics of care” between the interviewer and participant.

An ethics of care seeks to abolish power relations that exist between the subject and object (interviewer and participant) by requiring the interviewer to reflect on, be wary of, and mitigate their privilege. Through the course of this study, the two interviewers were aware of the diverse positions of power that participants occupied within a given social context. For instance, some of the Resource Persons were converts and relayed having oppressive experiences of the Muslim communities into which they had married. The intersectional feminist framework assisted in understanding the ways in which multiple forms and forces of oppression, including colonialism, globalization, socio-economic status, race, gender, and class interact.

An ethics of care allows the participant to speak for herself, provide her with support if need be and suspend judgment on the part of the interviewer. This understanding is compatible with a feminist

⁵ The Canadian Council of Muslim Women. *Marriage Contract Toolkit*. 3 Nov 2013. <<http://ccmw.com/marriage-contract-toolkit/>>.

approach. As Cynthia Enloe states, we must begin by “taking women’s lives seriously. Seriously implies listening carefully, digging deep, developing a long attention span, and being ready to be surprised.”⁶

In executing this project, we were very open with our RPs about the aims and goals of the project. We made minimal stylistic changes when writing their stories and ensured that the narratives reflected their own voice and understandings. Some of the life stories, such as those of the women who have converted, include discussions about questionable practices and teachings (e.g. *hadith*) that the interviewees believed were part of the Islamic tradition.

It could be that in the process of their religious journey, these women were exposed to a diversity of opinions including inaccurate religious information from unreliable sources. However, in spite of such inaccuracies there was reluctance on the part of interviewers to impose their values on the participant and confront them as incorrect, but rather the approach taken was to sit and listen to their experiences with these traditions.

As the aim of the Musawah project is not quantitative research but to develop an in-depth understanding of the lived realities of Muslim women, we felt it would be productive to work with a small sample of seven women.

The names of these women have been changed to protect their privacy and confidentiality.

CCMW’s role in championing against the use of religious family laws has allowed the organization to carry out further community projects and advocacy within the Canadian context. The knowledge shared through the course of this project allows us to gain a greater understanding of the global context as well as discussions that are occurring within diverse Muslim communities, resources which can be used in our advocacy work, and also used to build bridges of solidarity with other Muslim women’s organizations.

Finally, in working with the various country teams in this project, we recognize that CCMW’s own story and the challenges it has faced in achieving equality for Canadian Muslim women transcends borders, and is part of a larger international movement of resistance and meaningful dissent.

Selecting resource persons

A number of factors were considered in identifying the Resource Persons for the life stories project. The questions asked during the course of documenting the life stories were intimate and personal. Therefore, there was the need for participants to have a relatively high comfort level with the interviewer. We contacted women who knew of the values and work of CCMW, and these working relationships allowed us to build rapport and utilize an ethics of care.

These women agreed to be part of the project and understood that they did not need to have uniform religious perspectives and voices. They would represent a diversity of positions, and had their own distinctive narrative. For example, one RP in particular holds views which do not reflect those of CCMW. She is a convert, is highly educated, and has a “traditional” or orthodox understanding of Islam and gender roles. We selected her as an RP as she was willing to participate in the project, and because CCMW felt it was important to put forth different perspectives. We also felt that the Resource Persons selected should be, or have been married, since married women feel the influence of patriarchy on multiple levels and relationships (husband and in-laws).

⁶ Cynthia Enloe, *The Curious Feminist: Searching for Women in a New Age of Empire* (Berkeley: University of California Press, 2001).

Another consideration in the selection of Resource Persons was the ethno-cultural diversity of Canadian Muslims. In 2011, it is estimated that there are almost one million Muslims in Canada. According to the 2001 Census data, 85.8% of the Muslim population consider themselves a visible minority, and of this population 36.7% are South Asian, 21.1% are Arab, 14.0% are West Asian, and 14.2% are part of other minority groups. While it is not possible to capture all the Muslim cultures represented in Canada, the Resource Persons selected are of diverse ethno-cultural backgrounds.⁷

The interview and data-gathering process

The documentation of the life stories was carried out by two CCMW researchers. Eman Ahmed has an M.A. in anthropology with a concentration in religion and gender (Oxford University), and Dr. Nabeela Sheikh is a professor of Literature at the University of Guelph. The report was supervised by the Executive Director and finalized by the researchers and the E.D.

Before we started the interview process, the entire team including the Board and interviewers met to discuss the initiative and to familiarize the team members with the project; provide an update; and share and discuss some of the key readings.

Identifying the Resource Persons, setting up interviews, and conducting and transcribing interviews took the team 5-6 months, and involved travel to different cities on the part of the CCMW researchers. The interviews, for the most part, were conducted face to face and took an average of three hours each. While the researchers managed to gather much of the needed data in one session with the Resource Persons, remaining questions were asked and gaps were filled over a number of months via phone and email.

It might have been easier to conduct all the interviews over the phone or through Skype; however, we felt that it was vital to build an initial rapport with the Resource Person, and hence that it was important to meet face to face at least once throughout the process. In one instance, the researcher and the Resource Person met on three different occasions and also had a couple of lengthy conversations over the phone. Once all the interviews were conducted, the project management team of the E.D. and the researchers met to review the transcripts and do some initial analysis of the life stories.

The original plan was that the interviewers would have three months—by November 2013—to write up the life stories, do the analysis and pull together the report. The two interviewers met three or four times during the process and touched base with each other over the phone.

Due to circumstances beyond our control—one of the interviewers left—the last part of analysis and finalizing of the report was delayed, and the report was submitted to Musawah at the end of January 2014.

Research instruments and data collection tools

The CCMW team developed an Information Sheet and a Consent Form to be used during the documentation process. The information sheet provides a brief description of the project and how the information will be used. By signing the consent form, the Resource Person acknowledged that she was aware of the overall goals of the *qiwamah* and *wilayah* initiative, her participation was voluntary, she agrees to be interviewed, and her interview will be recorded. In the consent form, the Resource Person could choose whether she wanted her name and other identifying information to be revealed.

⁷ Jennifer Seaby, *Islam in Canada*. 5 Nov 2013. <<http://www.euro-islam.info/country-profiles/canada/>>.

CCMW used the data collection tool of the questionnaire developed by the Indonesian team and adapted it to each Resource Person as we went along. Thus, for example, in the original questionnaire there are a number of questions related to the head of the household. In the case of one Resource Person, the man as the head and the rights and duties that come with that role was not relevant. Therefore, it was not useful to press further with that line of questioning. Also, in the questionnaire developed by the Indonesian team, there are no questions related to FGM. One of the Resource Persons identified by CCMW had undergone FGM, and therefore, we felt it important to discuss that aspect of her life further.

Along with documenting life stories, CCMW also organized focus groups on the various aspects related to *qiwamah* and *wilayah*. The point of these discussions was to get a sense of prevailing beliefs and level of awareness regarding issues related to male authority and guardianship, specifically how they relate to polygamy, marriage and divorce.

Limitations and challenges

Unlike many of the other countries participating in the *qiwamah* and *wilayah* initiative, Canada is not a Muslim majority country and its laws are not rooted in any specific religious tradition. Canadian Muslims are not one homogenous community; instead, they represent a wide variety of un-codified beliefs, practices, religious interpretations and orientations. We recognize that seven women cannot fully represent this spectrum, but their life stories do demonstrate the lives of Canadian Muslim women.

This current research explores, among other issues, the experiences of Canadian Muslim women with their spouses, religious authorities, and legal authorities. While the life stories collected cannot provide definitive answers to how Canadian Muslims handle divorce and marriage issues, they do allow us to contextualize a person's life experiences and develop a nuanced understanding of the choices they have made. The stories also help us to better discern the influence of patriarchal structures Muslim women live with and negotiate.

We thought that women who strictly adhere to a literal interpretation of Islamic/Muslim laws would be reluctant to participate in this research. We anticipated that if women with a puritan religious orientation did agree to be part of the research, they would be defensive of patriarchal practices/beliefs, preferring not to question them since they very much believe in the traditional notions of *qiwamah* and *wilayah*. Still, CCMW deliberately approached one of the RPs as she is traditional and does not question many of the patriarchal interpretations, and another who was living within a traditional family set-up and has a varying understanding as well.

The RPs were forthcoming and open about their lives. Although we cannot claim that this research captures the details of the lives of Muslim women with a puritan orientation, we hope that Kulsum's story provides some additional insights.

One issue the interviewers faced was setting up appointments with the RP. All the women who participated in this research work full time. Coordinating a time that suited the RP, as well as the researcher was a challenging task. In some instances, last minute cancellations due to bad weather, in other instances hectic work and extended travel schedules of the RP, stretched out the interviewing phase of the research over 5-6 months. One way the scheduling issue was resolved was by conducting the interview, or a portion of the interview over the phone. In the case of one Resource Person, the life story was documented over the course of three in-person interviews and many lengthy telephone conversations. In all instances, however, the researcher and RP met face-to-face for the first interview.

It is our sincere hope that in participating in this project, we are helping shift the mainstream religious discourse, in order to unsettle patriarchy and help re-engage with the equitable and socially just spirit of Islam.

Part II: The Canadian context

When compared to many of the other countries in this cross-national initiative, Canada has quite a few distinctive characteristics. It is a constitutional monarchy with provincial and federal levels of government, and despite being the second largest country in the world holds a relatively small population. While the hegemonic culture can be described as English-speaking or Anglo-European, it also has French and indigenous roots as these communities are considered the “founding nations.” However, over the course of its modern-day formation, Canada’s demographics and socio-cultural landscape, much like the case of Great Britain, have changed as immigrant populations from around the world have migrated to the Great White North. This has resulted in the adoption of a formal multicultural policy that is affirmed by a diverse citizenry, including Muslim communities from a diversity of ethno-cultural backgrounds.

Canadian Muslims are left to negotiate and develop an identity that reconciles their religious identity including their Islamic traditions and beliefs with that of their home.

Please refer to the Appendix on the demographic information for Canada and Canadian Muslims. The appendix begins with some general demographic information about Canada and the Canadian female population. It then proceeds to provide background and demographic data pertaining to Canadian Muslim communities, specifically Canadian Muslim women.

Part III: *Qiwamah* and *wilayah*

Musawah, led by Malaysia's Sisters in Islam organization (<http://sistersinislam.org.my/>), is a movement for equality and justice in Muslim family laws.

This project on *qiwamah* and *wilayah* is about examining and exploring why the Qur'anic values of equality, social justice and compassion did not form the basis of Muslim family laws. Rather, why did jurists use one verse—4:34—to build “the entire edifice of family laws in Muslim legal tradition?” as pointed out by Zainah Anwar, and Ziba Mir-Hosseini (“Decoding the ‘DNA of Patriarchy’ in Muslim Family Laws,” May 2012).

Historically, over the years, these concepts have been used as the legal framework for Muslim family laws, and have given men authority over women. But these concepts are based on a particular interpretation of this Quranic verse.

For some Muslims, who see themselves as traditionalists, the male jurists who have interpreted the Quran and have used the *hadith*, have become sacrosanct and cannot be questioned.

But one of the objectives of the *qiwamah* and *wilayah* project is to seek other terms which better describe the relationship between men and women, such as *maruf* [good] and *rahmah wa muwadah* [compassion and love], and make these the foundation of changes within the Islamic legal tradition.

Sadly, some Muslims have also used some controversial *hadiths* that privilege men. These may be weak *hadiths*, but are quoted so often that they have become entrenched as correct teachings of Islam, for example, that hell has more women, or that a woman cannot be a leader. There is even another weak *hadith* that contradicts the Quran but is quoted often—women were created from the crooked rib of Adam. Another example of the misuse of the Prophetic sayings is that stoning is the punishment for adultery, when the Quran clearly states flogging, and not stoning. (Please refer to the Musawah website for more information.)

In the process of working on the Musawah project and developing our Muslim Marriage Contract, CCMW was able to hold two focus groups with Muslim participants in order to discuss their attitudes towards *qiwamah* and *wilayah*. The objective of these discussions was to get a sense of prevailing beliefs and levels of awareness regarding issues related to male authority and guardianship within Muslim family laws. While these focus groups cannot be seen as reflective of the entire Canadian population, in addition to the life stories, they provide us with some useful insights into how some Muslim Canadians view and understand these legal concepts and religious frameworks.

One focus group was organized with the help of the Muslim Student Association at the University of Toronto (<http://www.uoftmsa.com/>), and included nine young Muslim women and three Muslim men. Translated copies of the Qur'anic verse 4:34 of *Surah An-Nisa*, viewed in orthodox Islamic legal scholarship as the basis of male authority, was handed out to the participants. Reflecting on the meaning of the verse, participants then engaged in discussions on issues related to polygamy, marriage, and divorce.

When questioned about patriarchy and male guardianship, most of those present were accepting of it. Overall, most of those present had a puritan or literalist interpretation of Islam, though a few of the young women did raise questions about its relevance and compatibility with the 21st century. A surprising number thought polygamy was acceptable as a general principle, though none wanted it for themselves. For all, marriage was an equal partnership, though many believed women are

primarily (not solely) responsible for the home and kids. All of the participants saw religious laws as unquestionable and immutable.

This focus group of young Canadian women confirmed some of our earlier research, which suggests that there is rising religiosity among Canadian Muslims and that they are increasingly inclined towards more literalist and puritan interpretations of Islam. This is attributed to various factors such as identity politics (transnational identity), diaspora communities, global geo-politics and discrimination against Muslims.

CCMW also tied the *qiwamah* and *wilayah* initiative with its marriage contract training project. During this training, we took the opportunity to conduct a focus group about the issues surrounding *qiwamah* and *wilayah* with specific reference to marriage. We first explained some of the key concepts of Musawah's initiative to the attendees and then asked them to discuss the marriage contracts that they had signed at their own marriage ceremonies.

It was surprising how little most of the women had to do with the writing of their own contracts. Their fathers or other male relatives were the ones mostly responsible for drafting a legal document that could have profound implications on their lives. The lack of involvement on part of women in drafting the marriage contract is also seen in many of the life stories collected for the *qiwamah* and *wilayah* project. The lawyer who was helping us conduct the training was surprised to find that there were inconsistencies in the marriage contract she herself had signed 25 years ago.

At this juncture, it might be useful to define how the term "puritan" is used in this report. We use this term as defined by Islamic jurist Dr. Khaled Abou El Fadl. As El Fadl establishes, puritan thinking should not be confused or subsumed as a form of fanaticism or violent religious extremism, but rather should be understood as reflecting

The absolutist and uncompromising nature of its beliefs. In many ways, this orientation tends to be purist, in the sense that it is intolerant of competing points of view and considers pluralist realities to be a form of contamination of the unadulterated truth.⁸

According to El Fadl, a defining characteristic of the puritan worldview is its emphasis on The Text(s) (the Quran and *hadith*) and its immutable nature. For the puritans, the text is a how-to manual that regulates every aspect of their life, and their ultimate objective is to (re)create a society founded 1400 years ago, based on the literal rules and regulations found strictly within the Qur'an and *hadith*. Puritans enforce laws derived from The Text(s) without taking into consideration the larger socio-political and historical context of each revelation, and without accounting for the cultural and personal—including gender—subjectivities and biases of the interpreter/ translator/ reader.

Furthermore, puritan interpretations do not change according to the times; hence, the permission for Muslim men to marry polygamously is a rule for all times and may never be rescinded.

By comparison, the term "moderate" according to El Fadl's typology refers to those who have an inclusive understanding of religion, based on the recognition of a hermeneutic relationship between the reader and the text, thus allowing for a diversity of voices and interpretations. For the moderates, the Quran and *hadith* provide general guidelines and principles rather than specific instructions or laws. They believe the rulings of the Quran must be contextualized since the revelations (the Quran) and the examples of the Prophet's words and deeds (or his *Sunna*) were in response to particular

⁸ Khaled Abou El Fadl, *The Great Theft: Wrestling Islam from the Extremists* (San Francisco: Harper Collins, 2005): 18.

historic circumstances. For them it is imperative that Muslims study the moral objectives of the Qur'an and treat specific rulings as demonstrative examples of how Muslims should attempt to realize and achieve the Qur'anic morality in their lives.⁹

The underlying aim of the original texts is to establish a just and benevolent society, and for moderates, this is the crux of the matter.

While the categories of puritan and moderate are clearly defined, it is not simple to identify people as moderate Muslims, or puritan Muslims. Indeed, many Muslims would fall somewhere in between the two, and might hold a combination of moderate and puritan views depending on the issue at hand.

Moving from the general to the specific, the next section presents the life stories of seven women.

⁹ Ibid, 156.

Part IV: Life stories and analysis

The life stories of the Canadian Muslim women presented in this study are not intended to be read as universal narratives that reflect and speak to the experiences of all Muslim women. Indeed, the participants' lives were shaped by a distinctively Canadian social, political and economic context, which interacting with other variables and dimensions, have resulted in the production of unique human experiences.

This section provides biographical information on the Resource Persons and relates in their own words, as much as possible, their life experiences.

Some of the interviews were lengthy and conducted over a number of different occasions. The interviews were not strictly chronological and there were some diversions in the narration of life stories. For example, there were many uncontextualized discussions about married life while the interviewer was still exploring the RP's early years. In the interest of conciseness and brevity, and to provide some uniformity to the life stories, certain editorial liberties have been taken.

Moreover, it must be acknowledged that in writing the stories and engaging in analysis, these stories have been filtered through the editorial lenses of the researcher and writer and, of course, their own subjectivities.

It must be noted that these narratives were shared with the RPs upon their completion and an open dialogue was maintained by them with CCMW and the interviewers, in the spirit of cultivating an ethics of care.

The life stories presented here are broadly divided into the RP's 1) Parenting and childhood, 2) Marriage and married life, and lastly, 3) Experiences of divorce and life post-divorce. Towards the end of their discussion, we asked each of the women to reflect upon their lived experiences and discuss what they think an ideal marriage in the 21st century should be.

An analysis of each of these stories follows. This includes a discussion followed by a chart providing a snapshot of the RP's experiences within the framework of the *qiwamah* and *wilayah* initiative. The *qiwamah* and *wilayah* categories used in the charts are adapted for this report from the Indonesian Report, specifically from their "Findings on *Qiwamah* and *Wilayah* Elements in the Life Stories – A Compilation" section.

Resource Person #1 [Naeema]

“While we were passing each other in the hallway of the house, he told me that he had something to say, and then he said, ‘I divorce you, I divorce you, I divorce you.’ I asked him, ‘What’s that?’ and he said, ‘That is how you divorce Islamically, so now we are divorced.’ I said, ‘No, we are not; my understanding of divorce is that there is a period of reconciliation, and that when it does happen, there are witnesses.’ He said, ‘No, we are now divorced,’ and he moved into another room of the house.”

Naeema is a strong, highly educated, independent single woman. She came to Canada, from Pakistan with her family when she was 11 years old. She has been in Canada for nearly 48 years. She has one younger brother and one younger sister. She finished her schooling and graduated from university with an M.A. in Library and Information Sciences. She has been working ever since primarily in the public sector. She is currently at a senior managerial position within the civil service. Naeema was married but filed for a divorce when she realized her husband had taken a second wife. She has one daughter and one granddaughter.

Childhood/parents

“During my childhood, before coming to Canada from Pakistan, there was a lot of respect for my paternal grandfather. He was the patriarch of the family. People deferred to him, and used to go to him for advice. When people came to visit, they would make sure they would go and meet him and spend some time with him. He was highly respected. No one was afraid of him, none of the children. We loved to play with him. He just had a presence.

There were a lot of people in our household, and it was not apparent to us as children who was in charge. My mother and my aunt were studying, so it was my grandmother who made sure that the children all came in, ate their food and that everything was fine with the kids. We also had a caregiver who would receive us when we came back from school, take us out to the garden to play etc. So, within the household our grandmother was the majordomo. For the outside world, it was the grandfather but within the house it was my grandmother.

My father has a very strong personality. He is a very open-minded person; he is not very religious or observant. My mother is. But she practiced her faith in her own quiet way and he had nothing to do with it. But he would worry, because she continued to work and study and she would get tired. So, he would express his concerns about that but he never said, ‘don’t do it, or ‘don’t work.’ For us, he wanted all his children to get an education and have professional careers—boys and girls. The only thing he was peculiar about was when we were late coming home at night. He was much stricter with me; I was the eldest girl. My brother is younger than me. He did not monitor my brother coming home late, but he did monitor me. He would ask if I had been out with boys, etc. I was in university at that time. When I went to university, which was downtown, sometimes by the time I got home it would be late. He did not say to me ‘do not go out’; he just did not want me to go out with boys. And this is after I am 18. This was not an issue with my brother. He never asked him about girls, etc. He was more concerned about my brother doing well at school.

As for decision-making, I would say it was done jointly. So, for example when they were buying a house, both my parents went to see the house and my father took into account what my mother thought. The decision-making was done together, but perhaps my father had a lot more to do with the analysis of it, preparation, making lists of places to see. Buying and selling property was jointly done. Perhaps buying cars, he would buy by himself.

In terms of the kids, we made our own decisions. They knew who our friends were; there were no restrictions on us about who to visit or not to. My parents were welcoming of our friends and eventually our spouses. I was very lucky to have such amazing parents. They were not overprotective, but gave us enough security for us to know that someone cared. They were very open and very accepting.

Marriage/practices of *qiwamah* and *wilayah*

I got married when I was 26. I met my husband when I was 25 and was studying for my M.A. (in Canada). He was in the third year of his undergraduate degree. I had been studying Arabic during my undergraduate studies, and when I went to university for my graduate degree, I saw that through their continuing education program they were offering Arabic. So I enrolled in the class, and he was teaching it. During the course, he saw that I was knowledgeable, so he came to me in one of the classes and asked if I was Egyptian because my knowledge of Arabic was very good. I said no and that I had been studying it. I told him that I was of Pakistani background, but had lived here a long time and had studied Arabic.

Initially I was the sole breadwinner. We shared responsibilities. I earned the money and he kept a track of the expenses, paid the bills, etc., simply because he was just better at it. It was a pretty even distribution of responsibilities. Except once we had a child he was not very good at getting up and seeing to the child, changing diapers. I was the one doing most of it. But otherwise he was great with our daughter; he would play with her and all. He did not share in the household chores. He did not know how to cook, so I did all of that. Then for a part of the time I had live-in help, so then neither of us had to do it.

During the first seven years while my husband was a student, we had shared responsibilities. We did not feel as if there was a head of household. I did not feel it; I do not know what he thought. But I did not feel it. It was not until my husband finished his education and had the ability to be employed and earn a living that he started to take more responsibility for certain things. For example, he ordered really expensive furniture for us because we had just bought a big house. We would only discuss finances if we needed to pay for something, and we made financial decisions together.

He had been working for eight months or so, and in that time, I got a promotion at work and I told him, "Great news, I have got a promotion." There was not much of a reaction. A week later he said to me, "Well, I've decided, that we should move back to London (we were living in Toronto). I do not like living here." He was also having troubles with colleagues he was practicing with. So I said, "How can we go to London? I just started this job and got a promotion, and I can't just get up and leave. If you want to go, why don't you go and I can follow you." He said, "I want you to come with me and also promise that you'll never work outside the house again." I told him that I have been working outside the home pretty well all my life. But he insisted, so I said to him, "I don't think so. If you want to go, then you go. I will work here and in the meantime, find a job in London, and then I will join you." He said that I will never come and "as your husband you must obey me."

He never talked about obeying or anything like this before. The only time he had tried to impose something on me was when, occasionally he would tell me that I should pray, wear the *hijab*, fast, etc. I did actually start to pray, but then realized that deep down I was doing it for the wrong reasons and stopped and I told him that. Similarly, with fasting. I would do it because I thought he wanted me to do it. Anyway, when he gave this ultimatum of "I am your husband, and you have to obey me," I said, "No, I do not have to obey anyone." And then he said, "In Islam the wife has to obey her husband," and I said, "Not that I know of."

After he said this to me, the next day he went to my father to tell him what happened, and "This is what I want her to do, but she won't." So my father said to him, "What are you talking about? She

made you [financially supported his studies], and you would not be what you are if it weren't for her." This was just the biggest insult for him. I remember as I was entering my parents' house, he dashed out of the house, really angry. I went in and asked what had happened. So my father told me the conversation. Both my parents were in complete shock and disbelief because he said he was leaving. And I told them that was what he had told me too, and that I was not going with him.

Of course, my parents were on my side. They felt completely betrayed by him, because up until that time, they were very fond of him and had a good relationship. They did not know that he had a weird underbelly, and they were in complete shock. So I just told them, "I am shocked too." I did not see it coming, and he never said anything to me before. Just a few months before this, we had bought a huge house and he had got one of his relatives to import furniture for us. So all this happened within a span of two to three months.

All along, I would give him feedback. He used to give a lot of *khutbas* at the mosque, and I did not always agree with what he said. And I would tell him that. He had been very coddled by his mother. His mother did everything for him. She would massage his feet, his head, and even feed him. She did everything he wanted and really mollycoddled him. He expected the same from his wife, and I never did that.

I am not a domestic kind of person. Initially when we were first married and we did not have help, I would cook and do all those things. But he never said that I should do the cooking and cleaning, never expressed such expectations. The first time he mentioned it was when he announced he was moving to London. And yes, before he told me this decision of his, he had also fired the nanny without telling me—simply because he was expecting me to stay home!

I think his family had a lot to do with it, particularly one of his sisters—the woman he ended up marrying was his sister's friend. I think he probably wasn't happy in our marriage, and he used to complain to his family. I don't know what he said. I was definitely an anomaly in his family. There was no woman in his family who worked. His eldest sister-in-law was a nurse, but I don't know if she worked. His sisters got married when they were young, 14 and 16. So they did not work. But he never said to me, before that day, that he did not like me working or that I should stay at home.

I think he needed to be affirmed as the head of the household. He needed to assert that, and up to that point he could not do so since I was the primary breadwinner. Now that he could earn and he was earning, he said, "You do not need to."

Maybe all along he was unhappy that he was not the head honcho. I mean how he could say to me not to work when I was supporting him? He must have been very unhappy to be in a subordinate type of a role. I was earning, and because of that we could afford a comfortable life, afford a house, etc. He did not even work in the summers. He never offered to repay me.

Even after he started working, it would be fair to say that I still carried most of the financial burden. I was still paying the mortgage of the new house we had bought. Maybe he paid other bills, but I still paid the bulk of it. And this is very important. By the time we bought that house we had already owned two homes before that. And I had paid for them. Up until that point and even then, I was paying the mortgage. He was still paying his student loans. And I had also contributed a lot to his tuition fees, so he barely had any loans.

Divorce/ramifications

The demands he made were very unreasonable. I left him. I had never lived in a household where the men said, "Don't work." My father never said that to my mother. He would out of concern for my mother say that you have hurt your back, so perhaps it is good for you to stay at home and rest. But

he never forced her or said, "I will leave you if you don't do this or that." All the role models in my family, the women were working and educated and out doing things they wanted to do. So., it did not sit well with me.

Before this conversation, he never said to me that I deserve this because I am the man or anything like this. After that conversation, he was gone for a few weeks and came back for a day or so because it was our daughter's birthday. After that he was gone again. He went away to live with his sister over the Christmas break, and I went to visit my friend in the States. We came back after New Year. It was the very beginning of January. It was very late when I came back home; he had come back earlier. The next day after we came back from work, while we were passing each other in the hallway of the house, he told me that he had something to say, and then he said, "I divorce you, I divorce you, I divorce you." I asked him, "What's that?" and he said, "That is how you divorce Islamically, so now we are divorced." I said, "No, we are not; my understanding of divorce is that there is a period of reconciliation, and that when it does happen, there are witnesses." He said, "No, we are now divorced," and he moved into another room of the house. We then put the house up for sale, and he was gone after that.

We also had a discussion about our daughter and custody. This discussion took place after he said, "I divorce you." The next day we were looking at selling the house, and that is when we had the discussion. He said, "Well, you are the mother, and the child should stay with the mother." Although we had been Islamically divorced, I wanted a legal divorce. So I went to see a lawyer, and the lawyer started to draft a separation agreement, including custody and child support. I wanted to formalize that.

We went back and forth about things, who is going to keep what, etc. The sticky point was about our daughter, because he wanted joint custody. He said that in Islam, the father gets custody, although initially he had said that I, as the mother, should have custody. I kept on saying, "How can joint custody work since we live in two different cities?" In the agreement, there was a section on child support, as well, but he just beat around the bush, negotiating back and forth. Then in April of that year my daughter came home after visiting him, and she came back really agitated and upset. She was crying, so I asked her what was wrong. She said, "My cousins say that Baba has another wife." And I told her that I am still her mom.

So while the negotiating was happening, he suddenly started to talk to me about our daughter. He said that he was worried about her, that we had a good life and for her sake we should try to work something out. And the thing is that right after that April weekend, I got a call from him from Vancouver. He said that he was in Vancouver for a holiday, and that he missed me, etc. Then a few weeks later at the beginning of June, he said we should get back together. I asked him what had happened to him since he wanted to leave and he left. Did he meet someone and it did not work out? And he said, "Well, as a matter of fact, I did meet someone and I am married." And I told him, how he can be married since we are still legally married? And he said that he is married, and that he wants me to be his second wife. I told him what is he talking about since we are still married, so how can he have another wife? He said that he married her Islamically. I laughed at him when he said, "Be my second wife"! I said this is crazy; I will have nothing to do with him any longer. If what he is saying is that he is married to someone else, then the two of us are done. I told him, "Please do not try to befriend me and from now on we will only concern ourselves with our child."

Interestingly, one of his sisters, much later in life, was in a situation where the husband had a second wife. He went and married a second wife while married to her. She did not know about it. Her family was very upset, up in arms, that their daughter was treated in such a way.

But with me, the issue was not only that I was not of the same ethnic background, but that I was not a “devoted wife,” and I did not fit in for a whole bunch of reasons. Our families’ ways of thinking were very different.

Post-divorce

The legal divorce came through a year later in March. His second wife also wanted us to have a legal divorce.

When we were negotiating a settlement—custody and child support—we kept on going back and forth over the amount of money. In Islam if the woman earns money, she gets to keep it. But under Canadian law, it is 50/50. So suddenly he became Canadian and wanted his share.

It was interesting what he did. We had to put the house up for sale, and he had invested none of his money in the house. It was all mine, the down payment and the mortgage. When the house sold, he said that he would give his share in lieu of support payments for our daughter, until the money runs out, based on X amount a month. That money ran out a year or so later, and then I asked him, “When are you going to start paying?” Although we were legally divorced, we were still working out the details of the separation agreement and going back and forth between his lawyer and mine. So he said to me, “You know, this is too complicated, we do not need lawyers, we can work this out ourselves, don’t worry I will make support payments.” That was a very big mistake that I listened to him. He never signed the agreement and he never made regular support payments after that. Not a penny. There was no legal agreement, so I could not enforce it. I also never asked him, perhaps because I was a wimp, or because I felt that I did not need it since I had been supporting us all along.

If I exercised my rights fully, I could have taken him to the cleaners. I put him through school. I could have sued for his practice, because he would not have been able to set up a practice if it weren’t for me. I could have sued him for child support. I did not. I did not do any of those things. And the reason I did not do that is because it is not my personality to fight. And because, thank God, I had the wherewithal to support myself and my child. I did not feel the necessity to do it. But for my daughter’s sake, I should have. I was not getting anything anyway, but he should have met his obligations vis-à-vis our daughter.

He has not met his obligation towards our daughter. He barely gave her anything when she got married; maybe he gave her some money. When she was studying in England, I paid all the tuition, and he paid a little bit of her living expenses.

In the custody agreement, we had a schedule of when he was to come pick her up. We had both agreed that it is important for her to see her father, so we had a schedule. It was very sad; she would be waiting, looking out the window, waiting for him to come, and he would not come. Eventually there would be a phone call, and he would tell me that he could not make it. So then, I would say to her that unfortunately her dad could not make it and something came up. And then after a while he was not picking her up any more; he would expect me to drive her. So I said, “No, I am not going to do that.” And he did not come to see her that often. Then when she got older, she used to take the bus.

He still thinks he has the right to ask her to do things. After I left home and had my own family, my father never said, “You should do this or that.” He would comment but never said, “You should do this or that.” He has a hold on her though, to the extent that she tries to please him. He is very manipulative, and he lays her on the guilt trip.

I think I married him on the rebound. I did not have a deep affection and love for him, and to me, marriage was something you do. I think that is something wrong; I should not have done it. But I have a wonderful child out of it.

I also regret not following through on the legal aspect of it, since I feel I deprived my daughter of what is due to her from her father and not just the financial bit. I feel that he does not value her because she is my daughter. She has a lot of me in her, ethnically, and culturally. She is also very strong and is also a feminist. He resents her for being a lot like me, and that is why he treats her the way he does. He is always trying to assert his authority, and she pushes back.

I wonder at times how she was able to become a strong feminist and a women’s rights activist. Did growing up with me have anything to do with it? I wonder if she would be who she is if she had not been my daughter. If she had lived with her father, and if he had been fully responsible, she would have been very different.

I have never felt that I am less because I am not married, or because I am divorced. I feel really good and am thankful to God for my life. I feel as if I have accomplished quite a bit by the grace of God and with support from my family and friends. God has given me the strength to raise my child and be happy.

What does a family based upon equality and justice look like in the 21st Century?

I think that the spouses should decide how they are going to share the responsibilities. There should be no real definition of roles, such as, “I am the breadwinner, and you are this or that, etc.” I just believe each person has their strengths. And I do not believe that strengths are defined by gender. It is possible that each has strengths in certain areas, and you should leverage that. Responsibilities should be shared depending on what the strengths of each person are. If some people love cooking, then they should take on that responsibility. If they both love it, they can share it.

I do not believe that you could ever probably achieve it to the extent to where you can have complete equality between partners in a marriage. That is just not how human beings are. You end up with a couple where one just may give way to the other. If both are not willing to give way, then that can be challenging.”

Resource Person #1 [Naeema]	
<i>Nasab</i>	Father was a good provider and supported his children financially, socially and emotionally. He encouraged all his children, both his sons and daughters, to get an education. The father also served as a source of support during the process of the respondent’s divorce.
<i>Mahram</i>	Although there were no restrictions on Naeema in terms of the life choices she made, her father did not like her being out late with boys.

<i>Nafaqah</i>	For most of her marriage, she was the sole breadwinner. She also put her husband through graduate school. Once the husband started earning, he expected her to move to another city, leave her job, and look after their daughter. After the divorce, the husband's emotional and financial contribution towards their daughter was nominal and non-existent.
Marriage Contract	The marriage contract was completed by Naeema's father. The marriage contract did not play a significant role in her life. Under Canadian Law, when a couple divorces, marital property is divided 50/50 at the time of settlement. Naeema's husband conveniently forgot about religious requirements and went with Canadian law.
<i>Mahr</i>	Bore minimal relevance for this life story.
Head of the Family	For the dominant part of their marriage, there was no one head of household. There was a division of labour and responsibilities between the husband and wife. Decisions were mutual. However, when the husband started earning, he also started demanding obedience.
Polygamy	Although according to Canadian law, Naeema and her husband were still married, the husband "Islamically married" another woman, invoking Muslim family law.
<i>Talaq</i>	Naeema 's husband divorced her by pronouncing three simultaneous talaqs.
Post-divorce right to custody	Naeema kept custody of the daughter. Her husband's financial and emotional contributions were nominal.

Discussion and analysis

Naeema's life story is a narrative of autonomy, strength and fortitude. Although being raised within and exposed to a traditional Pakistani household, including her grandparents and extended family, she was able to draw upon the model of her parent's marriage to serve as a guide for her own life, and more specifically, what she was willing to tolerate and accept.

Throughout Naeema's story and personal reflection, we are witness to how mainstream approaches of *qiwamah* and *wilayah* impact her life choices within her public life and private life, yet it is primarily a story of opposition and woman's agency. If patriarchy operates as a given norm in many Muslim households, Naeema's life journey signifies resistance to its pervasive structure.

Although outlining what seemed like a happy and healthy relationship with her husband in the initial stages of their marriage, the concepts of *qiwamah* and *wilayah* or authority/guardianship began to manifest themselves slowly and subtly. This culminated in her husband demanding that she does not work outside the home claiming, "As your husband you must obey me," due to his newfound employment and financial security. Yet Naeema exercised a robust sense of self-awareness and understanding. Naeema invokes her familial model as a means to challenge gendered oppression. When she says, "My father never said that to my mother," she is actively asserting her knowledge and

understanding of how she can be treated, and highlighting the important role that parental models have in serving as basis for one's own relationships.

Gendered approaches of *qiwamah* and *wilayah* also manifested themselves when Naeema's husband decided to initiate a divorce unilaterally, (although rejecting the Islamic principle of marital reconciliation) and also to take a second wife, despite still being legally married within the Canadian context. Although Naeema was economically independent and able to support herself, she did endure the burden of having to sell the family home and property acquired through their marriage. Moreover, Naeema and her daughter endured emotional harm and humiliation, as her husband took another wife. While Naeema was not afforded the time to come to terms with the divorce emotionally or even reconcile with him, as her husband rejected her right to this process, their daughter had to find out about her father's new marriage through a family member.

Also reflected in the life story of Naeema is the role that complacent communities, including culturally specific and religious, play in the reification and acceptance of male power, authority and guardianship. This is a common theme reflected in many of the stories that follow, and in the case of Naeema, it is reflected in the case of the Imam who performed her ex's *nikah* while knowing that he was still legally married in Canada. It is also reflected in Naeema's husband's immediate family who socialized him into this understanding and reminded him of his necessary and sanctioned role as the head of the household.

Yet more specifically and worrisome for women is the role that other Muslim women play in the perpetuation of such understandings. Despite knowing that Naeema's husband was still legally married, his sisters helped introduce him to a new wife. Reflecting upon her relationship with her in-laws and how as an assertive South Asian woman she did not fit in, Naeema suspects that the women in the family detested her and supported the divorce and new marriage because she was not passive, the way many of the women were in his Arab household. She worked and sought to excel professionally while many of them did not.

Finally, Naeema's story reflects a pervasive theme that is reflected in many of the life stories, and no doubt the lives of many Muslim women, and that is of male spousal neglect or what can be termed a "*fiqh* of convenience." This is the selective employment and invocation of patriarchal Muslim laws/*qiwamah* and *wilayah* by men in order to safeguard their interests.

As we embark upon the stories that follow, it becomes apparent that while some of the women challenged and deviated from mainstream Muslim family laws by actively resisting and questioning its application, men are the primary culprits as they used whatever benefitted them.

Naeema's husband sought to employ orthodox understandings of *qiwamah* and *wilayah* within their marriage, for instance, demanding that she stops working or asking her to agree to a polygamous marriage. Yet, he did not comply with the expectations of male financial provider and primary breadwinner. He was not the primary earner for the family, and financing of the household, including property, daily operations and his education, was fulfilled by Naeema.

Despite Muslim family law's rule that a woman should be able to keep what she earns, and despite invoking Muslim family law to justify the marriage to his second wife, the husband engaged in a *fiqh* of convenience by deciding to use Canadian law in order to divide property between the two parties on a 50/50 basis.

In regard to the child, the father, following the divorce, neglected his duties of child support, as well as missing custodial visits to his daughter. This showed how he ignored religious teachings which

emphasize the value and importance of children in their parent's lives, for example, "Our Lord! Grant unto us wives and offspring who will be the comfort of our eyes, and give us (the grace) to lead the righteous."¹⁰

¹⁰ Qur'an, *Al-Furqan* 25:74.

Resource Person #2 [Samina]

“To be honest, I did not like being a girl because I felt that men in society put too much pressure. If I were a boy then no one would tell me to do anything. Because I was a girl, they felt they could tell me what to do and control me. All through those years I wished I were a boy.”

Parents/childhood

Samina comes from a small town in India and is of the Ismaili community. She got married to her first husband, who was also Ismaili, when she was 19. She and her husband adopted a child together. This first marriage lasted ten years. Samina’s second husband already had a wife and seven kids. He did not tell Samina about his family at the time of their marriage. The second marriage eventually turned abusive, and she escaped to Canada, to save her life in 2012.

“My father had two brothers and we all lived together in one big bungalow, with separate entrances. But if we wanted to go to my uncle’s house it would be just next door. Underneath us were a shoe store and a clothing store, which belonged to us. My father also had a leather tannery. The women in our family never worked. All the marriages in the family were arranged by the elders.

I cannot pinpoint the exact moment, but all along I knew that my father was the head of the family. That was part of growing up where you see the man come home from work, the women give him food, and all the big decisions, the financial decisions, were made by the father. Anything I wanted to buy, I had to ask him to give me money, and he would give me money. For example, during school I wanted to buy a bicycle. He was the one to decide if in a conservative society his daughter can ride a bike or not.

When I was in college I wanted a moped/motorbike because it was difficult going on buses. So, in that conservative society I would drive and was the first woman to be riding a moped. Initially he agreed, but then he had opposition from my uncles and everyone, and then he would get angry about his own decision.

Another example: I joined a co-education college and not an all-girls college, which was very far. Although my father was very modern and well-traveled and educated, the influence of his brother and their wives and community made him question his own decisions.

Whenever I wanted to communicate with him, I communicated through my mother. Also, I was a very weak student in mathematics, and he had an M.A. in mathematics. So he used to tutor me, and I was not a bright student. Math was my weakest subject! Whenever he used to go out, he used to bring things for us—shoes, clothing, everything—he would buy for us. My mum always took a back seat and was restricted to cooking, taking care of guests, and household responsibilities.

When I got married I questioned why was it that my mom was doing everything? And why my father could not take on some of the household responsibilities? I did ask him, and he told me, “Listen, sometimes when your mom is not well, I make my own tea in the morning, or when I come back.” So that’s what his answer was!

While growing up, I thought the power structure was appropriate because that is what I saw around me, not only in my cousins but also in my larger community. I never questioned it. I did not question the power of men, but did question men who were in leadership positions and did not do justice. For example, there was a community leader and he was pretty rude to me when we were doing

community service. I answered back and he was pretty taken aback. I was perhaps 11 or 12 years old at that time.

There was a lot of confusion while growing up. My father would bring clothes for me, and they were modern, and when I would wear them at community functions, the conservative people from the community would gossip. They would also say things that would get back to my father. The community also had an influence on my father because he was well respected. Although some of those people would also say things to my face, and I would tell them that what I wear is none of their business. I wanted to live life as I wanted to live, not according to the norms of the society.

I would often complain to my mother. For example, in school I would talk to boys and at times they would invite me to a party and my father would not allow me to go. I would ask my mother, "Why can't I go if all the other girls are going?" Or if my male cousin saw me talking to a boy and he would come and tell about it, and my father would get upset. I would complain to my mum and ask why he was getting upset if I was talking to a boy? My mom would try to pacify me but I never got answers to those questions. Now I know, but it does not mean that if a woman is talking to a boy she has bad intentions. So why was my family getting influenced by what others had to say? During my upbringing, I always felt that my family gets influenced by what others have to say. To me people never mattered; their thoughts never mattered.

My father was very strict and it was a difficult phase for me. Every day there would be opposition from my father and family because it was a co-ed college. My cousins would see me talking to a man and they would come home and talk and ask why I was going to a co-ed college. People from the community would also talk and I would end up bearing the anger of my family. In the final year, I was a rebel. I would tell my parents I was going to college, but then I would go out with friends to parties and movies! But when the exam came around, I was pretty studious.

My father had a heart attack when I was in my final year. One of my uncles also had passed away at a very young age from a heart attack. When my father was in hospital, my mother did not know how to handle anything, where to go, what to do. It was very risky for my father and his only desire then was to get me married. Although I was a rebel and I used to go out and all, I made a commitment to myself then that whoever I marry would be based on my father's choice. From childhood, whenever my father used to go to teach religious classes, in camps, etc., I used to go with him. So that was within me, that I would not think of marrying anyone away from my community. And within my community, also, I would marry only someone my father approved of.

There was so much pressure in my family about me going to a co-ed institution that I said, "Okay, then get me married." There was a handicapped guy who had lost his legs so I said, "Get me married to him. I do not mind even if you get me married to someone who is disabled. Whoever you get me married to, I am okay." It was a lot of pressure. However, when I told them this, they thought that I was interested in getting married, but I was saying it because I did not want the pressure. I saw marriage as a way out.

Marriage #1: Practices of *qiwamah* and *wilayah*

When I was 18 years old there was this rich guy who also owned a tannery and my father was helping his family find a girl for him. They came over during the day and then came back at night saying, "We want to marry your daughter." Although my father did not agree, that communication made him realize, "Oh, my daughter is grown up now." I had an aunt in Mumbai, so he told her to look around. We were from a small village, and my mother and father wanted me to get married into a good, well-educated and respectable family.

One day there was a call from my aunt, and a few days afterwards we left for Bombay. I remember, in one day, four guys coming to see me! Today when I think about it, it hurts me that women are exhibited like this. Like my mom took me to the lady who was the head of the prayer hall and said, "This is my daughter, and we are looking for a good match for her." It hurt me because she was literally begging. I was very angry.

I remember my aunt would dress me up nicely, do up my hair nicely, but I wanted to be myself. I remember my cousin's wedding, and during the wedding times all this matchmaking happens, so my father ensured that I wear a nice dress, and do my hair nicely, etc. So, he got me a very nice dress from Mumbai, and I went to the parlor and had my hair done. However, I did my hair the way I wanted and he did not like it. So, he did not talk to me for a few days!

To be honest, I did not like being a girl because I felt that men in society put too much pressure. If I were a boy, then no one would tell me to do anything. Because I was a girl they felt they could tell me what to do and control me? All through those years I wished I was a boy.

So when I was 19 and a half, we went to Mumbai where we stayed in a hotel and the families and boys would come to visit us. When the boys would come, my parents would leave us alone to talk and get to know each other. So, the first person who came to see me was my ex-husband. He came and he was pretty polished; he was very good looking. I came from a small town so my English was not fluent. And he was from an elite family, a US citizen with an M.A. from America, good looking. And what we heard about his background is that he is very well to do and that he had rejected many girls already including cine-actresses/Bollywood actresses. So I thought I would not stand a chance; I don't speak proper English, I am from a small town, etc. So why would he choose me? He came with his sister-in-law, saw me, and then went away. They said that they would give us their answer, yes or no, in the evening. So, then the second person came and I was comfortable talking to him. He was talking to me in my own language, so I was comfortable talking to him. But it occurred to my family that he had a low socioeconomic status. Then the third guy came, but he was a thug.

So my mother said, "If I give my daughter, it will be to the first man since he seemed polished." When he opened the door my mom said, "Oh, he will be my son in law." But then my aunt told me that the stepsister-in-law did not acknowledge us in the prayer hall [part of the *Jamat* Khana or mosque], so perhaps they are not interested. But we persevered, and we found out that the mother is a doctor and she was in the US, but the father wanted to meet and see me. So we went to their prayer hall. We did not meet at the prayer hall, but the father took me and my family to a restaurant, and he liked me and my family. Then my ex-husband came to drop me and my family off at the railway station with a box of sweets, and that indicated that the match has been confirmed—*rishta paka ho gaya*. We came back and told everybody that the match is settled and this is it.

My father-in-law was in touch and we were talking about an engagement date in December and things like that. This was a very painful and emotional thing for me, since what is said in the community really matters. So, we are making arrangements for engagement and getting tickets for my cousins to go for the engagement and everything. The father-in-law calls one day and says, "No, no, my wife was in America and I just said, 'yes.' Let her come with my daughter, and then we will decide if she is the one." And here we were talking to everyone about the engagement! One day he would call and say, 'yes,' and then a few days after he would call and say, 'no.' So he was wavering, and my father was upset. He had also gone through a bypass before then, so he was in a critical stage. So my uncle and I said, "Forget them, why do you even want to consider them?"

Before we went to Mumbai there was this guy who had come to the prayer hall who had seen me and sent a proposal for me through my family. So my family suggested I go to the prayer hall to see him,

and when I came back from the prayer hall I told them *"Meray dill ki ghanti baji nahin"* ["In my heart the bell did not ring for him"]. So my [male] cousins said to me, *"Teray ko kya karna hai dil key ghanti baja kay"* ["It does not matter if your heart rings. We will ring the bells from behind"]. So I said, I do not like the boy, but still, they were making inquiries about him and they found out that he was already married. So all this was painful for me, that I did not like him and yet they were still going ahead.

Coming back to the engagement, we finally went to Bombay for the engagement and everything. So, the day of the engagement my ex calls me and says that he cannot marry me since he was in love with this girl and he lost his virginity, so he cannot marry me. I did not know what it meant and also, I was thinking of my father and everything. I said to him, "Listen, the past is your past, and I accept you whatever you are." He said okay.

So, the five months between the marriage and engagement was very difficult since he would call and constantly say things like, "Oh, we turned down this proposal and they were willing to pay this much." I knew that we were not as well off as they were, and if they had financial expectation, how would my father pay? Also, one time he told me that one girl came in and tried to seduce him, etc. So, he was talking about such things rather than our life together and what we would do.

Then, what was very tormenting was when he accused me of sleeping with somebody when I was in Mumbai for my religious education. He said that the guy I slept with called him and told him that he had an affair with me. My ex said that my family and I had to come to Mumbai and prove that I was clean, so we could go ahead with the marriage, otherwise, [it was] "No." I had to tell this to my father, and they were so upset. And what made me angrier was that they started doubting me—and I did not even know anything about sex. Then we decided to go to Mumbai because they wanted to check if I was right and we wanted to protect this proposal. So when we got to Mumbai, he says, "Oh, there was no such guy. My stepbrother did not want this marriage, so he just did this drama and made somebody call, so forget about that."

Then one day, he came over to my house, and said to me, "You have to sleep with me to prove that you are a virgin." And this was very difficult for me, and it really hurt me. But I did it for my family. It hurt me that the marriage foundation was not based on trust. It was based on a sacrifice, distrust and materialism.

He had made an itinerary for our honeymoon, and he was even expecting the honeymoon expense from my father. I liked the chap, but I did not like his values—of asking my family for money or asking me to sleep with him. I did not like him telling me that he has slept with other girls. The foundation of the marriage was not strong.

I was unhappy and I started to lose a lot weight. And those around me used to ask if there was any problem. I also must tell you that I tried to commit suicide. This was during the pressure of when they were accusing me of being with other men. When my family found out I was taken to the hospital. But during the engagement I lost a lot of weight and during one of the ceremonies my father asked me if I was happy. Although I told him, "Yes," in my heart, I wondered what the point of asking me now was.

So, during the marriage we had to go to Mumbai. Even then it was all about the furniture, money, etc. My ex-husband said, "Don't give it to my father, but give it to my mother because my father would spend it." So during the marriage since my father gave the money to my mother-in-law, my father-in-law would start fighting with my father. He would abuse my father saying, "You did not give us money for the furniture or anything, and all you have given to your daughter is a few purses." The day after my wedding my father had to come to his house and apologized to his father. And my father could not tell my father-in-law that he gave the money to my mother-in-law, since my ex-husband told us not

to tell my father-in-law. So what was the use of my sacrifice? I loved my dad. He was not allowed to come to my place by my father-in-law. He had mental illness, and he would abuse my father.

No one from my family was allowed to visit. My family would be hesitant to call since my father-in-law would pick up. I was also not allowed to go to my parents' place. Initially I did not see my family for six to eight months. All the decisions in the house were made by the father-in-law. He was the one controlling the finances. He never allowed my mother-in-law to practice medicine after marriage. She used to practice before, but after they married, he stopped her.

While growing up, I went through this tug of war between what the community wants, what parents had to say, and my own identity, feelings and happiness. There was a rift. After marriage, my father-in-law was narrow-minded, my husband was a mama's boy, and my mother-in-law was very sensitive—she would pinpoint little mistakes of mine and create problems. She had my ex-husband after five daughters when she was 42, so she was very possessive, and it was difficult for her to accept me. My sisters-in-law were also controlling and had their own ideas as to what I should be doing—they wanted me to study and then come to America. So even here there was confusion as to who I should listen to. So anyway, I started studying, just to get away from home.

My father-in-law was abusive, and he was very angry with me. My husband would be busy flirting with other girls in the prayer hall. I had this insecurity because I thought he was better looking than I was, I couldn't speak English properly, and he was high society. So I decided to study, but I would come home and take verbal abuse from my father-in-law. First, my sisters-in-law would tell me to study, and then they would tell my husband, "Why is she studying? She should be looking after our parents."

After some time, my husband supported me to set up a centre for children with disabilities and to do my community work. My ex-brother-in-law was telling us what to do with my husband's parents. But he would also ask us how many times we were having sex. He would also tell my husband, "Your wife does not love you." So, I told him to tell them to stay out of our lives because all this interference would have a negative impact on our family. I was young and did not know who to turn to. I was thrown into the deep and did not know how to survive. So, I would be unhappy a lot and would cry a lot.

In the initial years, he had the power because I gave him the power. Whatever he told me to do, I would do it; whatever he wanted to eat, I would cook it. I did not realize I had a choice because it was a marriage based on a sacrifice, and I felt that I had to survive it.

Whenever he wanted sex, I had to do it. I never wanted it. And he would say that I was a frigid woman. There was so much happening with my father-in-law and I was not interested in sex. I could not forgive him for what he did during and before marriage. I remember during the wedding he was flirting with my friend. During our marriage, through credit card use, I found out that he was cheating on me. I gave him several chances but he did not say anything.

He was very modern and after my father-in-law passed away (six years after our wedding), he used to flirt with girls and he would go away on business trips. He used to be secretive about where he went and with whom. He would bring back things, women's things, and say, "These are for my agent's wife." And I would say, "Come on, you are bringing things for his wife? What about him?" Then once I overheard a conversation between him and this girl about sex. And within me there was this storm and I felt that had to leave this marriage. This happened eight years into the marriage.

Our marriage lasted for ten years. I also lost a child. I lost the child because of pressure from my father-in-law.

I caught him having an affair, and he admitted it, and he told me to give him another chance, so I gave him another chance. After the miscarriage, we decided to adopt a child. I got pregnant after four years of marriage, but the child had a genetic disability. I also tried to commit suicide during my marriage due to the pressure. My sister-in-law told my husband, "She is mentally not okay. Send her back to her father, and when she is okay, call her." But after that, I became tougher. I went for counseling and my strategy was to stay away from home, so I started working. There was a lot of pressure not to work. Every day there were fights between me and my ex-husband, but I would still work. He would say that our driver earned more than what I was earning. And my father-in-law would say that I did not look after the house. But that was my escape mechanism. They would complain to my parents and my parents would tell me to listen to my father-in-law and husband. Everybody was against me working but I continued.

One incident I must mention. The day I had an abortion, I was not well. We had a water shortage. I asked my husband to get some water and he was carrying a bucket of water and my sister-in-law said, "This is not a man's job." There was a lot of emotional abuse. I conceived again, and again I had a miscarriage. The doctor said, "You have to be happy and your body needs to be ready for a child."

At one point my in-laws said that they were going to get my husband married to somebody else. One day I remember telling myself that my husband was so high up and I am so low, so what is the solution? What should I do? I said I should find out what my weaknesses are and work on them. I felt that my first weakness is communication, so I started reading newspapers and watching English channels so I could talk to him. My sister-in-law would say, "You know, my brother is one in a zillion." I would make sure I would communicate only in English, so I could become better at it. There was language development, studies, getting involved in community work. I thought I would do all this, so I could come to his level. He would take a lot of pride in how his sisters were accomplished—one was a doctor, one was a food scientist and one was a psychologist. And they were working in the States.

Eventually we adopted a child. Initially my ex-husband wanted to adopt, but I was not ready because I was into community work. But then in order to cement our marriage, I agreed. We had discussed before our marriage that we would first have our own child and then also adopt one child. However, my sister-in-law was against it. (After my father-in-law passed away, I felt that she had the power, and I objected to giving the power of my family to the sister-in-law.)

Adoption was a joint decision between me and my husband. But we had opposition from the sister since she wanted us to move to America.

After my father-in-law passed away and my mother-in-law moved to the U.S., I controlled my own life and he controlled his own. Our life together was mutual control, but when the extramarital affairs happened, I moved to a separate room. My husband however had the financial power. He used to be secretive about his work. He said he exported fish, but I did not know anything. It was not regular work; he would come and go as he pleased. He did not have an office; he said he would go to the docks and he would export.

My ex-husband gave me money to support myself and my needs. He would support me in some cases and take a stand with the father. For example, he took a stand and let me see my parents. In terms of working, he would get confused between what his sisters wanted, what I want, and what his father wanted. He was not abusive to me verbally or physically. But emotionally he was very abusive. Not being there and flirting with other women. When I spoke to him about it, he would just say I am thinking negatively.

Life was good initially. But unfortunately, two years after we adopted, we split. The extramarital affairs grew. When we adopted I was giving my daughter a lot of attention and did not give him enough attention, so he sought attention outside the marriage and moved away. I also grew. I had earned my M.A. and I grew in my thinking and he remained where he was. He was not able to adjust to that. I moved away emotionally from him. I asked myself, "Do I really want to be in this marriage where I do not love this man? Or do I just want to be in this marriage for the sake of marriage? And what type of marriage was this, if he was seeing other women? Then one day my cousins came and I told them, and they told me, "You know when the glass is broken, you cannot mend it." Now in hindsight I would say that they misguided me. My father was against the marriage breaking up.

If I look at life now, I feel that I should have been more understanding and patient with my husband and should have given him the attention that he wanted. Things could have been different. But I did not like his dishonesty. For example, I would give him a gift to give to my professor, and he would tell me that he has given it and she liked it. But then later when I went to clean the house, I would find it. To me, loyalty and honesty are important and those elements were missing right from the beginning

I also realized that there needs to be some commonality. Back then, I enjoyed reading and discussions on different topics, but he would only be praising his sisters and gossiping about others. However, we thought that the child would cement our relationship, but even with the child there were issues. For example, I cooked a spinach soup for the child because I had read this in a magazine, but my sister-in-law would say that I was using the child as a case study.

Divorce #1: Ramifications

The decision to end the marriage was mine. We decided that we would do the *Sunni* divorce since we did not want the community to know. We went to the lawyer and the lawyer said he would charge 4,000 rupees, and even still, he was bargaining on the fees. So, we decided to forget it.

Also, at this time I started liking another man. Emotionally I was low, he comforted me, and so I started liking him. I was already separated from my husband. I told my husband that it is not good for the child that I carry the child three flights of stairs, so I am moving out into a condo. Everyone tried to stop me, but I still rented a condo and moved out. I started living there; my husband was paying the rent. Then our place got sold and after the divorce, there had to be some distribution of wealth. He gave me some money and said, "You keep this money for alimony." My *mahr* was 51,000 rupees, but he gave me much more.

So I went to the community and I initiated it. He did agree but till the last minute he tried to persuade me against it and asked me to give him one more chance. But I was adamant. It was sort of a mutual agreement. In the Ismaili community, it is neither a *khul'* nor a divorce. It is the arbitration board that decides.

Regarding our daughter, he said there are three options: I take the child, he takes the child, or we could give the child to his sister. So, I decided I would take the child.

He paid for the child for the first year and half but then he stopped, saying that he had given me enough money. He just stopped. Financially I never had problems; he gave me a lot of alimony. Though one thing he did ask me to give back was a diamond and emerald set, which he said he wanted to pass on to his children, so I gave it back.

My own family was against the divorce. Till this day, they are upset. My father said, "Don't talk to me," and he did not talk to me for a few months. My brother would talk to me, but my mother would not talk to me. One day my aunt went to our dry-cleaning guy who told her, "While your niece was away,

her husband brought girls to the house.” My aunt went and told my father, and it became slightly easier for him to accept my choice to divorce.

Post-Divorce #1

After the divorce, I moved to Dubai where I could start over without the stigma of divorce.

I was in Dubai for three years. I would keep on going back to India, where I still kept my apartment. In Dubai, I worked with an NGO that worked with children with disabilities.

Although while I was in Dubai there were a lot of suitors, I decided that my life would only be for my child. I decided that I would never get married; I was very sure of that. I finally left Dubai and came back to India. Then my brother asked, “Why don’t you move to the States?” But I said, “No.” He said, “Do you want to be in India? What are your plans?” I said, “I want to go to Canada.” I never wanted to go to the States, and I never wanted to leave India. But it was difficult to live in India alone. I thought I wanted to have an international education, so I came across a program in Canada, but it was \$100,000. For me, education is important, so I sold my apartment and most of my jewelry. I started working towards getting an Executive M.B.A. Lots of forms to be filled out, there was a rigorous process of screening and interviews, but I finally got admission. So now there was a decision to make: Do I take my daughter, or do I leave my daughter? So I wrote to my ex-husband to ask if he wanted to take the responsibility temporarily, but he did not cooperate. There was this distant cousin who said that she would take care of her until I settle down in Canada and find an apartment.

When I was in Canada, after I had paid my tuition fees, I came to know that my husband had filed a custody suit saying that I had left my daughter. He filed with our community’s arbitration council, and they were so horrible in handling it. I had nightmares. They wanted me to come back immediately. And I thought, “Why are you calling me back? I will come when I have to come.” Here I was pursuing my education, and there was this legal custody case going on. There was a fear of losing my daughter, and of course, the immigration stress. I had no one here. There was the stress that I had sold my jewelry and apartment, I’ve paid the fees, and how could I go back? There was a friend of mine who was interested in me, and he told me, “You cannot go back. The legal battle will take years. What about your education and your dreams?”

I was very emotional about my daughter. I thought these other opportunities will come again. I did not care about the material things. So what if I lose my money? I can always earn more. But if I lose my child I will never be able to get her again. So, I dropped out from the program and lost about \$30,000-\$40,000, but my conscience said, “No, I have to go back.” Everyone told me not to; my brother also tried to stop me from going. But I was under a lot of pressure. The arbitration council was calling me in the middle of the night; they did not care about the time difference. They would call and demand that I answer their questions. And here I was, a mother in pain away from her child; I raised her as a single parent. My heart knows what problems I went through. I had to face all of this alone. My brother and father were in the States and were not there to help me. I had to fight the immigration battle, the financial challenges, the custody case all on my own.

But anyway, I decided to go back to India. My ex-husband was also claiming the apartment that he gave me in the divorce in the custody suit. I was hoping that with the sale of the apartment I would pay my tuition. There was a lot of difficulty I faced when I was there, legal battles, lawyers’ fees, etc. That is when I met my second husband. He told me, “These legal battles will continue, so it is in your best interest to give up your child to your ex-husband.” But I was not willing to listen to anyone and was willing to fight until my last breath. However, by then, I also found out that the child was more attached to the father. So I thought, here I am struggling alone, but what is in the best interest of my child? Is it just for my ego? I am not even settled. I do not even have a job now. And even if I get a job,

the child would be relying on a maid. What is the best thing for the child? I realized that with her father she would have a family—a father and a mother—a family. Because he had by that time remarried and had another child. But with me she would not have a family. So in her best interest, I decided to give the child to him, in January of 2008. She was eight years old then.

Marriage #2: Practices of *Qiwamah* and *Wilayah*

I was living in India; I had left my educational program, lost my money, lost my child (though my child was still there when I met my second husband), and I had lost my courage. I then decided to find out what I should be doing, and I discovered there was a need to serve women with disabilities. So I opened my own centre, and developed it. I opened a school as well as a centre. But I closed the school as I felt there was more need for the centre.

During all of this, one day my daughter fell ill. There was this maid who suggested to me that there is this *baba* (holy man) who I should take her to, and he will pray and she will be alright. So I took her to this *baba*, and he told me that she was possessed by an evil spirit. He gave me the treatment of how to break the spell. I remember that night I had to go in a far lonely place to some *dargah* [holy place, usually the shrine of a saint]. The treatment was to take flowers, put them in boiling water, let the water cool down and then pour it on the child. There was also something to do with some *taveez* [a talisman containing verses of the Quran that is worn around the neck] or something, but I did not believe in all of that.

My second husband was a relative of the *baba*, and he said he will come to my house to see if there is any evil influence. When he came to my house he also saw the centre and told me about his brother who also had special needs. He told me he wanted to volunteer and that he was good with computers. We needed to do the website for our centre, so I said he could do the website. He then began to come regularly, and my child used to call him Uncle and was getting attached to him. And then what happened was that this legal battle was continuing and he advised me to give the child back. Then when my child fell sick, I wondered what was in the best interests of my child. I asked myself how long I would continue with these battles. So, I decided to give the child back.

When I gave the child back I was so depressed and lonely that I gave the child back in January, and in February I got married to this man. He spoke nicely to me, he was intelligent and knew how to do things, and he liked me. I also started liking him and we became close and then we got married. I never checked out anything. Maybe I was in depression because of losing my child. Another reason why this happened maybe was because . . . you know, as part of the centre I was running, there was also this beauty centre where the whole idea was beauty is in the heart and not in the face. So, for example at the centre there was this woman whose face was burnt. She practiced at the centre and worked as a trainer. People did not mind getting manicures and pedicures from her.

So there were these police guys who would come to the centre and insist that the women do massages for them. We were all women at that centre, and I felt very insecure. I felt the need of a man to protect me. And I guess I thought, here is this man who likes me and if I marry him I would have that security/protection/respect of a married woman, and not a divorcee, who men would want to take advantage of.

It was only after I got married to him that I found out that he was married before and had seven children. After I got married, there was this conference in the States and I asked him if he was interested, and he said yes. So, I said okay, send me your passport copy and that is when I saw that he was married. That is when I asked him and he said, “Yes, I am married and have seven children.” He just said yes; he did not defend it.

Although I felt cheated, we had an agreement. For me it was okay even if he was married; at least he was coming to the centre and he was protecting me. He came to the centre in the evenings and left at night. That was okay. At least his presence was there. I felt I was married; it was okay. I was respectable now. No one was eyeing me. There was this guy who used to make crank calls to us, and my husband called him back and threatened him. So I know that there was somebody protecting us. I was okay that he used to come in the evening and leave in the night. But I knew that my family would not accept this, and so we had to keep our marriage secret from my family. So, we agreed that we would not tell my family.

Then one day he said to me that the center was so far for him and suggested that we get an apartment for the two of us where we could have privacy. Up until then, we used to stay at the centre. I said that I must tell my family. I also asked two things of him: one that he tells his wife, and second, that he spend more time with me.

When he told his wife, she was angry and she cried but eventually she took it well, since her father had two wives who were living in the same house, so she was used to that culture. Also, from the very start she knew that her husband would marry a second wife. He said, "I always used to tell her that I want to have two wives. Even when we were poor I used to tell her go and see so-and-so girl for me."

When my mother-in-law was sick she came to spend time with me (my in-laws knew about me), and at that time, the first wife came to see the mother-in-law. She was okay with me. We went to the park, all of us with the kids. The kids played while we talked. She bitched a little bit about her husband, and said that if it was not me then somebody else would have married him. I asked for her forgiveness and she said, "It is okay," and that she was used to all of this. So, it made me respect her that she accepted me. Now that I no longer had my daughter I got attached to their kids. I saw my daughter in their daughters and I saw a family.

He did not look after me financially, nor was he there emotionally. Throughout the four years of our marriage he was not there emotionally for me; he took no responsibility. There was no fairness or justice. He only used to stay two days with me and the rest of days with her. He did not financially support me in any way. Never once when he came over, did he bring anything for me. Physically, yes, perhaps he was taking care of me, or I was taking care of his physical needs. Well, after six months of the marriage, I left for Canada because he told me to go away. He told me that I should go and pursue my dreams. He told me that we believe in hijra, and given the security situation with Hindus and Muslims in India, it would be good for both families.

But later he told me that if I had not come to Canada, he would have killed me since he was not used to being told what to do and what not to do. That is what he said. He said that he told himself that if I go to Canada, I would find someone and get married again and go away. That is what he told me. I do not know why he sent me away without clearly communicating that he didn't want me. So, I left my centre and all my things there, and they were all utilized by them. I do not know what he did, but it was sure that he did not want me, and therefore sent me to Canada

I do not know if it is the male chauvinistic society that automatically gives men the control, or perhaps it is the women who give them that control because it has been the norm and practice over the years.

When I was living in Canada, I tried to contact him and for a year he did not talk to me. I called his brother in Trinidad; I made expensive direct calls pleading for him to forgive me. Then he finally started talking to me. Then after six months he would fight with me and not talk. This went on for a long time. He never called in all that while; I was the one who called. He never even called to tell me that his

mother passed away. And when I called he would talk briefly and then hand the phone over to his wife. And when we did talk he would say, "I do not want this to be a lengthy conversation."

I would send a lot of things for him, his wife and the kids. I would remember the kids' birthdays and mail packages to them from here. I would even send her lingerie from here. She would talk and tell me what is happening in the family with the relatives. She was more like a good friend and a sister. It never even occurred to me that she was my husband's wife [so she should be my rival].

I came to Canada a second time in August 2008. I went back to university in London, Ontario and did a diploma in Public Policy, Administration and Law. After I finished, I got a job and worked for a while. However, my contract soon finished and I went back to India in 2011. My brother was supporting me but he could not do it endlessly. I was not sure what was happening with my immigration also. So, I thought it might be better to go back to India and do something there. And also, my ex was calling me to say that I should come back, that his family's immigration to Saudi Arabia was coming through and that he may move.

For the first two to three days, things were good. I was happy with my decision. We were all living together in the house. It was a small house. Near the bathroom was the children's room and next to that was a storeroom, and they converted the storeroom into a room for me. At least we were living as a family together.

How it all started was that one day, he and I decided we would work on something and I started writing. He was with me, and the first wife came in a very angry mood and screamed at me in front of him, and I was not able to understand why. We had just decided the day before that she and I would spend alternate days with my ex. However, the day that he was with me, I got up to go to the kitchen at four in the morning—the kids go to school at 7, so I had to prepare their breakfast and lunch—and I saw her sitting there crying, and I was not able to understand what was happening. She is the one who approached me to say that we were there together to look after our husband, and then, she was also the one fighting with me. I could not understand. The fights went on; she would scream at me in front of the relatives and in front of the kids. Her abuse continued where she would scream at me in front of everyone.

Initially the first time she screamed at me, he reacted by saying, "You called her here and now why are you getting upset?" She would pick up on small faults and say that I am good for nothing and I do not know how to take care of the house and all those sorts of things. I said, "You know everyone has their own skills, why are you upset at me?" She said, "I called you here and expected you to look after the house." So, I told her if I cook for so many people, I do not know if they would like the taste of my cooking, and if they do not like it, then the food will go to waste. I was helping with the responsibility of looking after the kids, their clothes and homework and doing the groceries, whatever, other household responsibilities that I could help with, I did in addition to helping him with the business. But she did not understand.

I spoke to some of my friends and they said it is just her insecurity, and the way to deal with her is to accept whatever she says. So whatever she used to say I would just be quiet. Even if it was not my fault, I would just apologize to her, hoping that things would be resolved and there would be no conflict. However, it did not stop; it continued to the extent of violence. I tried texting him so many times so he could explain to her. I did not come from a background where people would even speak loudly, so for me it was a different background where she screamed at me. However, I thought it was because she was not educated and not polished.

Initially my husband was not abusive towards me, but he was a silent party to what was happening. He stopped coming to me and stopped talking to me. As for sex in our marriage, when I wanted it he would not be willing, and when I did not want it, he wanted it. He would wake me up in the middle of sleeping, excite me and when I was excited and would ask for it he would go back to sleep. He would just have it whenever he wanted it

There was no peace in the house. She would be violent and abusive and put the blame on me. He stopped communicating what was wrong and would just be with her. I felt very alone. She once asked the kids to throw stones at me, so I ran inside and shut the door, but they came to hit me.

She would just scream all the time. I tried many times saying, "Listen, if you have any problems with me, then let us discuss them in private instead of just screaming." But she would just scream, saying "I got you to help me here. If I wanted I could have got any city girl." I told her, "Listen, I am not a servant, and why are you treating me like this? I thought you were okay with it." She said, "You do not know how it is to see your husband shared in front of your eyes."

Divorce #2: Ramifications

I told my ex, "Listen, this is not working. I will move out, take an apartment and start working. People are abusing me, I have no food, and you don't come to me, so what is the point?" So he said Talaq. I told him to divorce me in writing and give me three talaqs together. He said, "We do not give three talaqs together, and there is an 'iddah you have to do in the house." He also told the kids to be cautious and not come near me since they feared that I would harm the kids. It was very painful; it took three months, and I had to put up with his behaviour and her harassment—she would stand in front of my room and call me a prostitute. She abused me so many times and I remember I spent so many hours talking to her, shopping for her in Canada to the extent that I would send her condoms! I asked the sister-in-law why she was behaving this way, and she said that it is because she was no longer getting money from me.

The wife would also keep on threatening that she would leave and he would have to look after the house. She had all the power. Her mother lived with us in the house; her father visited every day. And who was I, what was my position—an outside lady he got for his pleasure and kept in the house. That is what I felt like. She was not able to cope with it. She had her husband to herself and now she had to share him with me. When he praised me or the kids praised me, she could not take it. Initially she would be quiet, but then she would abuse me or belittle me; it would come out.

So, after the first *talaq*, he told me to do 'iddah for three months. In those three months, I also found out that they had plans to kill me. I was desperate and told him that I was willing to do anything he wanted. So, he made me sign a blank piece of paper. My sister-in-law said he was preparing an agreement with lots of clauses in it. I signed the agreement, which said that if I break any of the clauses, he is entitled to divorce me. When I signed that, the next day she had a very big fight and told me to get out. The fight was that she was not there and I did not give food to him.

So the agreement said that if I break the clauses he can divorce me, and the main clause was that I had to stay in the same house. There were other clauses, such as I would have no claim on his movable and immovable property, I would have to accept the *Sunni* faith of my own free will, I would not talk to any of his friends and family, and I would be obedient and respectable to him.

Because she told me to get out of the house, I packed my bags and moved out. I went to my brother's place. I had forgotten a few things, so I texted my ex to ask him to please send them with the servant. So when the servant came, he said, "Your ex said that if you contact him, he will cut your throat, and

you are divorced, so don't text him. Call him or message him." So I was divorced, but I did not have a piece of paper that proved that I was divorced.

What does a family based upon equality and justice look like in the 21st Century?

I think more important than the roles, is equal respect. Respect that the husband and wife give to each other is imperative.

Nowadays both have to be earning members. One cannot sit at home. When it comes to household responsibilities, there needs to be a division of labour. We all know women tend to work more and for longer hours than men. It is important that they both contribute equally to the household work and take care of the children. If not equally, the husband has to support the wife. That would be how I see the family in the 21st century. It is important to respect each other's opinions, differences, ideas and values—respecting them not demeaning them."

Resource Person #2 [Samina]	
<i>Nasab</i>	Samina's father was the primary provider. She and her mother were dependent on her father. Though the father allowed her to go to college, there were many restrictions on her in terms of the people she could talk to, or be seen socializing with.
<i>Mahram</i>	Samina faced strict restrictions by her father and other family members.
<i>Nafaqah</i>	Samina married twice. Her first husband took care of her financially, while her second husband did not maintain her.
Marriage Contract	For the first marriage, a standard marriage contract was used and was carried out according to the norms of her community. The second marriage was a polygamous marriage, and according to Samina, was done in keeping with Sunni marriage law.
<i>Mahr</i>	Samina's first husband gave her much more than the stipulated mahr.
Head of the family	In both cases, her husbands were the head of the household.
Polygamy	Samina's second husband married Samina as his second wife. At the time she married him, she did not know that he was already married. Initially Samina got along with his first wife; however, towards the end the husband and his first wife abused Samina.
<i>Talaq</i>	Samina's husband made her sign a contract that stipulated that if she left his house she would be automatically divorced. She escaped from his house to save her life. Therefore, according to the contract she signed, she was divorced.
Post-divorce right to custody	Samina had a child with the first husband and gave up custody of the child to the father. There were no children from the second marriage.

Discussion and analysis

The influence of gendered *qiwamah* and *wilayah* elements feature prominently in the life story of Samina with appalling consequences and suffering.

Despite having parents who were relatively progressive and displayed elements of a modern lifestyle, Samina nevertheless grew up in a traditional Indian household, marked by gendered social constructs of familial roles, where religious understandings interacted with cultural beliefs and practices. As Samina notes, these were roles that she did not challenge but instead accepted. As she says, "While growing up, I thought the power structure was appropriate, because that is what I saw around me, not only in my cousins but also in my larger family. I never questioned it."

The formative years of her youth in India were spent with a dominant, traditional father who served as religious leader and head of the household. A theme which is reflected in the stories of Naeema, Amina and Lila is the role of the community. As Samina says, "During my upbringing, I always felt that my family gets influenced by what others have to say."

While communal accountability and extended familial intervention are social dimensions which feature prominently in South Asian communities and households, we wonder whether Samina's family's desire to appease and seek approval from the community was linked to her father's role as a religious leader. Her family had to be a model family that acted within a certain set of culturally and "religiously" prescribed roles.

In the earlier portions of Samina's narration, we are given insight into this community, which includes her extended family, who reinforced the cultural gendered expectations of the type of girl and woman she should be. This is evident in the opposition that family members expressed towards her education as well as her socialization with certain types of individuals. The familial and communal pressure culminated in a devastating and unhealthy understanding of the self.

As Samina admits, she was confused by the contradictions around her and did not enjoy being a girl because as she states, "I felt that men in society put too much pressure. If I were a boy, then no one would tell me to do anything."

In direct contrast to the story of Naeema and later Noreen, Samina did not develop a strong sense of identity. She had little self-confidence and accepted *qiwamah* and *wilayah*, or male authority and guardianship. Her compliance meant that she did not challenge the oppression she faced.

The personal struggle for Samina to express her own individualism and autonomy is lost when she continues to appease the demands of her community. This culminates in her decision to marry, as she saw marriage as a means to freedom.

Muslim family laws or *qiwamah* and *wilayah* were not explicitly drawn upon in the establishment of the earlier years of Samina's first marriage, which can be described as emotionally and psychologically abusive. However, it is likely that within the context of the Indian Muslim community in which she lived and her in-laws' household, *qiwamah* and *wilayah* overlapped cultural patriarchy and served as the underlying narrative.

Similar to the story of Naeema, this understanding also means that a daughter-in-law must remain passive and obedient to her new family; an example of this is when her sister-in-law did not approve of what she fed her own child.

The violence and abusive dynamics in her life bore devastating marks on her personal and private life, resulting in thoughts of suicide. She internalized all the criticism. As Samina says, reflecting back on her life, “My husband is so high up and I am so low, so what is the solution?” This absence of an empowered self seems to remain today, as Samina maintains that the divorce was a mistake and that she should have tried to work through it. This sense of her failure is pervasive, in spite of her husband’s infidelity, and the emotionally corrosive nature of the marriage.

Sex in her first marriage was best characterized as a wifely chore, rather than a satisfying experience for her—a theme that is featured prominently in the later stories of Amina and Lila.

The Ismaili community arbitration council was used by the husband to obtain child custody. Although her husband initially established that he did not want to have the child, he decided to use the council to try to obtain custody of the child, while she was living in Canada and studying. Reflecting on what she paints as a very stressful process, the council exercised pressure on her to return to India and deal with the issue immediately, even though she had just financially committed to a graduate program in Canada.

The example she gives of the first husband demanding she has sex with him before marriage to prove her virginity, demonstrates her innocence and gullibility in such matters. It is surprising that her female relatives played no role in explaining the strangeness of this demand.

While not directly attributed to *qiwamah* and *wilayah*, the male obsession with virginity is part of a larger cultural and religious structure that emphasizes the purity and virginity of women.

As a result of emotional and economic vulnerability, accompanied by the internalization of feelings of unworthiness, Samina accepted the patriarchal and *qiwamah* and *wilayah* narrative of the need for male protection/guardianship. Her second marriage was similar to the first as both were abusive, but she was able to leave the first marriage.

Samina unknowingly entered a polygamous marriage, but later accepted it. The use of Muslim family law led to further abuse of Samina.

The status of being married seems to be very important to Samina. She willingly decided to continue in the polygamous marriage and agreed to a marriage contract which had restrictive/oppressive terms, including the suspension of her right to property. Her efforts to befriend her co-wife and be a mother to her children are aspects of her submission to the demands of polygamy.

Samina’s current stress is that she is unsure if she is really divorced by her husband according to Muslim family law. She is in a vulnerable position, for with no proof of divorce, she is unable to ask her husband for any financial support.

Conversely without proof of divorce there is the possibility for her husband to make future claims on her property or wealth. Moreover, the ability of Samina to remarry is questionable and cumbersome. The concepts of *qiwamah* and *wilayah* were again abused by both husbands. In the polygamous marriage, the man, although employing patriarchal readings of religious text to justify taking a second wife, did not adhere to the religious ruling of the practice, which demands that the husband spend equal time and resources on both of his spouses.

As Samina’s story clearly establishes, he did not provide for her economically; instead, it seems Samina’s husband used the second marriage primarily for the purposes of sex, where again patriarchal understandings of the man’s right to intercourse were exercised.

Samina's story demonstrates the gap between theory and practice between *qiwamah* and *wilayah*, gendered readings of *fiqh* and the lived realities of Muslim women. Some blame lies with communities that enable patriarchy and gendered oppression.

Resource Person #3 [Safia]

“At that time, I felt that even though I carried this boy in my womb he is not mine. He belongs to his father’s family. I felt that the power is going to the man’s side, not me; they will decide and not me. I never felt this way before.”

Safia is originally from Somalia and came to Canada in 1993. She left Somalia in 1989 and went to the United States for graduate studies. Within a year of her leaving Somalia, her country underwent a civil war and she was unable to return. Safia’s husband was already in Canada studying, so she applied for refugee status and stayed in Canada. She has four sons who joined her and her now ex-husband two years later in 1995. At that time the boys were 8, 7, 6 and 4.

Parents/Childhood

I had 14 siblings, five brothers and nine sisters. My dad had a polygamous marriage. We all lived together in two big houses and my dad lived in the middle. My dad also raised a lot of the relatives of my mom and his other wife. My dad raised nearly 37 people. Eleven of my siblings studied in the States, and were in the States when I went there. Some of them stayed in the States and immigrated there.

When I was little I knew that my dad was the authority, since he was the breadwinner, although my mom also worked as a nurse. But my dad was the authority. It was 100% a Muslim country and automatically, it was the father who would take care of the family. I did not even know at that time what patriarchy meant—although I had studied Italian and *patri* means dad. I never questioned that since in my culture that was normal; it was a patriarchal society and the man was at the top. But when I became a teenager, sometimes my older brothers tried to show me their power and I would challenge them. One time, when I challenged them, my dad told them off and said that I could do whatever I want. From that day on, I felt that I could stand on my own and do whatever I want.

I was also raised by my maternal grandmother. Her last husband passed away when she was 35 and she never married again—she had married twice. And since then, she was a single mom with three children. My grandmother became the leader of a *Sufi silsila* and became a *Khalifa*. She built a school for women and nearly 5,000 women graduated from it. So, my grandmother showed us that women can do anything.

She had her own business, she ran schools and a place where women could come and get information on religion. She showed them that male interpretation of the Quran is different than the way women would interpret it. She would do this by inviting male religious scholars, *Sufis* and women to debate each other. The women would ask the men why they have to do this or that. It was amazing the way they opened up. The women challenged the *Sufis* and that is also how my grandmother earned the position of *Khalifa*.

My grandmother, not only learnt how to read the Quran literally, but she also learnt how to interpret it and understand its deeper meanings. She went to Yemen for two years to study the Quran. My grandmother also spoke Arabic very well. She understood that the Arabic language says, and what the Arabic of the Quran says are two different things. She found out a lot of things that women never learn. Most scholars use the *hadith* to give us explanations and rationale. However, most of the *hadith* are from men and interpreted by men.

She also told us about polygamy and that when Ali wanted to marry another woman, the Prophet got angry and said, first you will first divorce my daughter. What does that mean? It means that unless the husband can treat the multiple wives equally, the Prophet did not allow it. And the Quran itself says,

“And we doubt that you can do that,” but people do not quote this part; they only talk about multiple wives.

I was very lucky to have had strong female role models in my life. My grandmother was a strong woman and raised her daughters as strong women. There is only a 17-year difference between my grandmother and my mother, and when my mother was 22 she had me. My grandmother was only 40 when I was born. She taught us a lot of things. For example, a lot of people within the Muslim community these days are saying, “Oh, so-and-so is a *kafir*” or “This and that is *haram*.” My grandmother taught us to know our religion first before going around and saying such things. Those people do not know their religion themselves. They need to educate themselves first, know what is your right, and only then can they advocate. The other thing I learned from my grandmother is that you cannot differentiate between people on the basis of religion. Even if they are Christian or Jewish, you have to listen to them and not judge them.

My mother was also a strong woman. She was the first or second woman who built a Somali women’s organization. My mom was a nurse and also an activist at the hospital. She helped the other women get organized.

My father was pro-feminist and loved his children. Although he had a polygamous marriage and tried to be extremely fair to both wives and families, he explained to his daughter that it was part of culture and he would not recommend it to his children.

The big difference between my dad and other dads was that he believed in women’s rights and gave them a high status. He wanted his daughters to be lawmakers, lawyers, doctors, etc. He educated all his daughters. He used to say the best investment you can make in your life, is to educate your children.

He also believed that for himself. At the age of 31 he got a scholarship and went to study medicine to become a doctor. My dad was an orphan and a self-made man. He worked as a nurse for 15-20 years and then went to Italy to study medicine to become a doctor.

When my dad made his will, he gave his daughters and sons the same. He gave during his lifetime. My oldest sister was the one who drew up the will and oversaw everything. My dad said, “It is my money, and I will do as I want” [give his sons and daughters an equivalent amount]. He also gave equally to both his wives.

Marriage/practices of *Qiwamah* and *Wilayah*

I got married after I graduated in geology, when I was 21 or 22. I met my husband when I was 18 and in the first year of my undergraduate degree. My dad had a problem with the marriage because he did not want me to get married at all. He wanted me to study further and do my M.A. and enjoy life. That is what he told me when I was getting married! He said, “You will never enjoy life and will be stuck.” And now in hindsight, I see that he was right. At that time, I just wanted to get married. My dad told me not to.

My husband did not have anything. He was not from Somalia; he was an agriculturalist from Ethiopia. I was the daughter of a doctor and my family was very different from his. My father first wanted to send me away to the States to study; he said he would give me money to do my M.A. He tried to bribe me a little bit, but I said no.

In my culture when a man wants to marry a woman, his tribe has to come and talk to the girl’s dad. At that time, you have to give your *wilayah* to your dad since he is the one responsible for you. So, my

dad and my husband and other relatives sat together and discussed the *nikkahnamma*. I was not there when the *nikah* happened; my father was the guardian. He did ask me about the mahr before, and I said all I want as the *mahr* is the Quran. When we got married, we were both young students and did not have much. Also, if I had asked for a large amount of money for the mahr, their family would not have accepted it.

In my country, the *Hakim* [Judge] tells you to quote a reasonable sum that the man can pay as *mahr*. Also, it depends on whether the tribes of the couple are related. If both spouses come from related sub-tribes, then the husband pays less, but if they are not related, then the husband pays more. Normally the father comes to the bride in advance and asks what she wants. The *Hakim* is the one who decides whether the demands are reasonable. Then the dad comes back and says what has been decided. I had no conditions in my *nikkahnammah*. In terms of divorce, Muslim/*Shari'ah* law only requires the man to pay three months support. I thought at that time that if divorce were to happen, I could take care of myself and do not need anything from him, so I had no conditions. When you are young, you do not think about these things.

My husband was a vet. He was also teaching at the institute of veterinary sciences. Life was different initially with my husband. We did not have a lot of income, it was not the way I was raised, but when you are young, you do not care. So my dad gave us a house. That was very nice of him.

My husband and I never had issues with who should be the head of the household, since he never brought his family into the marriage. When we were dating, I made sure that our families were not brought into the marriage. Both of us decided things in the house 50/50. Don't forget, I come from two generations of feminists. We did not have any problems or tensions. We never disagreed on that.

And I found that he was also very respectful. He had six sisters. His dad was not polygamous and so had only one wife. So, it was a different environment that he grew up in. He was like my dad that way. He was pro-feminist and would support what I would say. In fact, some of his relatives would even get angry whenever he would say, "My wife says we should do such-and-such."

You know, in many cultures the husband decides; many cultures are patriarchal. So, my husband's relatives were offended that his wife was making the decisions. But no, he was not like that. I myself grew up in a capital city where there were many cultures, and my mother and grandmother already paved the way for me. I look at young people here. They do not care and they take it for granted. The other thing concerned money issues. We both had our own incomes and had a joint account. In the joint account, we used to contribute 50/50. Sometimes I remember I would give some more; the oil companies I worked for would pay you extra if you travelled, for example. So sometimes when I did earn a bit more, I would contribute more.

Every decision was 50/50; that is what I felt marriage was about. He also never said that because he was a man he must have more than I. But when I went to my friend's houses, I sensed that their husbands behaved in that way with them. However, I was very lucky because early on, through my grandmother, I learned about the privileges of patriarchy and I was aware of all that.

Also, our culture is a nomadic culture, and I think that also empowers women. That is where my grandmother came from. What happens is that the man is not around for six months, and it is the woman who manages everything.

If you look at most societies, it is men who have the power because they are the ones with the money. The woman has no money and also no power. Luckily for me, when I got married I was working and had my own independent income, so he could not put me down.

The other thing that helped us in Somalia was that we were socialists. I think socialism also helped with the status of women. It gave women jobs; before that, they did not have jobs. It was mandatory that all people work, including girls. So, it gave women some power and allowed them to have share in the household expenses. I think that the socialist ideology helped to empower women economically within the household.

Divorce: Ramifications

The biggest thing that happened was that we never communicated. I did not know what was wrong, or why he was distant. One night I came back home and found him talking on the phone. He was behaving in a childish manner. He ran upstairs while on the phone and shut the room. I did not know what to suspect, and after that I said we needed to talk. He kept on saying, "Okay, tomorrow," but he kept on avoiding it for three months. And then, one day he said, "Life is difficult here. No one loves me in this house. I am used as a scapegoat." I, however, did not say anything at that time.

There was another big issue. It was with one of my sons. My husband's mother wanted my son to marry one of their relatives, and they did not consult me. They just decided amongst themselves. My son at that time was working in Kenya, and they just arranged the marriage. When I asked my husband, he just said that it was not him, and that his mother went ahead and arranged it on her own.

I think he was okay with the marriage, but did not want to show it. This was the first time I got an indication that I could not trust him. This was 22 and a half years into the marriage. Before, I never suspected, or I just never wanted to see. I was 41 years at this time.

I realized that even though I had carried this boy in my womb, he is not mine. He belongs to his father's family. I felt the power going to the man's side, not mine; they will decide and not me. I had never felt this way before. And I said, "Oh my God, this is patriarchy, that they can even neglect my input as a parent." My boy was shocked too. I know my own mother would never do such a thing. She would say, "Okay, let me talk to my daughter first, and let her decide." My mom would not do such a thing because she was raised by a single mother, and she would never do this to a woman.

However, who allowed my mother-in-law to do such a thing? My husband. He is the one who did it. He could have said, "No stop this, let's ask the mother, perhaps she does not approve." So when this happened, this is when I felt the influence of male superiority and saw that they have the power, and I thought I do not belong with the children. That was the breaking point of the relationship. I did not deserve to be treated this way. I felt they treated me in a very macho manner. I realized that I had to take care of myself.

That was the first indication that there was something wrong also with the marriage. When I tried to talk to him about these issues, he would talk about other things, but not the issue at hand. By this time, he was earning very well and I had left my job. Although I used to get some money through consultancy work, it was not much.

I think his mom showed him that he had certain privileges because he was the one who was the breadwinner, and I was no longer the breadwinner. So it was not him so much but his mother, and some other family members. But he could have also said no to them.

I do not know what brought about that change. I think age and then the other thing he felt was that I am a powerful woman, and he could not deal with it. His relatives also told him that I make the decisions in the house and he did not know how to deal with it. Perhaps he thought that the power ought to belong to him. He never said such a thing outright, but he did imply it. We had an argument once and he said to me, "I am no longer the man/the father of this house, and you treat me like an

ordinary person.” So I think there were some expectations on his part that I should treat him differently. I asked him, “Why are you treating me differently?” But he just kept quiet. He felt that I was a powerful woman, and that it was my way or no way. He felt that I was the only one who had a voice in the house.

I did not know this so I asked him why he did not say anything to me before. We had this conversation shortly before the divorce. Then on the day of the divorce he talked to me a lot about my son who had brought some of his friends to the house and they were drinking. So my husband was upset about that. But that is not just my responsibility. Our son is 21 years old. So I told my husband, “Why are you asking me? Go ask him yourself and tell him you do not want those boys to come to the house.”

So I told him that I do not like this arguing all the time, and told him to get out. I just got angry and told him to get out. After that he was screaming and he said, “I want to divorce you! *Talaq Talaq Talaq.*” So I said, “This is just the Muslim way. Get out! I don’t care!” He said, “Oh, you are not a Muslim anymore.” But I just said, “Get out. I do not care if you say it five times. Just get out.” I just did not want to have to deal with it anymore.

So he took his car and left. He called my cousin and my friends and they came and started pleading his case to me. I also learnt that my husband is good at playing the victim, since that is how he portrayed himself to them. So, they came and told me to apologize to him since that is what our culture expects. But I said, no, I am not saying sorry. He and I had 24 years; we were not just wife and husband, but were also good friends. I know that he had been planning this for nearly seven years. He is not the type of man who does things impetuously; he plans. When you live with a person, you learn their way of thinking. He is not a risk-taker. So for seven years, I think, he may not have been contemplating divorce, but he was thinking about separation.

I think what happened was that my boys had grown; they were teenagers and they were challenging their dad all the time. He was angry because he wanted to kick the older boy out. But I said no one will kick my boy out and that I would talk to him. So, he felt that I sided with the boys over him and he resented that. At one point he also told me, “You love your children more and take their word over mine. I am nothing to you, only someone who pays the bills.”

I was reading that many men when they get married become boys and want as much of your time and attention as young children. Also, some of the times the boys ganged up against their father. If I was sitting downstairs, they would come down sit with me, massage me and talk to me. And I think my husband felt that he was not welcome. But yes, he was a good father. He fulfilled his financial duties and other duties, as well. He used to take them to school, pick them up and everything. My husband was very responsible that way; he was a good dad.

Through my own example, I wanted to show my children that when they get married both husband and wife should work and share household responsibilities equally. When one of my sons was young, he used to go outside and play, and when he used to come back he used to boast, “Oh, I am the man of the house.” So I sat him down and asked him, “What is the man of the house?” I find society and those around us also influence us a lot. Our society is the one that teaches boys and girls that they are different and should be treated differently.

Although my children were brought up in Canada, the society here is also sexist and they pick up things accordingly. My boys were picking up such attitudes from others who were not even immigrants; they were born and raised here and had been here for two or three generations. As you know all societies are patriarchal. Especially the area in which I live. There are a lot of conservative, religious people, and therefore patriarchy is more structured and entrenched. I feel society needs to be educated.

I think outside forces created a lot of interference in my marriage, and that caused a lot of tensions. It took us three more years to end things. I eventually just took the step and told him enough and to get out. We lived in the same house for three years but were separated before I finally told him to get out. Even the separation, I had to take the first step. For the last three or four years of our marriage, when we were separated, I did not sleep with him. I think he resented that and was angry about it.

Post-divorce

Although he said *talaq* three times, we also had a legal Canadian divorce. Even in my home country, after the *nikah*, we went to the municipality to register it, and get a civil marriage.

He asked if we could settle the divorce amicably amongst ourselves as friends. We did not argue about anything and just filled out an application. But we did need to see a lawyer. So he called my lawyer, and my lawyer said that he represents me, and then we signed the certificate and that was it. We did not have any arguments. He just gave me everything in terms of property. Children were grown up, so there was no custody issue.

However, now I know that he kept the insurance and his pension. I could have fought him on that, but I did not want a nasty divorce. I felt that he is the father of my children and we will always be connected, so money is not the issue.

When we got divorced, I called all my children together and told them that he is still their dad; they should not disconnect from him and maintain their relationship with him. But some of my boys were angry with him and did not want to have anything to do with him anymore. So I explained to them, it was not right that they end their relationship with their father since this was a problem between two adults and not their issue.

However now that the divorce is over and done with, he has changed. Now he wants to reconcile and wants the property to be divided half and half. But I will not do it. Because when we divorced, he went to the lawyers and he signed everything, so he has no legal claim.

Polygamy

I felt my autonomy was taken away when my husband took a second wife. When we got married, our main aim was emotional companionship. So I lost that. I also felt what he did was very wrong. But now he wants to apologize. I think his wife is creating problems. I think he realized that the woman who shared the financial and emotional burdens, and who was out there working is better than one who is just staying at home and doing nothing and does not care.

I did not know about the second wife. Some of his relatives called me and told me about it, while we were still legally married. They told me that he did a *nikkah*. However, at that time I thought it was just propaganda and I said, "Who cares?" However, a few months after the divorce I got a call from one of my relatives who asked if I knew of his marriage. And I said, "It is okay, do not worry. I will be okay, I know my rights."

When we were sorting out the bank paperwork during the divorce, he told me that I have to give him \$25,000 so he could buy a condo. So I asked him why, and he said, "Oh, maybe I can marry one day hypothetically."

My boys told me he is saying that he made a bad decision, that he was stupid and he wanted to come back. But I will never take him back. My mom supported me through my divorce—she supported me psychologically and financially; so did my brothers.

What does a family based upon equality and justice look like in the 21st Century?

First of all, we need respect. That is most important. When there is respect between couples, then we can have equality. We need to have checks-and-balances and accountability in the relationship. Young women have to be very careful, life and marriage is not only about “Oh, I love you and all that,” but there are a lot of other things there too. Now that I am old, I understand that. What I need is not only to have sex but a partnership, and that partnership has to be equal. Children and women also need protection. A lot of families believe that if the husband gives the wife a house and other things, then everything is okay. However, it is not just about the material possessions; it is how he treats me.

Resource Person #3 [Safia]	
<i>Nasab</i>	Safia’s father was a good provider and encouraged all of his children, including his girls, to get an education.
<i>Mahram</i>	There were no restrictions on Safia by her father or by her husband on working and being active outside the house.
<i>Nafaqah</i>	Both husband and wife provided for the family. According to Safia, her husband was a good provider and father.
Marriage Contract	Safia knew her husband beforehand. The marriage contract itself was drafted by her father and the elders of the family. The marriage contract did not play a significant role in her life.
<i>Mahr</i>	Safia asked for a Quran as her <i>mahr</i> .
Head of the family	For the most part, there was no one who was head of household. Decisions were mutual throughout Safia’s marriage.
Polygamy	Although according to Canadian law, Safia and her husband were still married, her husband divorced her Islamically, and married another woman.
<i>Talaq</i>	Safia’s husband divorced her simply by pronouncing three simultaneous <i>talaqs</i> .
Post-divorce right to custody	Safia’s children were grown up and therefore custody was not an issue.

Discussion and analysis

Safia comes from a dynamic and unique background compared to the other women in our life stories. Although Safia grew up in a relatively traditional community in Somalia, in which Islam played a prevailing role, and in which polygamy was common, she found herself surrounded by an assertive and supportive family of feminists. Safia outlines how her grandmother was trained in religious scholarship and challenged patriarchal understandings of Islam.

Yet perhaps the largest influence in her life was her father, who served as a formative force in the development of her feminist identity. Safia proceeds to tell the interviewer of a case in which her father defended her against her brothers and how from that moment on, “I could stand on my own and do whatever I want.” Unlike many of the parental figures in the rest of our stories, Safia’s father understood that the empowerment of his daughter was not just about ensuring that she was educated, but actively showing and demonstrating his support for her.

Safia’s immediate family laid the formative foundations for her confidence, resilience and sense of personhood and inner strength that we see throughout her marriage and her post-divorce life, a key aspect which is noticeably absent in the previous life story of Samina and some of the stories that follow.

In her story, Safia relays to the interviewer that the household built by herself and her husband did not possess a clear demarcation of spousal roles based upon gendered assumptions and expectations, as seen in the previous stories. She describes her household as one in which decisions were made 50/50. Indeed, Safia’s case stands out as it remains the one life story where the respondent explicitly identifies her husband as being pro-feminist and supportive of her right to speak. This is in spite of living in a collectivist society where extended families play an active interventionist role in the lives of its members, signifying that even within the context of patriarchal structures, there is space for male resistance.

Echoing Naeema and Samina’s experiences of intervening in-laws and intrusive communal pressures, Safia’s story exemplifies how extended families and collectivist communities reinforce patriarchy and how women are complicit in the structure. In this case, male authority/*qiwamah* or *wilayah* were exercised through a grandmother who wanted to dictate when Safia’s son got married.

Yet what also features prominently in the story of Safia, much like the story of Naeema, is what it means to be a “man,” both within a secular context, and Muslim family law. Though many of the men called upon the concepts of *qiwamah* and *wilayah*, they only did so when it suited them. For example, many of the husbands were not the financial “provider”, or primary income earner in the marriages.

Within hegemonic understandings of masculinity and “manliness,” men are understood and expected to be strong, rational, assertive, protective and financially stable breadwinners and household decision makers. Safia believes her husband internalized this, and that it was also reinforced by the gendered expectations of the society around him, including family friends and community members. As Safia was earning more than her husband, she was seen as the more dominant figure in the household.

As Safia recalls, “His relatives also told him that I make the decisions in the house and he did not know how to deal with it. Perhaps he thought that the power rightly ought to belong to him. . . . We had an argument once and he said to me, “I am no longer the man/the father of this house, and you treat me like an ordinary person.”

Despite the role that *qiwamah* and *wilayah* played in Safia’s marriage, Safia’s divorce was dealt with in a civil, diplomatic manner, both within the context of the Canadian legal framework, and the Muslim family law framework. There were no issues with regards to property division and custody as we see in the life stories of other less fortunate women. Yet Safia’s story still illustrates the challenges and tensions of navigating Muslim family laws within the context of a secular country that has its own legal framework.

What is interesting about the Canadian context is that when Muslim men do not agree with the way Islamic law is applied, even though it is their idea to invoke it, having lived the majority of their married life in Canada, they will utilize Canadian law when it serves their interest. This is especially true in regard to property division and the attempt to gain access to 50 percent of the marriage's assets.

Canadian law and Muslim Family law are strategically employed as legal options when one set of laws do not align with the husband's interests. This is something we see in the story of Naeema, and also Safia, when her husband decided to re-marry and engage in an Islamic marriage, even though he was still married to Safia, according to Canadian law.

Safia "rejected" the dominant understandings of *qiwamah* and *wilayah* within the context of marriage and divorce laws. No doubt her actions reflect her strong feminist upbringing and her own confidence and assertion of who she is and what she believes in.

The interviewer did not have opportunity to probe deeper, but perhaps Safia's rejection is a reflection of her preference for the Canadian legal system. Safia has reconciled her two identities of being Somali and Canadian, as she has chosen to live by the law of the land.

On the issue of FGM, Safia noted, "In my culture it is called circumcision. It is part of womanhood. We think it is important that women be circumcised. If you look at history, you will see that patriarchy has had a lot of influence—men want small tight virgins to marry. In our culture, FGM is mandatory when you are between ages 4-6. This is the way to maintain virginity. Although my dad was a doctor, my mother a nurse and my grandmother an activist, I still had FGM done to me. If this is not done to you, nobody will play with you. They say, 'You are an Arab, you smell bad.' Society puts pressure." Safia has sons, so the issue of FGM Safia did not arise. Would she have done it to a daughter?

Resource Person #4 [Amina]

“It was a recipe. It was a mathematical formula. A lot of people writing these pamphlets were engineers and mathematics professors. Looking back, a lot of the stuff they told us— ‘This is what Islam teaches’—it was actually like a social experiment. They were trying to practice things here that weren’t being practiced in their home countries. They were trying to create this sort of culture-free, conservative, pure Islam that doesn’t exist anywhere, except in their minds. And we were the guinea pigs.”

Parents/childhood

Amina is a highly educated white female convert, who was born and raised in Ontario. She currently teaches full-time and has 4 children, two girls and two boys. She stayed married to her Muslim husband for 25 years, but eventually, after enduring continuous emotional abuse, and being informed that he had married another (Arab) woman, decided to prepare to separate from him and took her children with her.

“When you’re a teenager, you sometimes want simple straight-forward answers for the world’s problems, or your own personal issues. I was negotiating a lot of confusing messages that I was receiving. So I guess you could say that I was in the market for world-views that would account for all the problems, social and otherwise, that I saw around me, so that when I happened to run across one, I thought that this was the answer.

My mother was at home with us. We were 5 kids, and our grandmother lived with us as well, so it was a traditional setup even though they were not religious at all. My father had more of the power in the family. He was the one who made the money, he was the one who told her she couldn’t go back to school (after kids) and study, but he wasn’t overbearing.

This was the 1970s, small-town Ontario. I mean, it wasn’t so long ago. My mother used to tell us that she had always wanted to go to university, but her father believed that girls don’t go to university—they work for a few years, and then they get married. So in that way, my mother wanted us to have a different upbringing. She tried not to gender stereotype us, strongly encouraged me to go to university, and expected me to do well, but these were the 1970s, and I was certainly aware of typical gender roles... and that I didn’t fit into them very well.

I knew that my mother was more assertive, and that she was more willing to go against convention, to take up nontraditional roles—whatever normal is. She became a carpenter at one point; she wanted to get training to be a welder at one point.

But as a teenager, I wanted to be seen as normal. Social attitudes were changing, but I had definitely picked up the idea that women should get married. That if you failed to do that, you had failed as a human being—or you’re a lesbian, whichever is supposedly worse. It was very homophobic at that time, especially in small-town Ontario. Growing up, you have all these messages thrown at you, and you don’t know why people are putting all these competing messages on you.

My mother’s marriage ended when I was 15. I remember her saying, not to me, but to other women, how it was important for women to have their own financial resources, because if this kind of thing happens, you’re going to need it.

And I remember thinking; I'm not going to have to worry about that, because my life is going to be different. Part of me wanted the traditional setup—I knew I really wanted kids—but at the same time, I was conflicted about it.

As far back as I can remember, my parents had had separate lives. It wasn't really the way that they had planned it. It was due to a lot of circumstances beyond their control. They came from pretty different backgrounds. When they first met, their differences weren't that apparent. But once they had kids and got settled, I guess my mother realized he's coming from a different place. I think that he had been traumatized during the war. But in those days, you didn't get counseling for those things, you just pushed forward, and that's what he did.

Marriage/practices of *qiwamah* and *wilayah*

Several years after my parents' separation, I spent a summer living with my father, because I could find a summer job where he was.

As a first-year university student, my idea of fun was to go to the library and sit there reading until they tossed us out at midnight, reading about world religions and culture and whatnot.

I also went to different events on campus. At one of these student meetings, I met my husband. He was a graduate student from a Muslim country on a student visa. He was 8 years older than I was, had done military service, and had grown up in a dictatorship where disagreeing with the regime would put your family in danger. We couldn't have had more different backgrounds. Almost immediately, he pressed me to marry him. It went from eating fries and hanging out, and within 3 weeks, he was insisting that I marry him.

He was in the process of becoming more religious. He'd been in Canada for several years, and he dated and drank—though he would never eat pork—but he had started going to Friday prayers, and he decided that he needed to clean up his life. So, that meant not sleeping with Canadian women anymore and finding [a Muslim woman] to marry. But he was a poor visa student and had no job, and there were only a few Muslim families around—and they wouldn't have allowed their daughters to marry him.

At the time, I didn't realize that this was all part of a larger pattern—that all kinds of people were getting into these relationships in North America and Europe, and that there's a certain trajectory that these stories often take. I didn't know anybody else getting involved in the same kind of situation that I was getting into, so I didn't realize where this would likely lead.

So on one hand, I thought this is weird, why do you want to marry someone you don't know? Now, I look back and think—then you're not really marrying the person, because you don't know who the person really is.

Since he was almost finished with his degree, he might have had to go back to his country and be drafted. His family didn't want him to go back, and he didn't want to fight for a government that he was totally opposed to. But he'd also applied to do a Ph.D., so he could've managed to stay in Canada [on his own] for several years anyway.

But his reasons for marrying me were probably more complex than can be stated. According to emails I found later, he was explaining to his second wife why he had married me [our marriage became polygamous later]. He was basically telling her that he did it because he needed to stay in Canada, and he had thought that love would come later. So maybe he was just following a cultural script (for example, Love comes after marriage, not before).

I'm angry about the way things happened—his extended family, his friends, and the conservative Muslim families in the community and the degree to which they abetted what was going on [in these types of relationships], and justified it.

When we first got “married,” it was really an *urfe* marriage—just a man and a woman and some witnesses and they agree and you somehow make sex halal. But his focus was not on what the community would think. It would be what his friends thought—they were all male visa students involved with Canadian women. Two of these friends were the witnesses to our marriage.

As a woman who'd never be married before, I should have been able to have a guardian, but there wasn't anyone who spoke up for my rights in that situation. But we had a civil marriage. A retired minister married us so that we would have the paper. This was what I term a “*halal* meat ceremony.” Some of my convert friends had these too. The families are not involved. Friends are not usually invited. It's so that you're not committing *zina*, that's it. So there's nothing to plan, no wedding party, and no festivities.

Looking back, I realize that he never would have treated a woman from his own country this way. I had never dated previously. And I was in no hurry to lose my virginity. I was not interested in having sex before marriage. He was the one who was in the hurry. We had sexual problems from the beginning. I didn't want to consummate the marriage. I was afraid it would hurt. But it was not only that. I just didn't want to. I was fine with the kissing and cuddling, which was ok, but I didn't really want to go further. I found it frightening. He was insistent. He said, “That's what people do, and you have to.” I thought, “I'm married to him, so I have to.”

It was like, that's what everybody does, so you have to. There was really no idea then—that was the early 80s. So we all grew up with a strong idea of presumed heterosexuality, and a very narrow idea of what sexuality is. Nowadays, I read all this stuff and I see that there are people who are identifying themselves as asexual, and I mean, that was not something you could say back then.

There was no recognition that maybe there are some women who don't want to get married. There was no place for female sexual subjectivity. Everybody's heterosexual, and you exist to serve male sexual desires. It will fulfill you to serve your husband's sexual desire. Get serving! What more could you want?

We were taught, it's your duty as a wife, and if you don't, the angels will curse you, or God will curse you. And there can be no free consent in those circumstances. Sometimes I would be just too sick, or too tired, and I would refuse, and I would feel terribly guilty, like God is going to punish me. I mean, even if our marriage had been a good idea, just the ideas about sexuality that we were being taught were just so destructive. My ex was taught that sex is his right, and a good woman will always be compliant, and we were trying to live up to these caricatured ideas of how a relationship works.

Anyway, I had done enough reading at that point to know that Islamically speaking, we were not really married. There was no marriage officer, no Imam, no Islamic documentation. We hadn't had the true Islamic marriage, so later we tried to figure out how to do that. And a friend of my husband was getting married by an *Imam* from *Jami* mosque, so we approached him, and explained the situation. He agreed to do it until I explained that I wanted the marriage contract with conditions, and then he got really upset.

The *Imam* said “This is disgraceful. You should be ashamed. You obviously don't trust your husband,” and he would not marry us. So we managed to find another marriage officer who agreed, though he was still pretty reluctant. He said, “First, if you think this contract is going to protect you, it isn't, and

secondly, if there's a problem between you and your husband, this contract will not save you." He pretty much hinted that if you're trying to change the contract, there must be serious problems here.

My conditions were that I stipulated a \$1 mahr to be given immediately, that I never collected—it was a token—and \$5000 in case of divorce or widowhood, the idea being I wouldn't be homeless in case of divorce, and that I could at least pay rent for a couple months.

Also, that any divorce proceedings would be carried out according to the Quran and *Sunnah*. I didn't want the 3x *talaq* to be allowed in our marriage. Some scholars say it is valid, so I wanted it to be clear for our marriage.

Also, that in the event of divorce, the children go to the mother (*Malaki School*), until they're married. In other words, I didn't want to be held hostage in the marriage because of being afraid of losing my kids.

Also, that I would be able to control my own money without his interference, but that turned out to be a joke, because according to the *Malaki School*, a woman cannot spend more than 1/3 of her own money without her husband's consent.

Having chosen the *Malaki School* for divorce rulings, though, I didn't want it in case of property.

I tried to stipulate no more wives, but the marriage officer said that I couldn't prevent my husband's right, what God has allowed for a man, and that I was very impious.

So I tried to protect myself and my kids. But it didn't work. My ex didn't even feel morally bound by it. I never collected my mahr. At one point, even though I had stipulated divorce through Quran and *Sunnah*, he swore to his nephew "by my *talaq* if you do such and such, I'm divorcing my wife." In other words, this situation—which had nothing to do with me—was his way of blackmailing his nephew. And it's valid according to Islamic law—if the nephew had done what my husband had told him not to, my husband would then have divorced me. And then his nephew did do what my husband told him not to, and I thought, am I divorced or what? This is so degrading! I'm property.

So creating stipulations in the marriage contract didn't work for me. Part of the problem is the idea that women are not entitled to these rights unless they've got the foresight to stipulate—but even then, there is no repercussions if the husband fails to go by the contract.

It wasn't just him—there is a wider community that aided and abetted his disregard. The community basically told him, you don't have to bother with this. You're the man, marriage is all about you and what you want, and if it inconveniences you to follow stipulations in the contract, then it doesn't really apply to you.

In the end, it was framed narrowly. We were working within the context of Islamic law, but what I didn't understand at the time was that the courts won't take some things into consideration, such as child custody. And it seems that the contract only holds in the judgment of the husband and the community—whether you're a righteous woman or not, and therefore, whether you "deserve" to have your husband stick to the agreed-upon contract or not.

I'm angry the way things happened—the way his family, extended family, friends, and the conservative Muslim families in the community, and the degree to which they abetted what was going on, and justified it. A lot of the scripts we were trying to follow were harder on men than the women—

they made it so that he couldn't be honest with me, he couldn't talk to me, before he started looking for another wife.

For example, I would wonder, why doesn't he want to be with me? Even for our social circle, the amount to which he would not want to be with me was strange. I would ask, why don't we sit in front of the TV and hold hands, why don't you kiss me? And he would say, in our culture we don't do that. This is inappropriate. Especially once we had kids. We can't do that in front of the kids. But once he got another wife, I realized, he's doing all that stuff with her.

I felt betrayed, and I realized that he just couldn't be honest. You follow the role that's been passed on, according to the *hadith*, the Quran, the community leaders, the cultural scripts, but then, you can never be honest about how you feel. Because if it's not working, it must mean that you're not trying hard enough. So I think he was feeling trapped by that.

But he also used these scripts to empower himself—in any given situation, you use what you've got. But women did that too. The power that we did have, we used it. Usually against others. How are you going to survive? Does doing this get you personally in a better place? And not thinking about how it might affect other people's lives.

When it came to *Aqiqah*, I refused to go along with it because there are some *hadith* that say 2 goats for a boy and 1 for a girl, and others, like the *Maliki* school, that says it's one for each. So I stood against the *Hanifis*.

Polygamy

My ex had some friends abroad who were very wealthy and had taken second wives. The woman that my husband decided to marry had been introduced to him through these friends. She had been married, was divorced, and had several children with her ex-husband, so my husband justified it by saying that he was following Sunnah by helping out through a divorcee, as well as claiming that polygamy was my idea in the first place.

In our Muslim community at the time, you couldn't come out and say polygamy was wrong or that you don't accept it because it's in the Quran. That would mean you were a disbeliever (although slavery is in the Quran too). Also, there are these terrifying *hadiths* that say there will be more women in Hell than men because women are not grateful enough to their husbands. And I didn't want to question, why do I not feel that there's anything here in my marriage?

I knew one convert whose husband beat her. So I had low expectations. I believed that I should be very grateful that my husband doesn't beat me. So I could never ask myself, why do I feel something's missing? Because then I would feel that I'm not being a good believer, I'm asking for what I can't have, I'm not being happy with what I do have. But at the same time, whatever you really want will float to the surface in the end. I wanted emotional intimacy, and I wasn't getting it in my marriage.

I knew some people who wanted to remarry. Basically, if you were a convert who had divorced, you were no longer a virgin, so you're used goods, and you could only marry a Muslim man, so who would want you? There are no options there except to marry a polygamist or a divorced man.

One female convert friend of mine told me, "It's every Muslim woman's duty to share her husband with other women." So I suggested to my ex that maybe he should marry her. Maybe it was a combination of my feeling that I had to agree to polygamy, at least theoretically, and my wanting to help out a friend of mine, and be closer to her. If we're both married to the same man, we'd be together all the time. I really should have asked myself, what does this mean, why do I want this connection to another woman? He didn't want to though. He wasn't attracted to her.

He didn't actually marry this other woman until 1999, and I didn't know about it until 2003. He was doing "research" facilitated by his "good" Muslim friends in the UK. By that time, I had had 4 children. He had recently come back to Canada, and he was jobless, and he was going to the UK to allegedly do research and find a job but basically, he was carrying on an affair, but what I saw from the emails afterwards, there was some sort of romantic relationship going on. So while he had told me that intimacy in our relationship wasn't important, it was something that was actually important to him, and he was having it with this other woman.

One day, the children were all at the table, eating dinner. The telephone rang, and they became very excited because they knew from the way it rang that it was long-distance, so it must be their father.

He told me, "I got married. I hope you don't mind. I'm going to sleep with her tonight." And I just couldn't respond. And then later he would say, "You consented. But there really wasn't much I could say. Especially with the kids around."

And the first thing that popped into my mind when he called was a *hadith* from Abu Huraira: that a woman should not ask for the divorce of her sister to fill her own cup because whatever God has decreed shall be given to her. So I figured it's *haram* for me to object. Several months before this happened, my husband had given me a book, *Polygamy in Islam*, that presents polygamy as an unchangeable part of Islamic law. And I didn't suspect a thing. Looking back, I can say that I had been primed to believe that Islamically, I didn't have the right to object.

But then after he hung up, I was left with the worry, what if welfare found out? At that point, we had been living in subsidized housing, and if they found out, we would be kicked out. It was really shaming. I hit bottom. So this is where we had ended up—I'm afraid of welfare.

I got myself on the list for subsidized daycare but knew it would be a while in coming. It was a great amount of pressure, being scared constantly that we would be found out by the authorities, that we would lose our housing.

That polygamy itself was illegal in Canada, and did not bear on me too much, since I had lost my sense of being Canadian in Canada a while back—looking back, the impact of putting on a *hijab* and marrying young cut my birth family off from me. They did not approve. They, especially my mother, did not like my husband at all. They tried to be polite, but it was clear that they had big reservations. They didn't like the fact that I was wearing *hijab* and that I had become zealously attracted to this religion.

His community totally does not trust government or official channels to solve anything. He was a rural peasant, so there was that aspect of it, and then the fact that I was a convert added to the conflict. So the type of dispute resolution that was aimed at middle-class professionals might have worked for them, but that wouldn't have been helpful to our kind of people. We wouldn't have been able to pay for that, either. But the fact is, the way that my ex and his community thought a Muslim household worked, any kind of dispute resolution would have had no relevance to our situation.

I think part of losing that sense of being Canadian in Canada was due to the way the wider society treated us, as a result of the way we lived: marrying early at 19, marrying a Muslim man from a different country, wearing *hijab*, living in a community where only their interpretations apply. And also part of it was being poor. Most people were cheating on their income tax. The sermons at Friday prayer would tell us, "This is a *kufr* country—you don't have to tell them the truth."

Once my husband married the other woman, and we became polygamists, I began to meet others who were too. This whole circle opened up to me. After that, I met only with people who were in this small social group—people who were tied to my ex-husband.

The other woman that he married was a woman from his cultural background. She was the sort of woman who would have her nails done, wear a lot of gold jewelry, etc.—she possessed all the codes of femininity in their culture. She was a good cook, she was everything he wanted, but their marriage didn't really last.

Their marriage was a roller coaster. At first, he said he divorced her, and I thought, "Phew, that's over." And then he said that he took her back. She was upset with him because he wasn't giving her rights. He wasn't spending equally on her, and wasn't spending equal time on her either because his job was in Canada. I remember studying for my comprehensive exams, and he was insisting he had to go to the UK, and I thought I wouldn't be able to get any work done. She was pulling from the opposite direction. She was getting really mad, because she wasn't getting her rights either.

We had a joint bank account with my student loans, and once I became a teaching assistant, and he was a substitute teacher, he ended up opening a second bank account, one which I had no access to. So he told me that it had his and her name on it. I don't know how much went there. We were on welfare, living in subsidized housing, but there was nothing I could say.

As converts we were really caught between different dress styles. The South Asians said, you should always wear pants, and then the Arabs would say you should always wear dresses because only men wear pants.

So, as I was saying, their relationship was up and down. He divorced her, and then took her back. He never really kept me in the loop, and she didn't either. So in the end, I believe he did divorce her, and paid half of her *mahr*. She had contracted for \$24,000 British pounds, but he could not afford to even borrow that kind of money, so he had to get a loan for half the *mahr* from his friends. Basically, because she's from his background, if he didn't pay, it would get around and people would talk. There would be repercussions. But in my case, he didn't pay. He didn't have the social or communal pressure for him to pay me because I was a white convert. He gave me \$1,000 dollars, and he said whatever is left over after you pay for the divorce, that's your *mahr*. I went to Ottawa, and it ended up costing me about \$900, so in the end, you could say I got \$100 from the \$5,000 *mahr* I was supposed to have received.

So I still remind him and his family, this was my *mahr*, and he would say, well, I can't afford it now. When men like my husband were marrying young female converts in their teens, they were really trying to marry blank slates. I've seen other men from my ex's background who married Canadian woman who were closer to them in age, did not convert, and very much had their own personalities. Those women were not like us. They didn't convert; they didn't give up their personality to become this man's wife. In our cases, though, we tried to become this ideal Muslim woman. The stuff you read in the pamphlets written by men, that's what we tried to be. The men were trying to have everything at once.

Divorce: ramifications

I really don't think that divorce is a good thing. I thought how am I going to support four kids on my own? And they had been attending a Muslim school previously. How was I going to be able to raise them by myself, raise them as good Muslims?

I had four kids, the youngest of whom was 2, I hadn't worked for years, I'd been a volunteer teacher in the *madrassa*, and I did a lot of volunteer teaching, arranging playgrounds, home schooling, but it's not something you can put on a resume unless you want to scare employers away.

My ex believed very strongly in early marriage, especially for girls. So when I got a job in 2007, I was basically escaping. I tried not even to let him know that I'd succeeded in getting a job. He knew I'd gone to the interview. But as long as possible, I kept it from him that I'd gotten this job. And I kept it from the community too. Because I realized they'd be saying to him, why are you letting her take this job and the kids and leave you?

So I didn't tell him until the end, until I actually left. I asked him to sign the paper so that they wouldn't question me at the border with the kids. But nobody ever asked me to prove that I had the right to take the kids out of the country, probably because I'm white and female. Probably if I were from a different country, they would've stopped me. But then, the kids were old enough at that time, so maybe the border people had figured that the kids would speak out if they were leaving Canada involuntarily.

So I kept it quiet. I packed up my van—it should've been mine, since I used my inheritance money to buy it. He was in shock, really, and shame, too. It was also the first time he'd seen me without *hijab*. I took it off because I didn't want to cross the border with it. I figured, why am I lying? I thought, what message am I sending to the kids, really? I'm not going to wear it where we move to, so why should I keep it on here until I get around the corner? So I took it off before I left. His last words were, "Do you have no shame, at your age?"

So although I hadn't wanted to, I *de-hijabbed*—stopped wearing the *hijab*. I had realized that I needed to remove my *hijab* in order to get a good job. How else could I pay for daycare? My father had given me the best gift—he had paid my student fees for my B.A. And I'd also done an M.A., just by coursework.

So that's a good illustration of how performing certain types of religious rituals, especially those associated with communal boundaries, means that you've crossed those boundaries. Because you mark yourself as a Muslim [with *hijab*], people treat you as such. It cuts you off from certain people, and shoves you into the direction of others.

If it had been up to me, I'd have been one of those people who go abroad to study at *Azhar* or Medina. Maybe now it's better, but absolutely not at that time when those opportunities were only given to men, so that's the best I could do – study at a secular university. Seek knowledge. Since I knew about the academic job market I figured probably I won't get a job, but at least I will have managed to keep us housed and fed for 5 years, but I had no clue how I would pay my student loans.

So I resented the pressure to remove my *hijab*, actually, but yes, the ability to get a job was a big part of it. I realized that people started to treat me much better. Except for conservative Muslims, who essentially thought I'd apostatized. But for colleagues at work, yes, it was sickening in some ways how people's attitudes changes.

So in 2007, I walked out of my marriage. Once I'd gotten myself settled, I would drive back on long weekends so the kids could continue to see their father. I wasn't going to leave my daughters with him—my older daughter had been wearing *hijab* and then removed it, and he wanted to force her to wear it. When I was a student, I would drive him to work, cook the food, and then go to school, and I'd come home at 11, 12 at night, so the food would be left for them to eat. So, he would come home,

yell at the kids to do their homework and to clean up the kitchen, and then take off. Neighborhood gossip informed me that he would go to meet women. And, in fact I spotted him once with a woman.

So when I left, I felt I had to take the kids. He wasn't really paying attention to them, and he was in conflict with our older daughter over *hijab*. I didn't want them to be living with him. I figured that was a recipe for disaster. He had made it clear enough that he believes in early marriage and I didn't want him to marry them off.

But I would drive back to Toronto so he could see them. One time I said to him, "Look, we're not living together any longer, and we have no relationship, and you're got another wife, and you're also looking for another one, so why don't we just get a divorce?"

He wouldn't divorce me. And if I tried to get *khul'* I wouldn't get any of my *mahr*, since I'd be the one asking for the divorce. I was barely surviving, so I needed it.

In 2010, he shoved some family court papers in my face and said, "Sign this." So I said, "I'm not signing anything, unless you write out in English and Arabic that you're divorcing me." So, I was finally divorced Islamically! As for Canadian law, I went to the family court office and asked what to do. They said that the cheapest and easiest way costs \$500, if you agree on everything.

So he said, "You can have custody, as long as I can see them sometimes. And if you try to get any support from me in the future, I will sue you and I will win." I had accumulated thousands of dollars in student loans, so he was afraid that I was going to try to get him to help pay those off. I know a couple of women who had been in rotten marriages, went back to school, and got good jobs, and then their husbands sued them for support, and I didn't want that to happen to me.

Polygamy/post-divorce

My ex tried to make his second wife's children feel that they were the siblings of my children. He would try to get them to be friends, but then he would compare them unfavorably to each other. That created resentment, so the kids hated each other. I think for my boys the whole situation was very confusing. We were pretty conservative. Even when I was at home, I would still wear long clothes. But here was my husband's second wife, who would wear miniskirts and see-through tops when she came to visit us, right in our living room, in front of my teenage sons.

The relationship between my ex and his second wife was up and down. He divorced her, and then took her back. He never really kept me in the loop, and she didn't either. In the end, he did divorce her, and paid her half of her *mahr*—the initial part, but not the delayed. He had to borrow money from his friends. She's from his country, so if he didn't pay, it would get around, people would talk. And, she had had the foresight to stipulate a large initial sum, unlike me. Lucky for her that she did that—he told a scholar that she had been *nushuz* [disobedient], and asked if he had to pay her the delayed part of the *mahr*, and apparently the scholar said that he didn't.

But in my case, he didn't really pay. So I still remind him and his family about my *mahr*, and he says, well, I can't afford it now.

I'm still paying student loans, and probably will be until the day I die. The bright side—financially speaking—is that I'm no longer tied to him. He has racked up his own credit card debts, and I wouldn't want to be in any way responsible for those. He is not financially careful at all. He does not budget. He has a terrible credit rating. He never cared about that sort of thing at all.

He comes over during the summer and other breaks, and sees the kids then. This was all very upsetting for the children - the second wife and the divorce. On one hand, my children realized that our marriage

didn't work but within the Muslim community there is a strong idea that your parents should be married—this idealized concept of this strong intact family, where the father is out working and the mother is home cooking. They really feel that their parents failed this model.

They don't like the fact that I work, though they recognize that otherwise, we would not be eating. They feel that it's not good. They don't like the fact that I left, that their father is looking for another woman. So yeah, they feel the pressure of the model.

My older son is very practicing. He prays 5 times a day, goes to Friday prayer, and is very concerned about what is halal and what *haram* is. He's very religious and definitely identifies as a Muslim.

My younger son is very conflicted about his relationship. On one hand, he has lots of Muslim friends, but mind you, they're not very good Muslims; they're mostly the gangster type. So you could say that he's part of a subculture where people are Muslim, but it's sort of a cultural thing, not one ethnicity.

People of a Muslim background who refer to each other as "brother," but they don't pray, they go clubbing. This Muslim gangster culture takes the worst aspects of North American and of "Muslim fundamentalist" ideas and melds them together. He's very bright, but he's waffling about. He tried university, but flunked out. He works in dead-end jobs and keeps quitting them, hangs out with these Muslim gangsters. He doesn't eat pork. But he smokes weed. Because the Quran doesn't say anything about weed, right.

My older daughter doesn't want to have anything to do with religion at all. She's in a reactive stage, I think. My ex's family and extended family cut off my older daughter when she started wearing revealing clothes and staying out until midnight and acting up. They didn't want their own daughters to have anything to do with her because she would contaminate them. So today, she doesn't have a good relationship with the extended family.

My younger daughter is torn. She wants to have a good relationship with her father and his family. At the same time, she's impatient with the restrictions they place on girls. She wants to wear shorts, miniskirts, whatever's fashionable, and I don't like this way of dressing, but I'm not going to police her. My own mother didn't allow us to dress like that. She wasn't religious, but she was certainly conservative when it came to social values. But I'm not going to fight with her about what she can and cannot wear. I explain to her that I think it's not the best possible clothing choice. When she goes to her father's relatives, she can't wear that stuff because her father will throw a total fit.

My younger daughter doesn't want to be excluded from those networks; at the same time, she wants to dress as she wants and be on Facebook, etc. She does lead a double life, and I'm very concerned about the long-term effects on her psychological balance, and I tried to talk to her about it but she sees no other way. The fact of the matter is that my ex's family is not going to change.

Both my daughters don't want to go to any Muslim gatherings because they don't wear *hijab*, so they don't often feel welcome. Several years ago we lived in a neighborhood with many Muslims, and so my daughter would go to school and come home saying, "They're all asking me why I don't wear *hijab*." I think it's very hard for them. My daughter when she first moved to this area would come home from school saying the white kids were calling her a terrorist because of where her father was from, and then the Muslim girls were telling her, why aren't you wearing *hijab*? So I think for kids from these marriages, it's doubly difficult.

What does a family based upon equality and justice look like in the 21st Century?

Given my experiences, I'm really averse to making generalizing statements telling people what they should and shouldn't do. For years, that was what we spent our time doing. I know that for me, I

probably will never marry again. I really just can't envisage it. Just, no way. I did it once and it didn't work. In terms of my children, I hope the best for them. I hope that they will have relationships that are much more egalitarian, that are much less focused on idealistic ideas of how gender roles should be distributed and are more realistic. At the same time, we brought them up with terrible models. So I try to talk to them saying, what you saw growing up was us trying to do the best with what we had, but it didn't work. So don't do that. I'm very insistent that my daughters should have a good education. But they're not all that receptive. My older son is very unreceptive to what I say.

One thing I would say, looking back, certainly in the 80s, for reasons I can understand, the Muslim communities that I knew were not at all ready to deal with these kinds of intercultural and interracial relationships that can happen. But they still don't seem to realize that this is a problem. And we've got all these kids now, and there doesn't seem to be any recognition that there are any problems.

The message the boys are getting is that Islam is this wonderful, empowering identity, whereas the girls are being told, "You're a Muslim so why are you wearing that, why are you going there?" It's not an empowering identity for girls. It's people trying to tell them what to do all the time. So I can see why they don't want it. At the same time, I guess I did internalize the idea that as a mother, your job is to pass on your religious tradition to your children, especially in the case of daughters, so if you've failed, you've failed. I know that's the attitude that my husband's extended family has, and that the wider community has. This is one of the many reasons why I stay out of mosques and other venues. There is this myth that if you're just a good enough believer, your children will be good Muslims, especially in the case of mothers. But in the end, you can't shield your kids from the community.

There are good things in the community, too. When I was a graduate student, the people who helped me to get out of the situation, aside from my best friend were Muslims, but they were not the kind of Muslims that either my ex or the community establishment would ever regard as good Muslims. One was gay, unapologetically so, and another was a convert who had left an abusive marriage and never wore *hijab* and had some unorthodox ideas. So these were the type of people that my ex would say are kaffirs and useless. But they were the ones who helped me; they were far more merciful to me than the conservatives were.

They were able to be human because they weren't trying to live up to a very rigid idea of how things were going to be. In their own lives, they had realized that, had accepted that, and so, they were willing to be imperfect.

I hope that none of my children will succumb to the temptation of living out somebody else's idea of. . . . Well, we had a very utopian idea of how the world worked that had very little relationship to anything real, and it was very unresponsive to the realities of people's lives. I keep telling my kids, you have to focus on what is actually happening and not on what somebody is telling you has to occur.

The relationships I've seen that I find most admirable are all queer ones. Because they're not worried about trying to live out gender role stereotypes, they're just doing what they find most realistic for them.

I do have one friend who's in a straight relationship. There's a lot of give and take. They're not trying to fit their relationship into something. They don't care about what the wider Muslim community thinks. They're just trying to do what's moral and reasonable.

Looking back, we never really had an idea of what abuse is. People would say abuse is forbidden in Islam. What they meant was a man beating his wife black and blue and breaking her skull. Anything less than that, they didn't see as abuse. As far as emotional abuse, psychological abuse, there was no

standard we could relate our experiences to. If some scholar could say something from the Quran or the *Sunnah*, then it was ok, and there was no way you could say, but this is abusive. So the only way I could mentally leave, in the end, that way of looking at the world, was to say, well, whatever God says, this is just not working. This is destroying my children and my life is in danger, so I have to leave.

Toward the end, my ex was getting really, really threatening. I know in his family, when they start talking about issues of shame, they are not kidding. He comes from a part of the world where they do kill for honour. I mean, it's uncommon, but it has occurred, and I know in the past, in his family, they have made these threats against women, that they'll kill them.

The whole framework we were in, there was no way to fix things, until it became so bad that you're willing to leave because you've got nothing to lose. Looking back, I just think, this was so unhealthy. Where there was no way you could try to fix anything.

It's a zero-sum game. You lock people into unhappy relationships, or you make them so desperate that, in the end, they don't care whether they go to hell or not, they just realize they have to leave. I guess that comes out of a literalistic approach to interpreting texts. It's like you leave no room for people, for humanity.

The literalistic approach also appeals to authority—Scholar So-and-So says this. It was a way of covering over conflicts that were not really about Islam; it was about people's insecurities. In these types of marriages, where you have immigrants marrying white people, these are difficult relationships at the best of times to negotiate, especially when the parties are very immature, and just turning this into a religious issue as opposed to looking at the people involved in it, was just a very neat way of not acknowledging all the complexities involved.

Relationships were treated as if they were a recipe. It was a mathematical formula. A lot of people writing these pamphlets were engineers and mathematics professors. Looking back, a lot of the stuff they told us—This is what Islam teaches, it was actually like a social experiment. They were trying to practice things here which weren't being practiced in their home countries. They were trying to create this sort of culture-free, conservative, pure Islam that doesn't exist anywhere, except in their minds. And we were guinea pigs.

They claimed it was culture-free unless it suited their purpose and then it was all about, our culture says X, and you as a white person have no vote in this. I wish that some of the people who had done all of this—Jamal Badawi who wrote the pamphlets, ISNA, Hamza Yusuf—I wish they would apologize for what they did. I wish they would publicly recognize that these teachings really worked out very badly in the lives of lots of people. They bear some responsibility for teaching this stuff, not just teaching it, but for telling people, "This is Islam, there's no other interpretation out there. You have to do this, or you're going to hell."

I really would like to see that people who have taught these things—Bilal Phillips and his book on polygamy—I really would like to see Muslims saying, you have to acknowledge that your teachings have harmed some people, and their children. And I would like to see them coming forward and apologizing and admitting it.

In the early 1980's, there wasn't all that much available in English. I read an English translation of the Quran, several of Maryam Jameelah's books, and a small booklet called *Heroic Deeds of Muslim Women*,¹¹ about Muslim women in the time of the Prophet who fought on the battlefield. I found those in the university library. A friend of my ex-husband gave me Yusuf Ali's translation of the Quran

¹¹ Sulaiman Nadvi, *Heroic Deeds of Muslim Women* (Lahore: Sh. Muhammad Ashraf, 1967).

(with footnotes), and several booklets by Jamal Badawi, about women in Islam,¹² purity laws,¹³ and *hijab*.¹⁴

Other texts I found on my own in the library were Maudoodi's *Purdah*,¹⁵ a book on the status of women in Islam by the man who was the imam of the mosque in Washington DC back then.¹⁶

I can remember buying *Islam in Focus* at an ISNA conference.¹⁷ And al-Qaradawi's *The Lawful and the Prohibited in Islam* (which according to the sticker inside the front cover was supposed to be for free distribution, courtesy of the *Shari'ah* courts in Qatar) at an MSA event.¹⁸

Sometimes the *halal* meat store would have a few books or pamphlets for sale—by authors like Maudoodi or Maryam Jameelah or various *mawlanas* from India or Pakistan—and I would buy those. I read *Islamic Horizons* magazine (published by ISNA) when I could get it—sometimes someone would be giving out copies at the Friday Prayer. A sister kindly loaned me her entire set of tapes of Jamal Badawi's lectures on different aspects of Islam, and I listened to all of those.

Once Islamic bookstores began to open near where I lived, I would buy books from them when I could afford it. I bought an Arabic-English copy of the *Sahih al-Bukhari*.¹⁹ *Ideal Woman in Islam*.²⁰ *Women in Shari'ah*.²¹ An English translation of *Beheshti Zewar*.²² *The Family Structure in Islam*.²³ A few female converts from North America and Europe had written about women and Islam—Lois Lamya al-Faruqi,²⁴ Aisha Lemu,²⁵ and then later, Huda Khattab²⁶—and I read their stuff. I, and my convert friends liked reading personal reflections written by female converts when we could get them, so we bought and read *Daughters of Another Path*.²⁷ We also read the new, updated version of Jamal Badawi's booklet on women.²⁸

¹² Jamal A. Badawi, *Status of Woman in Islam* (The Muslim Students Association of the United States and Canada, 1972).

¹³ Jamal A. Badawi, *Al-Tahara—Purity and Undefilement* (Indianapolis, IN: Islamic Teaching Center, 1977).

¹⁴ Jamal A. Badawi, *The Muslim Woman's Dress According to the Qur'an and Sunnah*.

¹⁵ Abul 'Ala Maudoodi, *Purdah and the Status of Women in Islam* (Delhi: Markazi Maktaba Islami, 1972).

¹⁶ Muhammad Abdul-Rauf, *The Islamic View of Women and the Family* (New York: R. Speller, 1977).

¹⁷ Hammudah Abdalati, *Islam in Focus* (American Trust Publications, 1975).

¹⁸ Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam* (Al-Halal wal-haram fil Islam), trans. Kamal El-Helbawi, M. Moinuddin Siddiqui and Syed Shukry (Indianapolis, IN: American Trust Publications, n.d.).

¹⁹ Muhammad Muhsin Khan (trans.), *The Translation of the Meanings of Sahih al-Bukhari—Arabic-English* (Madina: Dar al-Fikr, 1979). 9 vols.

²⁰ Muhammad Imran, *Ideal Woman in Islam* (Lahore: Islamic Publications, 1990). 6th ed.

²¹ Abdur Rahman I. Doi, *Women in Shari'ah* (London: Ta-Ha Publishers, 1989).

²² Mohammad Masroor Khan Saroha (trans.), *Heavenly Ornaments—Being English [sic] Translation of Maulana Ashraf Ali Thanwi's Bahishti Zewar* (Karachi: Darul-Ishaat, 1987).

²³ Hammudah Abd al 'Ati, *The Family Structure in Islam* (Indianapolis, IN: American Trust Publications, 1977).

²⁴ Lois Lamya al-Faruqi, *Women, Muslim Society and Islam* (Indianapolis, IN: American Trust Publications, 1988).

²⁵ Aisha Lemu and Fatima Heeren, *Women in Islam* (Islamic Council of Europe, 1978); Aisha Lemu, *A Degree Above Them: Observations on the Condition of the Northern Nigerian Muslim Woman* (Zaria: Gaskia Corporation, n.d.).

²⁶ Huda Khattab, *The Muslim Woman's Handbook* (London: Ta-Ha Publishers, 1993); Huda Khattab, *Bent Rib: A Journey Through Women's Issues in Islam* (London: Ta-Ha Publishers, 1997).

²⁷ Carol Anway, *Daughters of Another Path: Experiences of American Women Choosing Islam* (Lee's Summit, MO: Yawna Publications, 1996).

²⁸ Jamal Badawi, *Gender Equity in Islam: Basic Principles* (Plainfield, IN: American Trust Publications, 1995).

I became very interested in Sufism, and read whatever Sufi-oriented books I could find. I read about saintly women of the past in books like *Sufi Women*,²⁹ Sufi ideas about gender in *The Tao of Islam*,³⁰ and Sufi women today, including those who are converts.³¹ Once the traditionalists had come on the scene in Toronto, I went to their events, and read whatever I could get of their publications.³²

When I traveled and lived outside of Canada in Muslim countries, I learned to read classical Arabic well enough to read *fiqh* books and commentaries on the Quran and the *hadith*, and I had access to a library which had these.

My ex-husband did not take much of an interest in what I read, but when he would travel, now and again he would bring me back an Islamic magazine or book. So, his giving me *Polygamy in Islam*³³ didn't alert me to the fact that he was planning to take a second wife.

Thinking now about what I read, I notice several patterns. Most of it was written by conservative male authors, who take it for granted that society as well as the family is designed by God to be hierarchical and male-led. They usually present women in passive and relational terms. Women are nearly always spoken about rather than speaking and it is men who interpret the meanings of the verses in the Quran, the *hadiths* and the Islamic laws that relate to women's lives. Women are most often described as daughters, mothers and wives, rather than as believers, and members of the community.

While most of these books present marriage and family as very important for both men and women, most also discuss being a wife and a mother as if it is practically synonymous with a woman's very identity as a Muslim. These types of attitudes were constantly reinforced in khutbahs and sisters' halaqaas, and talks on women in Islam at Muslim events.

The relatively few books available to me that were written by Muslim women voiced some criticisms of certain very conservative practices, or of what their authors regarded as misinterpretations of Islam. But in general, the views they presented were not that different from male conservative authors such as Jamal Badawi. While a couple offered some advice to women on how to avoid getting drawn into an unhappy or abusive marriage,³⁴ they wrote with the assumption that ultimately, wives are to obey their husbands, and that women need to consult scholars (who are nearly always male) in order to know how to obey God in every aspect of their lives.

Perhaps this is a key reason why even when I encountered books written by Muslim women that did not take this conservative approach; they did not make much of an impression on me. I did not know

²⁹ Javad Nurbakhsh, *Sufi Women*, trans. Leonard Lewisohn (London and New York: Khaniqahi Nimatullahi Publications, 1990). 2nd ed.

³⁰ Sachiko Murata, *The Tao of Islam: A Sourcebook on Gender Relationships in Islamic Thought* (Albany: State University of New York Press, 1992).

³¹ Such as: Amatullah Armstrong, *And the Sky is not the Limit: An Australian Woman's Spiritual Journey Within the Traditions* (Kuala Lumpur: A.S. Noordeen, 1993).

³² Hamza Yusuf and Zaid Shakir, *Agenda for Changing Our Condition* (Zaytuna Institute, n.d. [1999]); Ahmad Ibn al-Naqib al-Misri, *Reliance of the Traveller: The Classical Manual of Islamic Sacred Law* ('Umdat al-salik), trans. Nuh Ha Mim Keller (Beltsville, MD: Amana Publications, 1994).

³³ Abu Ameenah Bilal Philips and Jameelah Jones, *Polygamy in Islam* (Riyadh: Tawheed Publications, 1985), 3rd ed.

³⁴ See for example Huda Khattab's detailed list of questions to ask a prospective suitor (*Bent Rib*, 115-118).

what to make of writers such as Nawal Saadawi,³⁵ Fatima Mernissi,³⁶ or Leila Ahmed.³⁷ They had such a different frame of reference than what I was used to. They did not stay within the bounds of what conservative male scholars and activists had already determined that certain verses of the Quran mean, or how Muslim women ought to look at Muslim history.

I was used to reading about Islamic ideals, while these women discussed realities—and these realities were often shocking. And, they wrote so passionately about injustice. The claim that men are rational while women are emotional, which I read in conservative Muslim literature and heard in talks on women and Islam had led me to be very suspicious of women’s expressions of emotion, especially when these were not in accord with how I had read, and been told that good Muslims “should” feel. When I first read Amina Wadud’s *Qur’an and Woman*,³⁸ I didn’t really know how to respond to it either. She raised uncomfortable questions about a number of issues, especially whether the interpretations of the Quran by male scholars are biased in favour of men. It made me uncomfortable. I had bought into the notion that Islam is a package deal, and that once you start to question commonly accepted interpretations, you risk falling into disbelief. So, I didn’t know what to do with that book.

At about the time that I started to raise serious questions about where my life was going and whether my marriage had any future, I also got access to a much wider range of ideas about Islam. This was partly through the internet. I discovered progressive Muslim sites (such as the now-defunct www.muslimwakeup.com/) and discussion groups. Books such as *Speaking in God’s Name*³⁹ and *Progressive Muslims*⁴⁰ were now in my university library, and also could be bought on Amazon. They were written by believing Muslims, but they took critical approaches to ideas that I had read and been told are beyond question. In a sense, they gave me permission to ask my own questions.

Looking back, certainly, what our children were subjected to in terms of all this emphasis—*hijab*, cover your body, the message that we communicated to our daughters—was the idea that there’s something wrong with your body, your body is shameful. We didn’t mean it, but that’s what was taught. You have to cover, you have to cover. Our kids were wearing *hijab* since they were toddlers. That was encouraged in the cult. But the wider Muslim community also has this—the *hijab* is the be-all and the end-all of your faith.

That was 25 years and it caused a lot of pain and suffering to a lot of people. I know of converts who went through really abusive marriages, way worse than mine. Some people who left Islam and have just vanished, I have no clue if they’re alive, if they’re ok. People’s kids have had all kinds of problems. I’d like to think that at least people are going to learn from these experiences, and that it might be different in the future. I must say, that when I go on the internet, to certain sites, like sunnipath.com, I am not at all reassured.

It’s just really complicated. When I first got out of this situation, I was just really angry, when I had time to be, and I was just like, why did all this stuff go on so long, and why was this aided and abetted

³⁵ Nawal el Saadawi, *The Hidden Face of Eve: Women in the Arab World*, trans. Sherif Hetata (Boston, MA: Beacon Press, 1982).

³⁶ Fatima Mernissi, *The Veil and the Male Elite: A Feminist Interpretation of Women’s Rights in Islam*, trans. Mary Jo Lakeland (New York: Basic Books, 1991).

³⁷ Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven and London: Yale University Press, 1992).

³⁸ Amina Wadud, *Qur’an and Woman* (Kuala Lumpur: Penerbit Fajar Bakti, 1992).

³⁹ Khaled Abou El Fadl, *Speaking in God’s Name: Islamic Law, Authority and Women* (Oxford: Oneworld, 2003), 2nd ed.

⁴⁰ Omid Safi (ed.), *Progressive Muslims: On Justice, Gender, and Pluralism* (Oxford: Oneworld, 2003).

by the wider community? It took me a while to realize that my experience was not normative, that most Muslim women where I was living in the 1980s and 90s did not have marriages like mine, that they weren't treated that way by their community.

We were often given to understand that we had to do such-and-such because that's Islam, and any good Muslim woman would do this, and it wasn't always true.

But we had been given a very selective view of the way the world was supposed to work. Those who control the information hold the power. This was all pre-internet too, so our ability to fact-check was really limited. I remember when I first went to the Middle East, I was really shocked. I was expecting to find this ideal Islamic society where all women wear *hijab* and everybody is a good believer, and then you encounter all these people who are just people.

What needs to happen is that the average person needs to say, this is a problem and why are you doing this. This is not responsible."

Resource Person #4 [Amina]	
<i>Nasab</i>	Amina did not grow up in a Muslim majority country or household; nonetheless, the gender roles and accepted societal norms she was exposed to early on reinforced patriarchal structures. Her father provided for the family and the mother stayed at home and looked after the kids.
<i>Mahram</i>	
<i>Nafaqah</i>	For some time, Amina was the sole breadwinner as her husband was on a student visa and could not work legally. They also lived on student loans and on welfare. The husband refused to pay any child support for the children after the divorce.
Marriage contract	Amina had two marriage ceremonies. The first one was a civil ceremony with just her, the husband and witnesses. According to her, this was the " <i>halal</i> meat ceremony." However, later on she read up and decided, "Islamically speaking, we were not really married." She approached an Imam in a mosque and he agreed to perform the marriage. Amina asked him if she could put condition in the marriage contract, but he refused, saying that it was disgraceful that she did not trust her husband. Eventually Amina did find someone to marry them. However, the marriage contract did not have any practical impact on her life.
<i>Mahr</i>	A \$1 <i>mahr</i> was to be paid upfront, and \$5,000 in case of divorce.
Head of the family	Amina 's husband was the head of the household.
Polygamy	Amina 's husband did marry a second woman, despite it being against Canadian laws. Amina lived in constant fear of being found out by the authorities. Amina found out about the second marriage three or four months later, when the husband called to tell her that he gotten married, and that he was going to sleep with the second wife that night.

Talaq	Amina initiated the Islamic divorce, and therefore, gave up her mahr.
Post-divorce right to custody	Amina assumed custody of the children following the divorce.

Discussion and analysis

Three of the life stories in this report come from the perspective of women who took the step of leaving the comforts of what they had previously known and converted to Islam. Amina’s story is indicative of the challenges that these women (and men) face, many of whom are in “vulnerable” spaces. They were misled into a perverse version of Islam that reflects patriarchal understandings of *qiwamah* and *wilayah*.

Amina notes that her experiences with patriarchy and indoctrination into traditional gender roles did not begin with her conversion to Islam, but was something she experienced from her earlier life and childhood in a traditional rural family. However, these values and practices were reinforced by a patriarchal and violent (e.g. psychological, emotional, and verbal) family structure governed by *qiwamah* and *wilayah*. Tragically the patriarchal, traditionalist interpretation of Islam governed her life with detrimental repercussions.

One of the devastating results was the inability for Amina to exercise agency over her own sexuality within the context of her marriage and to explore it on her own terms. While a virgin at the time of her “marriage,” her husband invoked male authority to claim sex as his right citing *hadith* that establishes that those women who deny their husbands sex are despised by God’s angels. And as was the case of Samina and as we shall read later, Lila and Amina’s sexual pleasure and satisfaction was of no importance to their husbands.

The exercise of male authority/guardianship compromised Amina’s life legally and economically. When Amina’s husband decided to take a second wife, despite being incapable of financially supporting Amina and her children, he put Amina in a legally vulnerable position. Polygamy in Canada is illegal, making her an accessory to illegal behavior. The effects of the decision on Amina were both emotional and psychological, as she was fearful of being caught by the Canadian welfare system.

Amina initially accepted her husband’s second marriage “because polygamy was in the Quran, [so] you couldn’t come out and say you don’t accept it.”

Amina’s experiences with a domineering, oppressive husband robbed her of any sense of self, autonomy and individualism. She was introduced to an Islam that was literalist, and left no space for humanity.

Another loss for Amina was that as a white convert attempting to gain acceptance into a non-inclusive Arab Muslim community, Amina actively forfeited and lost her Canadian identity, and in the process, lost the ability to express her cultural rights.

Moreover, Amina’s husband’s position as the male authority/guardian of the household circumscribed her ability to express herself politically, and physically. When Amina decided to stop wearing the *hijab* and to advocate against Muslim Family laws, she was threatened by her husband verbally, as well as with the threat of physical violence.

Amina's life experiences, with a patriarchal version of Islam and rigid implementation of *qiwamah* and *wilayah*, culminated in a life of inauthenticity and obedience. As she points out "You were never honest about how you feel."

Like the stories of Naeema and Samina, and those that follow, we are again exposed to the selective use of Muslim family laws or a *fiqh* of convenience on the part of the men in this story. One glaring example is Amina's husband's rationale of a non-Islamic wedding for the purpose of sex. Similar to the stories of the other women in this report, Amina's husband while failing to fulfill the role of primary breadwinner and financial contributor, still felt it was his right to employ male authority in the home. This was manifested in his attempts to control the sorts of activities Amina should engage in, and how the children, whom he neglected to support financially, should live their lives.

Amina's husband's manipulative actions are yet again an illustration of how contemporary readings of *qiwamah* and *wilayah* are divorced from the lived reality on the ground. Indeed, Amina's situation as the primary income earner and breadwinner is probably reflective of many Canadian Muslim women.

As a country with high patterns of migration—including those who enter Canada because of refugee status, to study, or to achieve citizenship status—many Muslim men find wives to gain Canadian citizenship. To some degree, this may have been the case for Amina's husband, who was here on a student visa.

Reflective of the *fiqh* of convenience is Amina's husband's refusal to pay child support after his divorce and his refusal to pay her *mahr*, but interestingly doing so for his second wife as she was from his community, and therefore offending or disrespecting her would be unacceptable.

Amina's story highlights the precarious position of Canadian Muslim women who rely solely on their religious marriage contracts to secure their rights. Given the ambivalent legal status of Muslim/religious marriage contracts, the best one can hope for is that it carries some moral weight with the husband and the Muslim communities. However, as Amina's story demonstrates, this was not the case.

Yet, this life story provides insights into the devastating implications that patriarchal understandings of religious laws have on the lives of Muslim women and their children. In addition, Amina's story is a reflection of the role that race plays in the lives of convert women. As Amina makes note of at the beginning of her discussion, hers was a story of how the "racial dimension" contributed to her oppression, or what can alternatively be viewed as social understandings of Insider/Outsider.

Insiders may be understood as those who are accepted members of the Muslim community, while Outsiders are those who are consciously left outside the community. If they are included, they are often believed to be of lesser status and worth. In the case of Amina, because she was a convert who was not part her husband's larger community, it was acceptable for him to deny her of her *mahr*, while it was inconceivable for him to do the same to his second wife, who was also an Arab.

Amina's life experiences, like that of Naeema, Samina and Safia, are indicative of the devastating role communities can play in the perpetuation of patriarchy and *qiwamah* and *wilayah*. As Amina states, we were "Living and socializing within an immigrant bubble," which valued a particular understanding of Islam, which allowed her husband's dominance and claims to authority over her life.

Amina's life illustrates how a community which was meant to welcome and help a new member, failed to help her. Acknowledging the absence of any support structure for converts who enter Muslim

communities, Amina reflects upon how she does not know the whereabouts of convert friends who she feels have been lost along the way.

Many converts, who make the conscious and daring decision to leave their old lives behind—including some families who reject their actions—are left with the daunting task of navigating the differences between Islam as a religion, and the cultural practices of the Muslim community that they join. This is further complicated because of the plurality of approaches and understandings that exist within Muslim communities.

In conclusion, it is tragic that Amina has lived a life believing what was conveyed to her by so-called religious leaders and practiced by a “cult-like kind of a Muslim group.” Her growing awareness of the perverted version of Islam did at last free her from this life of oppression and subjugation.

RESOURCE PERSON #5 [Lila]

“Women have no real access to salvation except through their submission to men. . .
. On every level, to be a good Muslim, for me, it was to accept being abused.”

Parents/childhood

Lila is a highly educated white female convert who was born and raised in the U.S. She currently teaches part-time and does a great deal of community work. She married another white Muslim convert, but after many years of emotional and physical abuse, she left him.

“My upbringing was old-fashioned, in one sense, but also, it was during the time just at the edge of when feminism was happening. My mom was a woman who, had she been born at a different time, would have probably been the CEO of a corporation or something, but because of the times, the only career choice she really had was to find a rich husband. So she was a brilliant woman, and a beautiful woman, and the only way to get out of the very small town she was living in, was to win beauty contests and debating contests, and eventually get a modeling position in New York City, and then she went around trying to find a rich husband, which she succeeded in doing.

My father understood that his job was to support her, and her job was to be beautiful and show up at events on his arm. But even though that was her career choice, she always taught us that we could do whatever we wanted. We never had the sense that there were any careers that were not available to us. But she always advised us to marry rich, too.

My father was sort of the definition of the loving, but absent father. It was the 70s, and my mom had lots of friends, who were doing drugs, and there was lots of weirdness, and so, my four sisters and I grew up in a dangerous environment, in which there was sexual abuse and all kinds of other stuff. It was at a time when they thought children’s sexuality was natural, so nobody really perceived what they were doing as something bad. It was all supposed to be something positive. But none of that was her fault, in the sense that she didn’t do anything on purpose. I really see her as a victim of her time, and as a victim of the situations that she was in, it was kind of like a freight train, and nothing could stop it, given all the circumstances that had gone on before that, but we all got hurt in the process.

Once my mother left him, my father fought to ensure that he paid next to no child support. He was a very, very rich man, and yet, he would not give us adequate child support. And then my mom married for love, but he turned out to be this horrible person who left her and stole all of her money. And that gave my father the opportunity to get out of paying alimony at all. So he was absent in that regard too. And whenever we asked him for money, he would just say, no. We all worked from very young. Like when I needed a car to be able to get a better job, I had to beg him for a thousand dollars, and he was a very, very wealthy man, but because he was a gambler, and he would prefer to have his children die than to give up his money. Because it's a real sickness. A real, real sickness.

He was loving, but sick, and then absent. And he knew what was going on at my mom's house, but he couldn't take us, he just didn't. Parenting was beyond him. Being a husband was beyond him. So I never had any of this stuff, any of the cultural things that would lead to me to expect this kind of thing in my own relationships, but what I did have, the thing that's significant in my life, is that I had this abusive background that made me accept abusive behaviour in my marriage.

To me, my story demonstrates that [male guardianship] is an abusive construct because the thing that made it comfortable for me is having grown up in an abusive situation.

My dad grew up in very harsh circumstances. I mean his parents came through Ellis Island, and he grew up in extraordinary poverty in the Bronx, and fought his way out of that, and was travelling on the road with entertainment troupes from the age of 13. He grew up with prostitutes and the mafia. He didn't have any parents, really. So, he had no models.

Neither one of my parents really were capable. My mom had been as good a mom as she could be, given the tools that she had, and given the circumstances that she had.

I just did whatever I wanted. By the time I was 15, my mother could tell me nothing. I was completely independent. And out of the house at 18. Gone. I moved back in the house for a while, to take care of one of my sisters, who was sick.

Marriage #1: Practices of *qiwamah* and *wilayah*

Both the men I married and I were interested in Islam. I started reading Ibn al Araby because of him, and really liked it myself, and then I ended up taking another course on it, and it just blew my mind. The professor said, I think you should go to graduate school and study this, so I'll get you into this program and you can study with me. I was going to do high school English.

My husband and I took a trip to Spain together, he converted on the trip to Spain, but I didn't. We went to this *Sufi* gathering and the men were having a grand old time, in one room, doing exactly what you're supposed to be doing at a *Sufi dikh*. Whereas the women were in another room with all the shitting and farting screaming babies, and they were sitting there all gossiping and chatting, and so, I was furious. I said, "What the fuck are you doing? Do you know what just happened to me? Do you know what this is? Do you know what this will mean for us? Look at what this is!"

So, I knew, I already had a taste going in of what was awaiting me. But the spiritual experience, the personal encounter with God was so powerful that it actually overwhelmed that stuff. And I was practicing on my own privately, without anybody knowing. And I actually did an independent study at school on gender and sexuality in Islam because I grew up in a gay-positive environment and there was no way I was going to give that up. And then I wanted to know about all the gender stuff too.

I did a project and of course most of the materials that were out there were apologetic. There wasn't a feminist critique. It was stuff that was completely overblown and ridiculous. And Beyond the Veil was out at that time, and I found it very strident, to the point where I felt she was exaggerating. I

needed something more sensible, but even so I probably would have ignored it anyway. So it probably didn't matter.

Spiritually, I was going in that direction anyway. Yeah, and I found out historically that Islam has always been open to homosexuality, having no idea of course what the reality of it was, and all that. So I was pretty ignorant about some things and knowledgeable about others, yet ignoring them, when I converted.

After my ex had converted, he went to the Muslim Students' Association, and they were at that time *wahabi* through and through. That school actually did produce a few people who are in prison for terrorism. And so he went to them, and he said, "Who are these people?" and he sort of apostatized. But when I converted, then he converted again.

I knew a few Muslims, but I didn't know a lot, and I didn't know a lot of communities. So I didn't have a big knowledge base to work from. I mean, right now, when girls come to me and want to convert; I talk them out of it. I say you really just need to understand what you're getting into. And when you know that, and you still want to do this, then you're where you should be to do it. There's this thing with the aspiring monk and the *Zen rishi* doesn't answer. He doesn't answer until the guy keeps coming back again and again. You gotta keep coming back. And I really don't think that anybody needs to be Muslim to be saved, so I don't really care.

I think the abusive circumstances in my history are the things that prepared me to accept this kind of environment, not just social circumstances. Before I married my husband, there was another guy who was interested in me at the same time. He was a really healthy, lovely, amazing human being, and at the time I was really getting interested in Islam and he was a Muslim, funny, like standup-comedian funny, warm, supportive, wonderful, had 2 Ph.Ds.', this kind of stuff, like the perfect guy. And he was saying, "Why are you picking him?" But I didn't have the ability to choose the good guy, because I didn't have the sense that, I think on one level, simplistically, that I deserved it. But on another level, I just didn't even know how to have a relationship. I didn't have the skills. So I really didn't have the skills to choose the good person out of the two.

My husband was mentally ill, but not eccentric. There's sort of the eccentric level of mentally ill, and then there's the point where you have a breakdown and you need to be hospitalized and that sort of thing. Well, he had all sorts of problems, mainly obsessive-compulsive disorder, which, as you can imagine fits in with Islamic law really, really well. So he started out very feminist, but very quickly started becoming enamoured with the sexism of Islam and the mindset of the people, like we were reading books by Syed Nasser, and things like this, and that traditionalist mindset is extremely, profoundly patriarchal.

And so he was really buying into that mindset, except that it never occurred to him that he should maintain me. He had purchased the whole patriarchal picture without the obligations. He took all the rights with none of the obligations. I ended up supporting him throughout the entire marriage; we were married for 13 years. I supported him and he assumed all the rights over me, controlling me.

We did have a contract, but it was meaningless. This is the problem in North America; well, they're meaningless, anyway, right, because the legal scholars can get around anything. They're meaningless, there's no way to enforce a marriage contract. So what people are doing now is getting a legal premarital contract.

I didn't want to have kids, and he was fine with that. Well, it would interfere with my total focus on him. Of taking care of him. He was the baby. But we talked about it. At one point, early on in the

relationship, I did get pregnant and I thought, "I'll keep it," and he said, "If you keep the baby, I'm leaving you." So I got an abortion, which in the end, was really what I wanted. Really, it was abusive how he handled it, but that was the right thing for me to have done. I'm not at all sorry for having done it.

He accepted that my money was mine to spend, but he also thought my money was free; in other words, he demanded money all the time, so the spending was ultimately under his control, anyway, because he was making decisions about how much money he needed me to give him. In an abusive relationship, you can make it seem like it's the two of you making decisions, but it was really just him making the decisions. Being in an abusive relationship, it's like Stockholm syndrome, so because I'm over identifying with the abuser, his needs were primary and took precedence over my needs. I was spending according to his needs.

He needed me; he couldn't function without me. When I got my first teaching job, I'd go to work in the morning, then in between classes, I would go home to wake him up and get him dressed, then I would go to my next class, and then I would come home to make him dinner, and prep my classes and do my grading and go to sleep, and wake up in the morning and go to work, and come back to wake him up... you know. Every single day was completely based upon taking care of him.

Some people think that because he was mentally ill, all of this was just a function of his mental illness. But no, it's not just a function of his mental illness. Yes, he would have abused me anyway, but it wouldn't have looked this way. And it was able to look this way because the laws are there to allow this to happen. And I truly believe that early on in our relationship, when he was really trying to deal with his mental illness, I do believe that if he didn't have the Islam factor in there, he could have been able to recognize that the way that he was behaving was wrong. But he had no reason to recognize that the way that he was behaving was wrong because—it wasn't wrong according to his religious practice!

So it wasn't like he was a mean person, a bad person, but he was a cruel person because he had this whole system that allowed the cruelty within him to come out. But if there had been a way to appeal to him, that this was not something that you should be doing, I think he could have bypassed some of it and understood. I mean there was a certain point in time where he understood that the way he was treating me was wrong, and then religious doctrine gave him the way to avoid the positive work we were trying to do in therapy. It just gave him a way to say, "They just want me to have this kaffir lifestyle." So it was a way for him to avoid trying to handle anything.

Her husband demonstrated a combination of his mental illness [OCD] with a dogmatic ritualistic understanding of Islam.

It was very early on in the marriage when he first raped me. We were on a train, and I had a very, very high fever, and I had actually been in the hospital for that reason a short time before. And he said, well, I've never had sex on a train, so we're going to do that. And he would always tell me, "If you say no, God and the angels will curse you." And that I was obligated to have sex with him when he demanded it, whenever, no matter what. And he would say, and he said it that night, "Even if you're on the back of a camel." Because of that *hadith* that says you have to have sex with your husband, even if you're on the back of a camel.

So for me, because I really wanted to be a good Muslim, I said yes, and I would lay there, and I would cry, and I would ask God to make me a more submissive wife. And I think I haven't articulated this yet—but the kind of Islam that I converted into, which I think is symptomatic of the whole, I feel this is not an unusual thing—is that women have no real access to salvation except through their

submission to men. And this is a theme that comes up in a lot of *Sufi* contexts. People always think that *Sufism* is so sweet, but in a lot *Sufi* contexts, the idea is that women have it easier on the Sufi path because they have to submit to a worldly commander [their husbands], and that's easier than what men have to do because for men, their commander [God] is unseen.

Sufism teaches that it's actually easier for women, and that these trials that we experience with men are actually very good for our soul, and being submissive to your husband is actually the *Sufi* ideal. And this was imparted to me on several different levels.

It's not like people actually have these sick, mean, abusive views. It was just that there were all these different patriarchal elements working like bricks in a wall. I have this one friend, an extremely powerful woman, and we're both talking, trying to convince ourselves that we are irrational on some level, trying to understand why we couldn't be judges, or hold certain positions of power. This was a very strong woman, and one of the women who tried to help me get away from my abusive husband. Everybody around me had a piece of the puzzle, in this perfect way. On every level, to be a good Muslim, for me; it was to accept being abused.

For the last ten years or more of the marriage, every time we had sex, it was rape, and that was quite often, whenever he wanted it. After that time on the train, I never had any consensual sex with him. And every time, I'm constantly begging God to make me be a submissive wife, and to want to be with him, to want to have this kind of relationship with him. I was being raped for about ten years or more.

Sometimes, he would ask me to make *tawwaf* around him, to prostrate to him. There's a *hadith*, but as far as I'm concerned, it's forged. Supposedly, it states that if God could make a woman prostrate to anybody other than God, He would make women prostrate before their husbands. And there's the story of Fatima made *tawwaf* around Ali. I wasn't able to do those things, so that made me rebellious. The feelings of not wanting to have sex with him made me rebellious. Not wanting to submit to him in every way made me rebellious. He would constantly lead prayer and I had to stand directly behind him. We never stood side by side. He said that I distracted him in prayer, so that made me rebellious. Because he had OCD, he was very particular about how we did every ritual. His mental illness exacerbated things. It was almost a caricature; for me, the volume was really high and it was written in block letters, because the OCD turned everything up.

He was very, very controlling about all my ritual stuff. And right before we would pray, he would say, "Do you have to pee?" And of course when you say to somebody, do you have to pee, they have to pee, and so, then, I would have to go and pee and wash up again. And then I'd get there, and he'd say, again, "Do you have to pee?" Obviously, this was a function of his OCD. He had this system in which his OCD was actually praised, was actually given a ground or a form in which it was valued, given historical weight—it wasn't a mental illness, it was, in fact, being pious, and being good and right and fulfilling his job as a husband.

He would threaten to kill me. He told me right before I left that he had decided not to kill me after all. He would destroy my stuff. He had weapons. He would threaten to kill himself and sometimes tried, in these half-hearted ways that were timed so that he would be interrupted. When he felt that I was pulling away, he would have these half-hearted suicide attempts to try to keep me there, to make me be nice to him.

He wasn't controlling of my friendships, but he was controlling of how I interacted with my friends. He wouldn't tell me I couldn't be friends with certain people, but he did control how I interacted with them so I ended up doing the controlling myself. I ended up not seeing friends because he was so

critical of my relationships with them, saying things like, “This person doesn’t really want the best for you.”

But he encouraged my friendship with the woman who helped me get away. So he wasn’t nefarious. I think this is the thing that’s really important. He wasn’t an evil mastermind. This is just what the system produces. And it was exaggerated in his case because of his OCD. This is what the system produces. He wasn’t nefarious; he wasn’t even mean. He wasn’t a mean person. The system creates the possibility where this [abuse] is nice. It’s responsible. It’s kind. To my mind, it’s *dajjalic*, it turns everything upside down. It’s like *dajjal*, where right is wrong and sickness is health. So for me, that was really important.

I think the abusive relationship in my case was dominated by shirk. I think the traditional relationship with men in which women are meant to be obedient is a relationship of shirk because the men are in this position of God, and the woman is not allowed to. . . The fact that you have to ask your husband whether you can fast, in case he wants to have sex with you, is sufficient to show shirk, because of the fact that he has these automatic sexual rights over you that can intervene between you and your relationship with God. There’s not some sense that husbands and wives should talk to each other before they go on a two-week fast, either one of them, that’s different. When it’s one-sided, and she’s not permitted (it’s not, like, you two should talk this over), you have a situation in which the man is the gateway between you and God.

Divorce: Ramifications

When I wanted to get a divorce, he refused to give me one because, of course, as he believed it, he has total rights of divorce and I don’t. But I had the right of divorce in all four conditions (mentally ill, abusive, not financially supportive, etc.). Any one of those would be sufficient for a juridical divorce, but every single scholar who I went to said that they didn’t work. They said that because I went into the marriage supporting him, I didn’t have any expectation of support. Because I went into the marriage knowing he was mentally ill, and then, when he became mentally ill and I stayed, I lost my right to leave. Okay, that kind of stuff.

And the abuse—he never abused me “illegally,” because he never struck me in the face. He never punched me. And he raped me. But there is no rape in Islam, within marriage. So he would claim that all of those things he did to me were actually his rights on me. You can shake a person, you can hold them up against a wall and threaten to kill them, you can show them your bowie knife, you can show them your gun, you can say, “You’re lucky because I decided not to kill you today,” you can do all of that, and that’s legal only because I didn’t get hit in the face. These are North American scholars; I’ll leave names out because they no longer feel this way. This was at a time when domestic violence in the community was something that didn’t exist, and if Muslim women brought it up, they were to be shushed up and moved out of the community as quick as possible.

Finally, somebody put me in touch with a good scholar who said, “Look, you’re divorced. This is what you need to do: just tell everybody that you’re divorced. Your situation is sufficient enough to warrant doing that.” Once I got the civil divorce that would be the Islamic divorce. But when I left him, there were several years before the civil divorce, so I wanted something in between that would sever the connection—the fact that I had to be spiritually connected to him, and to be obedient to him . . . I wanted it to be over. This scholar was basing his idea on the fact that when you get married, you tell everybody that you’re married so that you’re not trying to do anything wrong. So then, I just needed to tell everybody that we were no longer married. I was really encouraged by this idea of the *khul’* in Islam to just get him away from me.

What does a family based upon equality and justice look like in the 21st Century?

I think that I'm in a marriage now [her second] that is equal and just. It's one in which we're choosing our own gender roles. And those roles for the most part are fairly traditional, in the sense that my husband fixes things and takes the trash out, and I don't want to fix things and take the trash out, even though I'm capable of those things. I really love to cook and I really love to do the laundry. There are other ways in which our gender roles are not traditional. We choose those things equally. He was very sensitive to consent in sex when we first met, and if I said, "We have to stop," he would stop immediately and just hold me. It took 6 months or so for me to realize that I could just completely relax, that I didn't have to worry about being raped with him, that sex with him would always be consensual. So he's very, very sensitive to not abusing his privilege. I think this is the thing that a lot of men don't have—they're not aware of the privilege that they have, that they do these very small things that they don't realize are letting us know that they're in charge. And even in a supposedly gender-equal culture like Canadian secular culture, nevertheless, men have these patriarchal norms, and they let women know in subtle ways that they are the boss. And these are perfectly sweet guys; they don't know what they're doing. But he's super-aware—he was a 70s feminist—he's super-aware of his male privilege, so he's very careful to make sure that he's never expressing that with me.

There are very few actual male monsters. I think the way that the male-female relationship is set up in Islam is not abuse-resistant. It creates an environment in which abuse appears good. You can have a 'good' patriarchal relationship when somebody's perfect, but when they're not perfect, it doesn't work. So all these guys, it's not that they're monsters. And my situation with the abusive husband, it was just much exaggerated [because of his OCD]. But I'm still afraid of him. He lives in another country, and I'm still afraid of him. I mean, sometimes, I think I see him still in the street. Sometimes, I still have visions of him rushing over and about to attack me. It's been a long time, and I've been through a lot of therapy, but I still suffer a great deal from PTSD. When people come back from war, they go through the same things.

Like, one time, I was sitting with my husband, and I had a glass of water in my hand, and I let go of the water, and it spilled on him—this was just 6 months ago—and I was in terror that he was going to be angry with me and that he was going to hurt me, and I actually got on the floor and put my head on his feet and begged him to forgive me. This was maybe 4 years into a really good marriage, and I've got my head on this guy's feet and I'm begging him to forgive me, so this should give a good sense of just how fantastically abusive that marriage was. Because you just don't do that if things are ok, or not so bad.

That's one of the things that therapists always really try to make people understand if they've been in an abusive relationship—that you shouldn't minimize what you've been through. Because I find myself going, "Oh, it wasn't that bad." But no, in fact, it was that bad, and so I try to remember moments like that, which are proof to me again, of just how bad they were. And you know here is my poor husband saying, "It's ok, it's me, you're here, you're safe."

I think most of these guys are good guys. These are really, really good men who maybe have a temper, or maybe have a problem, but who feel that this is the mode by which they are good men.

Reflecting on the roles of men and women, Lila states "Men have a sense of protection that gives them a sense of self-esteem and I know that if a wife is working and he is not, it erodes his esteem." Yet this reveals the precise oppressive nature of patriarchy, as it not only about the emancipation of women, but also men who are made to feel inadequate by its expectations.

There's an interesting story that I heard about a woman and her husband who were watching a TV show on child abuse. This woman's husband used to beat their children really, really badly, and while watching the show, he said, "Oh, you mean, being a good father means I shouldn't beat my children?"

And he immediately stopped beating the kids. Because he was just trying to be a good father. This is what you do to be a good father. And I think that's a good example of people behaving in bad ways because they think that it's right—they think this is what I'm supposed to do.

Most people are just decent folks, trying to do it right, working with the models that they have available to them, and they just don't see that what they're doing is actually abusive. This is doing it right, saving their daughters, protecting their wives from getting into a possibly adulterous relationship because she's so weak... they're really trying to do what's right. I think in a lot of cases, people can be cruel because they think cruelty is what's appropriate. And they're taught that that is what's appropriate.

This is what makes you a good Muslim man. This is what makes you a good Muslim woman. In the end, after I started seeing a *Sufi Sheikh*, it became harder and harder for me to submit to my husband, because I was becoming stronger inside, and it was becoming harder and harder for me to commit *shirk*.

RESOURCE PERSON #5 [Lila]	
<i>Nasab</i>	Lila is a convert. Her early life was marked by an absence of a loving father. When her parents divorced her father “fought to ensure that he paid next to nothing in child support.” She learned to take care of herself from an early age.
<i>Mahram</i>	
<i>Nafaqah</i>	Lila supported her husband throughout their marriage. According to Lila, although the husband accepted that the money she made was hers to spend, he was constantly demanding money from her.
Marriage contract	Lila did have a marriage contract, but according to Lila, it was “meaningless.”
<i>Mahr</i>	
Head of the family	Lila’s husband was the head of the household. He was very controlling which became amplified by the fact that he had OCD.
Polygamy	
<i>Talaq</i>	Lila’s husband refused to give her a <i>talaq</i> . While she had enough grounds for it, e.g. her husband was mentally ill, abusive and not financially supportive, the religious scholars she approached said she did not have the right to. She was finally able to find a scholar who told her that she should consider herself divorced since her “situation is sufficient enough to warrant doing that.”
Post-divorce right to custody	There are no children.

Discussion and analysis

Lila is the second convert in our series of life stories, and much like the other women in this report, her experiences with *qiwamah* and *wilayah*, or male authority and guardianship, culminated in an abusive relationship with significant emotional and psychological effects. Like the case of convert Amina, she also experienced and internalized the “normalness” of patriarchy at a young age.

Lila grew up in a traditional household in the U.S. where her father served as a domineering head of her family’s household, yet did not provide financial support to Lila or her family. Lila discloses that sexual abuse was also present in her early childhood, and as she admits, this played a part in her willingness to accept abuse and male authority in her future relationship. Lila’s acceptance of patriarchal structures began prior to her conversion to Islam and continued into her marriage.

What features as a prominent aspect of Lila’s life story is the absence of an individual sense of self throughout her marriage. Reflecting upon her life, she acknowledges that her identity was cultivated through a gendered and patriarchal understanding of what a “good Muslim” was. Within the context of her marriage this meant submitting to abusive hierarchical gender relationships which were based upon very misogynistic readings of religious texts. She thought rape was part of her husband’s right to sexual intercourse.

This absence of an overall sense of self was not only a product of the gendered approaches to *qiwamah* and *wilayah* which no doubt characterized her husband’s approach to Islam, but also the mental illness that plagued their marriage. Lila highlights how her husband’s OCD interacted with his ritualistic understanding of religion and further perpetuated the abusive behavior and dominance in their relationship.

Similar to the narrative of Samina and more notably Amina, the presence of gendered understandings of *qiwamah* and *wilayah* permeated into the very private aspects of Lila’s life, and she was inhibited from making choices regarding the intimate dimensions of her life. We learn that Lila’s husband demanded that she obtain an abortion when she was expecting their first child, threatening to issue a divorce if she did not listen to his command. Although she reflects upon it now as being the right choice for her marriage, the very fact that her husband threatened to leave her means that her decision to do so was hardly rooted in equality, and or the exercise of free choice.

What features prominently in many of life stories is the complete neglect on the part of the husband to satisfy his wife sexually and ensure that her feelings and needs have been fulfilled. Instead, the men focused on their right to have sex whenever, and however they pleased.

There is a dominant trend by men to use selective aspects of Muslim family law as a *fiqh* of convenience. The interpretation of *qiwamah* and *wilayah* within Lila’s life story is present in the actions and decisions of her husband, who applied or rejected religious law whenever it suited his interests. Much like the stories of Naeema, Safia, and Amina, Lila was the primary income earner for her household. Not only was she unable to keep these earnings, as prescribed by Muslim family law, her husband controlled her earnings.

Sadly, we witness the negative role of some religious leaders in the story of Lila. When Lila sought to divorce her husband, on the basis of abuse, financial neglect and mental health, the *Imam* she approached claimed that there was no legitimate basis for the divorce. It was only after going through the first *Imam* that she was able to find another religious leader who established that she had a right to leave her husband. It is interesting to note that Lila’s decision to initiate a divorce coincided with her achieving some increase in her knowledge and awareness. She realizes that many of the actions she was subjected to in her marriage, including doing *tawaf* around her husband, bordered on *shirk*. She realized that her husband was attempting to serve as the gateway between her and God.

What is striking, and perhaps the saddest aspect about the story of Lila and her convert counterpart Amina, is how within these two cases the spiritual rights of these women were denied. Instead of experiencing and being able to express an Islam rooted in the teachings of compassion, love, justice and equality, both of these women were exposed to a malevolent understanding of the religion, and thus in the process were denied a healthy religious journey into their newfound religion. Lila entered her marriage with a partner who was also a new convert to Islam.

Because Lila and Amina are converts, their source of Islamic knowledge seems to have been obtained from their very traditional families/marriages, from so-called scholars on the internet, and from the books/pamphlets she obtained from Islamic bookstores. Amina rightly asks why these male scholars are not held accountable for what they preach, and how these teachings are destroying lives. This lack of accurate religious knowledge and information is a major factor in the lives of many of these women.

Lila's story is fundamentally a life journey that reflects the importance of self-knowledge, awareness and education as a means of building resilient individuals. Reflecting on her life experiences, Lila maintains that her ex-husband was not an evil person, but that he was well-intentioned. She thinks people behave and mistreat others not because they believe that they are hurting them, but because they feel that they are saving them.

Yet herein lies the paradox—in attempting to impose one's understanding of liberation or a model of what a "Good Muslim" looks like on others, we can be oppressive and destructive as opposed to being emancipatory, and as Lila's story illustrates this can often have devastating human consequences.

Resource Person #6 [Kulsum]

“It’s a whole package. You can’t pick it apart. The problem is when the package is picked apart in ways that are detrimental to women. I don’t support that, but I don’t think the answer is to borrow from Western traditions and try to fix it by this notion of equality. I believe the solution is to go back to what has been prescribed in the Quran and Sunnah and to follow it properly, with good intention and a true heart.”

Parents/childhood

Kulsum is a highly educated, white female convert and resident of Canada. She currently teaches part-time while also writing and caring for her 3 children. She has been married for almost 20 years to a Muslim man.

“I grew up in a house in which my mother was the more dominant personality, I think, not in a bad way. I think they were a team, there was cooperation, but dad was quieter. She was stronger, the talker, I suppose. And I don’t really know but I can’t imagine that she would’ve done anything that he wouldn’t have approved of, anyway, in a grand scale. So I guess that shaped me. I saw them cooperate around the home and stuff, in terms of—well, they had a cleaner, so there weren’t any issues about cleaning and ironing and stuff. But in terms of dinner, they would take turns doing the dishes; whoever was the last one up would do it. So that shaped me, how you approach the idea of housework.

So when I discovered Islam, I actually felt that my parents’ model was reflected in the religion. A lot of stuff I thought that was good about my parents, I actually found in Islam. Like there’s a *hadith* about the Prophet (PBUH) sweeping the floor and helping out, contributing to the housework, so that resonated with my experience, and I was happy to find a religion which had that as part of its texts. I had left Christianity partly because I had thought it was really anti-women. I thought all religions were anti-women. So for a while I was an atheist because of all that.

Before I got involved with my husband, I remember telling my husband that marriage was oppressive to women, and I was never going to get married, and have kids, and well, here I am. I remember my cousin—we had always thought that I would be this ultra-career woman—she’s forty-something, she was going to be the stay at home mom. She’s in a very odd kind of marriage, where she’s married but they don’t live together, and they don’t have kids. So here’s me, I’m the one who’s the stay-at-home mom, who has kids. It’s kind of funny.

Education wise, we were all expected to go to university and excel. I remember at my cousin’s house, there was some idea that the girls did the dishes and the boys didn’t have to, and whatever, and I always attribute my hatred for children and marriage and all that from then, when I was ten or eleven. Hatred, because every time we had a family gathering, I had to babysit, and the boys got to go off and play. Or we had to do the dishes. I hated it. I absolutely hated it. I decided that I hated cooking. And that’s probably where I started to become a feminist. And my family wasn’t Muslim, right?

When I was growing up, it was my brother who liked to cook. It was always a matter of pride for me. There’d be a dinner, and they’d say, “Oh, did you cook this?” And I would tell them, “I hate cooking. My brother cooked this.” And they’d be shocked, horrified!

When I found this religion where the Prophet (PBUH) swept the house, I thought, that is revolutionary. Because that really says something quite radical about what’s going to be going on in the house, and how it will be run.

Marriage: Practices of *qiwamah* and *wilayah*

My husband was in charge of organizing events for the new international students, and I met him and we became part of the international students group that used to hang out all the time. We'd cook for each other, go and see movies, and I guess we just kind of fell in love, and the rest as they say is history. Although at the time I thought he'd never marry me because I wasn't Muslim. Everyone was shocked.

There was a lot of cultural pressure not to. We couldn't get any of the local Imams to marry us. Unless I converted. They sat me down and gave me this big talk about how similar Islam and Christianity were, and after one hour, so will you convert? And I was, like, no I have no interest in converting.

My husband had a big argument with this Imam. It was just his interpretation. It was an official decision of this body, the Council of *Imams* in my city. So, we tried to find an *Imam* who would be qualified to marry us both civilly and religiously. And there were only 4 in our city, so we went around to all of them individually.

My supervisor happened to be from Pakistan. Islamically, you don't need to be married by an *Imam*. Anyone can marry you as long as there are two witnesses. I mean, he has to be male. You can have four women, or two men, whatever the combination. But the one who performs the marriage has to be a man. But if you don't care about the civil marriage, anyone can do the marriage.

So a friend brought another friend who read the *Fatiha*, and one other verse, and asked me about the *mahr*, and if I gave my permission to marry, and it took about three minutes or something. It was hilarious.

Of course, it was different because there was no contract, no father negotiating. Like I didn't have all that, like if I was a Muslim girl, the father would have been negotiating and all that business. But I didn't know about that, actually. I definitely wouldn't have wanted my dad to give me away. Because I was still a feminist, remember. The whole idea in Christianity of your dad walking you down the aisle and giving you to your husband, I wanted none of that. We got married in my parents' backyard. So I walked out, down the stairs together with my husband, well, he wasn't my husband yet, my fiancée. It's hilarious what things seemed important back then.

I didn't know about the marriage contract, though. The *mahr* I knew about. So I'm pretty lucky, because I could've married a really bad guy, and would've been stuck. The contract is really a protection for women, when it's done properly. Now, when I meet a convert who's getting married, I always tell them about the contract. You need to know your rights.

The engagement ring was my *mahr*. The *mahr* was this foreign tradition, so I didn't really care about it. The *mahr* has become—in the absence of properly giving women their rights—the wife's nest egg in case of divorce. Which it shouldn't be. Or it's given to the woman's father. It's been really abused, this *mahr* thing. But people will abuse anything, no matter what perfect system has been set up.

It's hard, but the truth is I made a conscious choice not to work full-time, so that I could stay at home with my kids, and to even have that feeling is shocking because when you're in Women's Studies, being a stay-at-home mom is the quintessential expression of women's oppression right? So I have changed a lot.

It's definitely a trade-off, it feels like a sacrifice. But I'm ok with it. Kind of. I don't regret it, but I just wish I could—the problem is not me, the problem is the world. If only academia had part-time tenure, and, why shouldn't they? It's all structured around the male life cycle.

His parents come and live with us for a few months of the year. They rotate between my husband and my husband's siblings. They've got a room in each house.

I don't provide for the household. Well, only in the margins. It's all my husband's responsibility. In many ways, we're a very traditional family in that perspective. I think it's very clear. We're trying to follow what we understand from the Quran and Sunnah in a traditional way. He's the breadwinner, so he's responsible for xyz—clothing, food, rent, medicine, you know. We maintain separate bank accounts but we have 2 joint bank accounts—one's his and one's mine. So my salary goes to mine, his to his. So if I'm going to buy shoes for the kids, I'll use his bank account. And if I'm going to buy ice cream, something frivolous, a treat, then I'll use mine.

When we first got married, it was fantastic. We had this rule, whoever cooked; the other would do the dishes. But also, he was working outside the home, and I was a student at the time, so I had more flexibility. So I cooked, and he would come home from work and do the dishes. Then on the weekends, he would cook, and I would do the dishes. And that lasted until we had our first child, and then his parents came to stay with us to help out, and I can remember the first time he got up to do the dishes, his mother just about flipped out, and she shooed him out of the kitchen. And my father-in-law picked up my little baby boy who was 3 months old, and said, "Let's go because the kitchen is for the women." And I thought, What?! Because I know there's a difference between culture and religion. So I know, culturally, the women are the ones who do all the work.

But we've been married for almost 20 years now. And housework has also got to do with the life-cycle. When I was growing up, my dad didn't even know how to boil an egg. But after he retired and my mom was still working full-time, he became the chief shopper and chief cook. You can see this over the years. Even with my in-laws. Like my father-in-law, I've seen him sweeping the house, chop the vegetables and do the cooking. So sometimes I think these things are gender-socialized, but sometimes I think they're life-cycle effects. He was out working 2-3 jobs from 6 am to God-knows-when at night, and they lived in an extended family, so he'd come home, and there'd be 3 families, and all the women would be in the kitchen. You know, why would the men go there? Even though we're a family that mixes, there's still a sense of segregation, not in a big way, but in a little way. Like if there are all women in the kitchen, the men will go to a different room. Not that they don't talk to each other and sit together and eat together. They do, do that.

But I don't shake hands with men if I'm not related to them. I just avoid it. It's supposed to be some big hoo-ha.

When you look at the Quran and the Prophet and the way the first community lived, it's very inspiring. There's all this stuff about women's desires, and to be sexually satisfied, and there's all these instructions to men about how to treat their wives. And when you come from the Christian heritage which is, sex is bad, it's really refreshing because it's all about sex is normal. You know, women used to go to the Prophet (PBUH) and say, "What do I do if I have a wet dream?" I'm sure it's different culturally. But Islam gives women sexual rights within marriage.

The funny thing is, even though I'm still a feminist, I became a very traditional Muslim. I'm kind of this really odd figure. I accept the figure of the man as the head of the household. But what I don't accept is how that can get ramified outside that husband-wife relationship. I mean, the commandment is to follow consultation, and I mean, you're supposed to follow truth. It's not about the husband making the decisions. It's supposed to be about mutual consultation, and following what is true. Sometimes there's conflict because there's different interpretations between the husband and the wife. And I do accept the husband having the last word. The best idea I can come at it with is a ship—you need one captain on board, you can't have two.

But I actually understand why it's there [that a woman shouldn't refuse her husband sex] because I think men have a different sex drive than women. I mean, if the wife is going to say no, what's he supposed to do? He can't go visit the brothel. That's what you're there for. Marriage is for sex. Even though I don't always practice what I preach. I understand why it's there. When I put my thinking hat on. And yeah, sometimes I ask my husband for sex. You have to. That's what it's for. And he's very good, even when I say no; he's very good about it.

I mean, we're a normal married couple. We fight and we don't fight. But it has never crossed over into the abusive realm.

With regard to inheritance, as a convert, I'm not supposed to inherit from my parents. But for the record, I told you, in this way, I'm very traditional. I understand that it can be abused, but I believe that we're supposed to follow the Quran and Sunnah, and it's a package, so if the entire package is working, I don't have a problem. I only have a problem with people who try to use the package. Like I believe that women should get their rights, but not more than their rights. So, it's very clear in the Quran that a daughter will get half of what the brother will get. But if you look at the inheritance formulas, it's very complex. Sometimes women get more than the men, it depends where you are in the structure. But theoretically, the brother is supposed to take care of the sister, so he needs the inheritance more than she does.

It's a whole package. You can't pick it apart. It's an entire package. The problem is when the package is picked apart in ways that are detrimental to women. I don't support that, but I don't think the answer is to borrow from Western traditions, and try to fix it by this notion of equality as being identical. I believe the solution is to go back to what has been prescribed in the Quran and the Sunnah and to follow it properly, and with good intention and a true heart.

It's a work in progress. I think that's what life is to be—that's the test. Did you treat the women in your life properly or not? I know there's a lot of problems and a lot of abuse going on, and male authorities can do a lot of wrangling with the text to make it come out to the detriment of women—I think that's what this project is trying to get at. But I don't think that the solution is to redefine things in the Quran, things that are set out very clearly in the Quran. I don't believe in rewriting. I believe in rededicating oneself.

With regard to *Aqiqah*, well, we only had boys, but as far as I know, it is *Sunnah* to do 2 goats for a boy and 1 for a girl. I didn't really research it because it didn't come up for me, like what if it had been a girl. But if it turned out to be a true *Sunnah*, I would have accepted it, even if I didn't understand it, I would have accepted that there's some wisdom behind it and I just don't know what it is.

But I know this preference for male over female, it's very strong in the culture, but it's not Islamic at all. I remember meeting a Muslim woman and the midwives, and she was crying because she was having another girl, and I'm like, it's from Allah, you shouldn't cry. And she was getting pressure from the in-laws to have a boy. That just makes me scream!

Even if they decide to blame the man, whom they won't, it's all from Allah. He says, "I make the womb male or female, as I will." So this preference for males, this is a cultural thing. It's obnoxious and disgusting.

Even in my parents' generation, my mom worked, and she had to give up her job when she got married. So it's pretty recent [this idea of both husband and wife working outside the home]. People keep raving on about Muslims, but it's not that different from most traditional religion.

But if a couple cannot get along, my understanding of it is that Allah has allowed divorce, but that it is the most hated permissible thing. So I believe that it's allowed, but it should be avoided if possible, but if the couple is not getting along, or if the husband is abusive, then it should be allowed, and I know that in the Muslim majority communities, it's considered to be shameful, which I've never understood. I've never understood why it was shameful. Because if you look at the Sunnah, the women were getting divorced and remarried left, right, and center. It didn't seem to be a matter of shame at that time.

I know about it through my friends, this sense of shame, that the Muslim community will shun a divorced woman. We know it's allowed, the Prophet (PBUH) allowed it, but just try not to. But if the marriage is not working, then it's not a haram thing. Like I said, it's the most hated, permissible thing.

In addition, women have the right to divorce, and one of the greatest sadness of today is to see ulama opposing this idea, like in Egypt, I think, right now, it's coming up for debate. That's what I said, we need to go back to the Quran and Sunnah. The Prophet allowed it, so end of story.

My belief about divorce in Islam is that I think my children would go with me. They should go with me. From what I know, the Sunnah says they should with the mother until the girls reach the age of puberty, at which time they can choose whom they want to go with. I'm not sure the schools of law embody that Sunnah properly. But I believe that's what is supposed to happen.

Sometimes you do feel that your autonomy is taken away because of expressed norms of male guardianship. Because if you have this idea that you're supposed to obey your husband, then yes, you do have this feeling . . . your autonomy. In all relationships, there is this. Perhaps in other relationships, the woman commands, and sometimes, it's the man. I grew up in a family where the mother was the dominant force.

But, like I said, when I converted, I studied the Quran and Sunnah, and I came to feel that this was the way it was supposed to be, even if sometimes I hate it. I can't deny that, I do hate it sometimes. I'll give you a very innocuous example. My husband—I used to agree with this but I don't anymore—doesn't want the kids to watch TV after school. And sometimes I am so tired that I want them to slow down and be quiet, and the only way to do that is to put the TV on. So sometimes I do, and my husband will come home from work, and he'll be mad at them and mad at me. And I'll be like, well, they were fighting, and I couldn't handle it, and I got sick of it. So, here's the thing. If I believe that I'm supposed to obey my husband, when the children say, can we watch TV? I will say no, even if I want them to watch TV. It's a very small example, but it's from my life. And sometimes, that's when you think, Oh God, why do I have to do this, and be part of this, and why did I convert? But like I said, every time I rationally think through it, I actually think it's quite clear, it's well established from the Sunnah. This is a case where, if I think about it, I mean, it's not that he's wrong, or he's asking me to do anything haram, or anything, so then, yes, we should just do it. And most of the time, I try; even if I really wish they could watch TV, and then they start to blame their father, saying, "I hate Dad! He won't let us watch TV!" And then I tell them, if we do this, we will get a reward from Allah for obeying your father, and I believe it, even though sometimes you wish things were otherwise, right?

Polygamy is not an issue in my marriage, but if my husband ever did bring it up, well, in Canada, that's illegal, right? But if he did, I would accept it. I would try my best to accept it. I believe that it's a permission given to man in the Quran. So what are you going to do? You either have to accept it, or get divorced. I don't know how I would feel, to be honest. I would probably hate it. But if you believe that it's something that God has allowed, and then you have to teach yourself to accept it. And this second-wife thing, there are a lot of obligations on the man. He is supposed to treat his wives equally,

provide for them equally, you can't love equally, but nevertheless, respect them equally. You hear about the second wife being tormented by the first wife, or the first wife gets rejected by the husband, and he goes off with the second wife, but there shouldn't be any of that. I mean, like I said, when things are done properly with God-consciousness, it should be ok. I actually know a couple families where they have co-wives, and they seem to be doing well. Of course, everyone has issues, but from what I can see, they seem to be doing quite well. So I have no doubt that if done properly, it can work for some people. I don't know how it would work for me. But I'm not against it.

What does a family based upon equality and justice look like in the 21st Century?

I am a convert. I was a feminist, an atheist, but then I studied the Quran and the Sunnah, and I suppose I believe in the traditional model, but I understand how it gets abused. So equality and justice would look like the Prophet's example, during his time, and then you throw up the ifs? What if the husband's not working and the wife is?

I believe that if you're following the Quran and Sunnah, there is always mutual respect and it is a situation of equality and justice. Even if the husband is the final decision maker. Because if you believe that God wants justice for us, and that this is the Prophetic way, then you have to believe that it's equal and just. And I don't define equality as being identical, which is a big difference between Western liberal feminism, and what I've come to. I've changed a lot since I've converted.

So I don't believe that equality means that if the woman's working, let's make her head of the household. I still think if the husband is a good Muslim, he will respect the fact that the wife is contributing to the family, but she's not obliged to contribute, she's contributing out of her goodwill, and it's a sadaqa for her. As soon as the husband's situation changes, he should take that role again. (The woman's money is her money, so if she's contributing, it's her *sadaqa*.) But I still think that the husband would be the head of household, but he'd have to be the head of household in a really nice kind of way. So, for example, the TV example, if the husband doesn't want the kids to watch TV after school, then she should try to comply with that, still. I don't know that if the connection is that if you earn more, you get to call the shots. I don't really know if that's the reason. I think the answer's pretty clear, just go back to the Quran and Sunnah.

The Prophetic community was a different economic structure, and part of the problem is that we now live in a postindustrial world where breadwinning takes place outside of the home, but if you think back to those early times, there wasn't this notion of the woman at home, idle, doing nothing, like the Victorian "angel in the house." They were working in the fields, there was agriculture, handicrafts, cottage industry, and everyone was contributing. It was a much more possibly egalitarian model. The contemporary industrial model has been really unequal, and has really been bad for women. Because it's pushed them to make this choice between home or go out and work in a factory. Before, crafts were home-based, so you didn't have all the issues that come up with child care and elder care, I mean, it's just a completely different lifestyle, but I think you can pull out of that lifestyle certain principles, one of which is that women work and they do contribute to the household. Men have a bigger responsibility. But I don't know if this idea of headship turns on whether or not they're earning more money or not. Personally, I don't see it that way.

I've got friend who is married to a refugee, he can't get work, and she's got an extremely good job. She's supporting her family, putting him through school. But I still think that he is the head of the household. Like if he would make a decision about something, she would defer to it. I think that if the woman is earning tons and tons of money, he should respect her, but he should respect her anyway. Even if she's at home with zero dollars. The issue of respect and dignity and honouring the woman, and taking into account her opinions, and her perspective and following what's true. If a woman says something that's true, you should follow it.

I don't think that equality and justice should be related to how much money you make. I don't think the changing status of gender roles means that we need to 'rewrite.' I still think that men have a sense of protection that gives them a sense of self-esteem, and I know that if a wife is working and he is not, it really erodes his self-esteem.

If you can show that a historical law has anti-women effects, or doesn't reflect the spirit of the Quran and the Sunnah, then I think that it should be changed. But I don't think it should be changed based on a Western understanding of what equality is or anything like that. I think that it has to be firmly based within the Quran and the Sunnah. And I know that the schools of law have erred sometimes in their practice and in their interpretations. So, I guess I'm somebody who's in favour of reform to make it reflect Quran and Sunnah that are conducive to women's dignity, but sometimes we have to accept things, even if we dislike them. So, I guess that's my final word.

I would disagree with the statement that boys should not be allowed to inherit more than girls. Or that men should not be allowed to take more than one wife. There are just some things that are not equal, meaning not the same."

Resource Person #6 [Kulsum]	
<i>Nasab</i>	Kulsum is a convert. Grew up in a household where the parents cooperated around the house.
<i>Mahram</i>	Kulsum would agree that the man is the <i>mahram</i> and head of the household.
<i>Nafaqah</i>	Husband is primarily responsible for the household.
Marriage Contract	Did not have a marriage contract. Though she advises young girls getting married to have a contract.
<i>Mahr</i>	Her engagement ring was her <i>mahr</i> .
Head of the family	Most decisions are consultative but husband is the head of the family. She believes regardless of whom the breadwinner is or who is earning more in a marriage, the husband is the head of the family.
Polygamy	Not an issue in their marriage. She however would accept polygamy because it is permitted in the Quran.
Talaq	She does believe that women have the right to divorce, although divorce is considered a last resort for a marriage.
Post-divorce right to custody	She believes, in case of divorce, that children should go with the mother.

Discussion and analysis

Kulsum is the last of our three stories from the perspective of a Canadian Muslim convert, yet unlike the lives of Amina and Lila, her experiences with a traditional *qiwamah* and *wilayah* based Muslim family structure have been positive.

She says she is a feminist, but also believes in the traditional aspects of a marriage. She believes that the Quran as the word of God must be followed, even if not understood by her.

Hers is a story characterized by contentment and spiritual fulfillment within a traditional structure, which she views as liberating and empowering.

Like the stories of Naeema, Safia, and Lila came from a healthy familial background where her guardians, in this case her mother and father, served as role models for her future behavior, relationships and larger sense of self. Lila describes the household of her youth as one in which both her father and mother shared responsibilities. This shaped her own expectations, and soon found that this was reflected in Islamic family structure.

Lila's story and voice is of particular interest for this project. She defends mainstream gendered approaches to Muslim family laws and *qiwamah* and *wilayah*. Her marriage reflects these traditional practices, as she believes in the socially constructed gendered roles that are ascribed to men and women.

As Kulsum outlines in her story, she chose to adopt a traditional *qiwamah* and *wilayah* family structure where she is the stay-at-home mother, working part-time, while her husband is considered the provider and head decision-maker of the household. This is because, according to her understandings, the Sunna and Quran maintain that it is the wife and children's duty to listen to the husband and father.

Kulsum firmly supports traditional *qiwamah* and *wilayah* understandings and gendered readings of *fiqh* and *hadith*, maintaining that they are part of the larger package that cannot be applied selectively but must be utilized in its totality. Recognizing that the misuse of religious law takes place within Muslim communities, she understands that men have abused it for their own interests and that it falls apart when we selectively employ aspects of it, a dominant theme that has appeared in the majority of the stories in this report.

Kulsum also attests that men and women are "equal" in Islam—but not similar to the views of the West—and that it is not the Quran or the *hadith* which devalues women, but rather it is culture which places value on the lives of men over women. et curiously, Kulsum is still willing to accept and defend gendered readings of religious texts which place men above women and thus reinforce a narrative or understanding which can justify inequality and patriarchal structures, with damaging implications for women. This is even if they are applied correctly and not selectively employed. This is evident in rulings that maintain that two animals should be sacrificed for the *Aqiqah* of a boy, versus one for a girl.

Kulsum maintains that she does not believe that income or money determines the head of the household, establishing that if a woman makes more than a man, this does not make her head of the household as it is still the role of the man. Accordingly, she defends an inheritance formula wherein the son receives a larger share of the parent's inheritance than the sister, because he is meant to take care of his sister after his parent's death.

Kulsum conveys a strong sense of awareness of her sexual rights within the context of marriage, establishing that within Islam it is the husband's duty to fulfill the sexual needs of his wife, and that

within her own marriage this has not been an issue. This possession of knowledge is what distinguishes her sexual journey from that of the lives of Samina, Amina and Lila.

Yet, this being said, Lila still understands the sexual dynamics within a marriage through a gendered lens which privileges men over women. She understands why men are afforded the right to ask their wife for sex and why it should be given, and Kulsum accepts the gendered binary which maintains that because men may have a higher sex drive, they must be given sex, or will cheat on their spouses.

Lila does reflect upon the personal challenges that adhering to *qiwamah* and *wilayah* pose to her. As she says, "Sometimes you do feel that your autonomy is taken away because of expressed norms of male guardianship." Still, Lila accepts this reduction in autonomy because she believes they are God's will.

In spite of adhering to, and operating within a patriarchal familial and religious structure, it is apparent that Kulsum has cultivated a strong and empowered sense of self. She identifies herself as a feminist and has very much embarked upon a religious journey that is of her own making.

Understood in this sense, Kulsum is unwilling to acknowledge the human agency that is involved, the power positions and gendered lenses of the individual scholar and interpreter that have gone, and continue to go into establishing of *fiqh* and the reading of Islamic text. For Kulsum, her position is that I may not understand the logic, but I will accept it. Kulsum rejects the belief that we engage in re-interpretation, but instead commits once again to the original teachings and message.

Much of Kulsum's idealism rests on the fact that her life journey has not included the various obstacles that the other women in this report have faced when utilizing Muslim family laws. She did not have to go through a divorce, a custody battle, physical, sexual, emotional, psychological and spiritual abuse, and also seems to have a loving respectful husband, clearly absent in the story of fellow converts, Amina and Lila.

Would her opinions and beliefs be different had she experienced any of the factors that the other women faced? With regards to the issue of Muslim convert women, we are left with the question as to what was distinctive about her husband's community and her support network that allowed her to have a positive experience with Islam?

Perhaps the relative success of Kulsum's story is indicative of what our previous respondent Lila indicated at the end of her story. Reflecting on the failure of her marriage, Kulsum states, "You can have a 'good' patriarchal relationship when somebody's perfect, but when they're not perfect, it doesn't work." In other words, when men act like the men and women act like women and perform the roles and characteristics imposed upon them by gendered and patriarchal readings of who and what they should be, then *qiwamah* and *wilayah*-based marriages may work.

Resource Person #7 [Noreen]

“I tell my daughter that she is more important than my boys. Society will always tell boys, “You can do this, you can do that.” But she needs to know that too. It is a man’s world, and you, as a woman, have to be sure that you can stand on your feet, and that you’re not going to be stuck in an unhappy marriage and have no options. The best I can do for her is to give her an education and the self-confidence to make her own decisions.”

Parents/childhood

Noreen is a university-educated Muslim woman from a strong Muslim family, who was born and raised in Ontario. She was educated as a schoolteacher but is now owner/operator of a business. She has 3 children, two boys and a girl. She is currently married to her Muslim husband of 23 years.

“A big impact on my childhood was my parents’ marriage—there was a 25-year age gap between them. And they had an arranged marriage. So that colours everything. My father had already been in Canada since 1949, and he brought her over as his wife in 1965. She was only 16, and she knew not a single soul. I was born a year later, and my brother and sister followed closely. So my mother had three babies, at 19 years of age.

People really thought her husband was her father. She was proposed to in front of my father, by people who thought she was his daughter. “Brother, we came for a reason. We came to ask for your daughter in marriage.” And my father pointed to me, and said, her? I think I was only 11. And they pointed at her, “No, her!”

It was so hard. She had not a single friend. I was the first Muslim kid born in our city. For my parents, it was really up and down. My father was a typical Type A personality, a self-made guy who came here with a quarter in his pocket, and made something of himself, did really well. But he did it with my mother. She built the business with him. Our company was right beside the house. My mother worked alongside my father since the time she landed in this country, night and day, 7 days in a week. She was a real partner, in that way. All the money was shared. But the age difference really impacted everything. He was so hard. He was really stressed out all the time.

But he was the most wonderful person to everyone else. He was somebody who would bring together people in the Muslim community. He would just never stop, never stop. People would ask me, “How do you get your father to sit down?” He was just that kind of guy.

There was no doubt that he loved her, but he was of a different generation. It was an unequal status between them. He would travel and be away a lot. My mother had to accept it, though she tried to leave many times.

My mom, her whole married life, would always ask, “Allah, let this man come on his knees and need me.” And you know what happened? He had a stroke; he was paralyzed completely. And he needed her. In such a bad way. She had to dress him and feed him and bathe him. My mom was 37, and she had a paralyzed, old man husband. Isn’t that awfully hard?

He was the most wonderful father, but he was not the most wonderful husband, and when he was sick, he was like a baby. It was never balanced. My poor mother never had a normal marriage. And she was young when she became a widow; she was 43.

It was really hard. She loved him, I know she loved him. He was amazing. He could do anything, he was so alive, so accomplished, so brilliant. But it's just the way he was. But, for sure, he made her into the woman he needed. He molded her into this businesswoman, someone who could talk to customers, entertain a million people at the drop of a hat, lead a community, be a wonderful mother, be gorgeous, eloquent, do the bookkeeping, and do the accounting.

But in some ways, I think she really got burnt out. Sometimes, after my dad died, I found her to be so quiet, not like her normal self in a crowd. I think she was always trying to be something that she was not, and I think she also got exhausted from it.

I told you all that because it's important to know who I am. Because I am them. So, I am a bit of a martyr. I am somebody that wants to do everything. I want to be my husband's partner, be that partner that he needs. My marriage is so different from my mother's, so equal, so much better. I found such a good man. My mother's friend used to say, "For all the good deeds your parents did, for all your father's prayers, Allah brought this man to you." And in many ways, it's true, I think.

I have an Uncle who is very wise, and he told me once, "When you pray, say, please Allah, whatever's best for my next life—if this business, this move, this job, this relationship, anything—if it's good for my next life, for my soul, let it be, if it isn't, then please keep it away from me. It's hard to say that what's best for the next life, not just this life.

When we were younger, we had the Friday prayers at our home. Every Thursday, I'd be in charge of the basement, vacuuming, doing the washrooms, making sure there were clean towels. We would bake; make sure there was something to serve after prayers. My brother would shovel the snow. But I think the separation of chores was more about the physicality of it. The cutting of the grass, the snow shoveling. But then, sometimes I would cut the grass, as well.

There were always people visiting us, relatives, newcomers to Canada from God knows where. My mother was always taking care of people, and my father, but it would always fall on my mother. But no, we ALL had to work. And school was the same; we all had to study hard. Actually, I am the highest educated of us all, then my sister, then my brother.

Marriage: Practices of *qiwamah* and *wilayah*

I met my husband through family; he was the son of one of my father's business partners. He saw my grad picture on top of the TV, and he told me mother, "You know, I have a son." And she said, "That's nice. I have a son, too." But anyway, his son soon came over to spend time with me—we actually had friends in common, and those friends thought that we would be a perfect match.

I didn't want to say no to anybody. There were lots of boys coming around all the time with the intention of marriage. I didn't want to get to be known as 'the bitch.' Also, I thought, maybe there IS someone nice. My parents met through that way [through family], I can meet like that. I got through some awkward ones, and there were lots of awkward ones, and before he came, I had gotten to the point where I just couldn't stand it. They were all too square, too fat too old, etc.

But so, our friends thought we would be a good match. And we knew some of the same people, so there was that commonality. Then we got to know each other. But it was hard. And after about 6 months, I said to my father, "This is not working out. He's too shy, I'm too shy." And my father said, "You're not shy, he's not shy. It's just the surroundings that are crazy." The house was full of relatives and friends constantly. And my husband-to-be would come over and everybody would look at this boy and not recognize him and then figure out, "Oh, he's for her." And it was so awful, it was so embarrassing. My mother would push me out to the kitchen and say, "Go talk to him!" But my father was the one who made me hang in there, made us get to know each other.

Finally, we did get to know each other, and I was asked for my agreement [in marriage]. We had a \$1 mahr; it was just symbolic. I mean, it's ridiculous. I don't even think my parents had a mahr, symbolic or not. I think the Imam said to do it. I have Canadian rights and rules to protect me. You have to follow the rules of the land—otherwise, don't live here.

I remember when we got married; my husband didn't want me to hyphenate my name. He said, "Why do you want to do that?" I said, "Because I'm not a [husband's last name], I'm a [father's last name]."

I had a not-so-good relationship with his parents; his mother was very hard, though I had always thought, "What mother-in-law won't love me?" but she didn't, and I realized afterwards, it's her problem. It's something that she, for whatever reason, comes with. These preconceived notions, like, "You're the daughter-in-law, so you should do this." And I would say to my husband, "Did you hear what she said?" And finally, he got smart and he said, "Did you just meet her today? You know my mother." And I said, "I know, I'm sorry. Why am I letting it get to me? As if this is a surprise."

When the kids were little, and I wasn't working through the school year, though I would work in the office on the weekends, he would say, "I'd like to take time off too. I'd like to not have to work, etc." And if I was at my mom's having a ball, he'd be like hmm, because he can't. He has to see me beside him, and I get it, I totally get it. I can't have him working like crazy while I sit at home, although that is also contributing. We're both working towards this goal, of having a nice life, of putting the kids through school.

I travel, go to work, go to school, make money, have a social life, etc. Your kids need you, they have to have a reference point, not that our life should be lived for them, but it gives them, especially daughters, license to say, this is possible, this is what I should go for, etc.

My husband is my partner, so we share expenses. I have friends, who keep everything separate, but then, she is on her second marriage, and she has 3 kids with her previous husband and 2 kids with her current husband, so there are a lot of different elements to manage there. But we're not like that; it works better for us not to be separate, but no one formula works for everyone.

I contribute to the household financially, but my husband makes more money than me. It's significant, what I contribute, sure. But it's not just the money you bring in, it's the support you give, the attention to the team, it isn't just the money. And it's also, of course, about my own self-worth. It's about me feeling like I've contributed, that I've used my brain.

With regard to Aquiqah, again that was something my parents didn't do for us, and we found it natural not to do it for our own kids. I know that when we had our daughter, I was so happy to have a girl I was crying. I would have liked to have had ten children.

When it comes to disagreements, we work things out together. When it comes to sexual relations, he has never forced me; it's a healthy relationship.

What does a family based upon equality and justice look like in the 21st Century?

A happy family. A family where there is honest communication, where people are listened to; where people are valued for the strengths that they bring; it's harmonious. You can see it. I think you can feel it when you walk into a house. There is a sharing, openness, a sense of empathy. The knowledge of what it's like to walk in someone else's shoes—I don't want to carry you, but I want to know how it feels to walk in your shoes, and if I can know how that feels, I think I can be kinder.

Another thing that my husband's uncle says is that it's important to have an eye upon yourself, an understanding: How am I behaving, how am I talking, how am I walking? It's just like in Islam, where they say, Allah sees everything, and Allah is closer to you than your jugular vein. We're not perfect, but at least we can try to be better. I know it sounds so clichéd, but it's true. About trying to be empathetic, about not being quick to judge.

Truthfully, I don't know what options my kids, my daughter, will have in the future. I don't know what the future will look like. But I can only support them in their decision-making so that they will make the right choices. I pray that my children turn out ok, that they are good Muslims, that they are good to society, that they are good to us.

I remember one of my son's friends, a 16 or 17-year-old girl, saying "I'm not sure what I want to study." And I said, "Look, you are beautiful, you're smart, you can make something out of yourself. You are wonderful, you can do it, and know that one day, you might need to stand by yourself, there might not be a brother, father, husband, etc. to support you." I say that to my daughter too. I tell my daughter that she is more important than my boys. Society will always tell boys, "You can do this, you can do that." But she needs to know that too. It is a man's world, and you, as a woman, have to be sure that you can stand on your feet, and that you're not going to be stuck in an unhappy marriage and have no options. The best I can do for her is to give her an education and the self-confidence to make her own decisions.

Resource Person #7 [Noreen]	
<i>Nasab</i>	Noreen grew up in a Muslim household where the father was the provider. All the children were encouraged to study and to do well. Apart from looking after the family, Noreen's mother also helped her husband run his business. Noreen's father would travel, and her mother was left to take care of everything by herself.
<i>Mahram</i>	This was not identified by Noreen as an issue.
<i>Nafaqah</i>	While she contributes financially, Noreen adds that her husband contributes a lot more.
Marriage contract	The Islamic marriage contract is not of much relevance since Noreen says, "I have Canadian rights and rules to protect me. You have to follow the rules of the land; otherwise, don't live here."
<i>Mahr</i>	Noreen's <i>mahr</i> was the symbolic amount of \$1, since that is what the Imam suggested.
Head of the family	There is no one head of the family and decisions are made consultatively.
Polygamy	This is not an issue in their marriage.
<i>Talaq</i>	
Post-divorce right to custody	

Discussion and analysis

Noreen's life story and marriage is one of satisfaction and success. There is no abuse in Noreen's relationship and her marriage is a happy functioning marriage. It is a relationship where there is team work and where the husband and wife respect each other and view each other as equals.

Much like Samina, Safia and Amina, Noreen grew up in a family with traditional gender roles and although Noreen's father was loving, she remembers her mother experiencing some difficulties within the marriage. The age dynamics between her mother and father allowed her father to mold her mother into the type of wife he wanted her to be, one who was able to serve the role of domestic housewife, and also assist in his business. After hearing and reading Noreen's story one is moved by her mother's experiences, and given more time, it would certainly have been worth interviewing her mother for the Life Stories Project. Moreover, it is apparent that having witnessed the relationship between her mother and father, Noreen sought to develop a sense of self and create a marriage which did not reflect that of her parents. It is also apparent, that in creating her own marriage she actively sought to build a relationship that could serve as a model for her children, notably her daughter.

Noreen's own married life is not one of strife but one which primarily demonstrates a functioning and gender-balanced relationship between the husband and wife. Despite the presence of an extended family or community, including an intrusive mother-in-law who attempts to dictate how Noreen's marriage or household should operate, her marriage is resilient. This is arguably due to the sense of empathy that has been cultivated between the husband and wife.

The religious marriage contract and all that it entails was symbolic, with Noreen's *mahr* being \$1, because as Noreen states, she has a firm belief that Canadian family law protects her rights. Thus, in this particular story much like the story of Safia, there is an explicit rejection of *qiwamah* and *wilayah* on the part of the respondent. This is not attributed to Noreen's lack of religiosity, as she is quite a devout and faithful Muslim, but rather a matter of her negotiation between her Muslim and Canadian identity, establishing that she must follow the laws of the land where she lives.

This marriage of a Canadian-born Muslim woman and a man who came to Canada as a child shows the strength of the blending of Islam and cultures.

PART V: PRACTICES/USES OF MUSLIM FAMILY LAWS IN CANADA

CCMW in collaboration with an Islamic scholar, Professor Lynda Clarke, and a family lawyer, Pamela Cross, wrote a book on Canadian and Muslim family laws. (Please refer to [CCMW website](#).)

This book resulted in the development of pamphlets on various aspects of family laws and these were translated into a number of languages, such as Arabic, Urdu, French, Somali, and Farsi.

CCMW held a number of workshops across the country to raise awareness and provide accurate information to Muslim women and professionals.

The following are excerpts from the book *Muslim and Canadian Family Laws*.

Muslim Marriage Contracts in Canada

In Canada, marriage contracts and separation agreements are considered to be “domestic contracts” and are governed by provincial authorities.

In Ontario, domestic contracts are governed by the Family Law Act, according to which a marriage contract is an agreement in which the couple agree on their respective rights and obligations during the marriage, upon separation, after its dissolution or upon the death of a partner. This can include such matters as ownership and division of property, support obligations, the right to direct the “education and moral training” of their children and any other matter.

But Section 52 of the Family Law Act specifically excludes custody of, and access to children from being governed by way of a marriage contract. In addition, Section 56 sets some further limits on domestic contracts and allows the courts to set aside any provisions that would result in an “unconscionable outcome.”

Enforceability of Muslim Marriage Contracts

There has been much debate within Canada whether through a domestic contract a competent adult, who is not under duress or coercion, can sign away their legal rights.

We raise this as a warning to Canadian Muslim families, esp. women, to be cautious with domestic contracts based on their understanding of Muslim family laws.

In *Hartshorne vs. Hartshorne* (2004), the Supreme Court of Canada ruled that an individual, in this case a woman, could sign away their rights. In this case the parties had been together for 12 ½ years, were married for nine, and had two children. At the time of the marriage the wife, a well-educated lawyer, with the help of an independent legal counsel signed a marriage agreement. Although her lawyer advised against it due to the unfairness of the agreement, she went ahead and signed it with a few minor changes.

The British Columbia courts set aside the marriage agreement as unfair and ordered a reapportionment of the family assets. On appeal however, the Supreme Court of Canada took a different view. The Court felt that private arrangements regarding division of property in case of a relationship breakdown ought to be respected, and all the more so in this particular case, since independent legal advice was sought.

This decision, which is binding on all courts in Canada, supports the notion that domestic contracts (in this case a marriage contract) should be given great deference. It implies that courts should only intervene to set aside a domestic contract in extreme circumstances, and that adults are free to sign away their legal rights and must assume responsibility when they do so even if the consequences prove to be negative.

There is little case law dealing with the enforceability of domestic contracts based on religious laws or practices. In a 1998 case, *Kaddoura vs. Hammoud*, the Ontario Court of Appeal refused to require the husband to pay the wife the *mahr* of \$30,000. According to the judge the contract had a “religious purpose”, and therefore was not an obligation to be adjudicated by the public court system. In his decision, the judge noted,

I cannot help but think that the obligation of the *Mahr* is as unsuitable for adjudication in the civil courts as is an obligation in a Christian religious marriage such as to love, honour and cherish, or to remain faithful, or to maintain the marriage in sickness or other adversity so long as both parties live, or to raise the children according to specified religious doctrine. Many such promises go well beyond the basic legal commitment to marriage required by our civil [public] law and are essentially matters of chosen religion and morality. They are derived from, and are dependent upon doctrine and faith. They bind the conscience as a matter of religious principle but not necessarily as a matter of enforceable civil law.

This verdict can be interpreted as an indication that Ontario family courts will limit their role in enforcing private contracts based on religious principles and practices. Interestingly, British Columbia courts appear prepared to play a more active role in enforcing such contracts.

Within the wider Canadian context, in order for a marriage to be legally recognized in Canada it has to be registered with the government. If a couple has a *nikah* ceremony and does not register their marriage, under Canadian law they are not considered legally married. Once a marriage is registered, the wife upon marriage breakdown can avail the rights given to her under Canadian laws.

PART VI: RECURRING THEMES

Although the stories of each of these women reflect the distinctive personal trajectories of the respondents, including forces that are uniquely present within their life journeys, their lives embody common themes and struggles that are undoubtedly shared by many Muslim women and families around the world.

The common themes found within these stories will lead to future areas of work and research for organizations like CCMW that are committed to the equality, equity and empowerment of Muslim women.

The themes centre around the topics of *fiqh* of convenience; the role of families and communities; the questionable sources to obtain religious knowledge/information; and the corollary of the lack of accurate religious knowledge. Underlying all this is the issue of patriarchy and its role within the families and communities.

i) “*Fiqh of convenience*”: the myth of the male provider.

In five of the women’s lives, husbands and male authority figures selectively employed *fiqh* or Muslim family law, emphasizing female compliance, when it served their particular interests, while neglecting duties prescribed to them by the same legal framework. This selective employment of *fiqh* is indicative of the disconnect that exists between the theoretical framework of *qiwamah* and *wilayah*, and the lived realities and experiences of Muslim families in the 21st century.

In the case of economics, we were introduced to the stories of Naeema, Samina, Amina and Lila, where husbands demanded control over their wives, the household, and how their income was spent. This was in instances where the wives are the main financial providers, because the men for whatever reasons did not financially support their children or their wives.

Many of the husbands in our life stories would also conveniently deny or neglect financial support to their children, all the while attempting to regulate their lives. The men were aware that according to their orthodox understanding of *qiwamah* and *wilayah*, the father has *wilayah* over his children because he has the responsibility to provide for them, and ensure their well-being.

Yet as the stories in this report indicate, this is an aspect of *fiqh* that many fathers failed to fulfill. We see evidence of this in the life stories of Naeema and Amina, where the husbands did not provide for their children.

As Naeema notes, the father did not financially provide for his wife or daughter, and in later life neither did he help with his daughter’s university expenses. As she says, “He is always trying to assert his authority” over their daughter. And yet when it came to the division of property in which Muslim family law clearly maintains that a wife is entitled to leave with the income she has earned, the very same men relied upon secular Canadian divorce law that allowed them to claim 50% of the marriage’s assets.

As many of the stories in this report illustrate, the roles of men and women in the household are no longer fixed but instead are fluid. Partners may alter roles as to who stays at home with the children, or both husband and wife may work fulltime enrolling their child in day care. As the children grow older they may also assume responsibilities in the sustenance of the household.

ii) Right to marital sex and rape

Within the realm of sexual rights, many of the husbands demanded and expected their wives to fulfill their sexual needs as this was a right that was accorded to them in gendered readings of *fiqh*. Yet

again, the very same men failed to satisfy the sexual rights of their wives as part of the marriage. This was something that even the more conservative respondent Kulsum also understood.

Yet tragically due to such patriarchal readings of female sexuality and marriage, two of the stories in this report involved marital rape, which the Quran does not endorse. Instead as Asma Barlas establishes:

What the Qur'an does speak about is the need for spouses to find love and [peace] in one another (30:21), a term that implies a sense of peace resulting from sexual fulfillment . . . [T]he Quran recognizes and encourages the mutuality of sexual desire.⁴¹

Due to the pressure of trying to be good Muslim wives, obedient and accepting of the male dominance, many of the women spoke of feelings of guilt for not obeying their husbands, specifically when it came to sex. We get a glimpse of this in B's story when she speaks about her inner tussles with societal demands and expectations and her own desires, wants and needs.

We come across it also in Amina's story as she speaks about feeling guilty for not wanting to have sex with her husband: "Sometimes I would be just too sick, or too tired, and I would refuse, and I would feel terribly guilty, like God is going to punish me." And again, when she learns that her husband has married a second wife and will be sleeping with her, there is a sense of guilt for not accepting the situation: "The first thing that popped into my mind when he told me over the phone was a *hadith*, ascribed to Abu Hurraira, saying that a woman should not ask for the divorce of her sister to fill her own cup because whatever God has decreed that shall be given to her. So I figured, it's *haram* for me to protest."

Further evidence of this sense of guilt some Muslim women have is seen in Lila's story and in her desire to be a good Muslim wife. When she was talking about being raped by her husband she said, "I really wanted to be a good Muslim, I said yes, and I would lay there, and I would cry, and I would ask God to make me a more submissive wife."

Although Kulsum did admit to feeling guilty for occasionally not having sex with her husband when he wants, she still believes men have the right to have sex with their wives whenever they want.

The notion that the husband has a right to have sex on demand is rooted in the patriarchal family structure of the man being the provider and in return demanding obedience, including sexual obedience.

The commonality of this theme in many of the women's lives highlights the necessity of education for Muslim women about their rights.

iii) Polygamy

Although polygamy is illegal in Canada, some of these men had no issue using what they consider to be their right in Islam. Neither the man nor the woman showed any concern that the men can be charged, and the women have no protection under Canadian family law.

Polygamy was also a prominent area of marriage where many Muslim men partially applied *fiqh*, in order to fulfill their interests and needs. In theory, a man is allowed to marry more than one wife, but must be able to provide for both women equally—financially, emotionally and otherwise. However,

⁴¹ Cross, xvii.

in practice, as Samina and Amina's stories illustrate, in polygamous marriages more often than not one wife, if not both, end up being treated unfairly. The women we met in our report were not only neglected by their husbands but sometimes financially provided for the other wife.

While it is obvious that patriarchal structures and norms have enabled a *fiqh* of convenience, what remains distinct about the Canadian context is how the presence of Canadian law and the option to use religious law enables this process, giving men the opportunity to opt out of one legal framework in exchange for the other, whenever they see fit. We saw this in stories where husbands took new wives by using the perceived permission to be polygamous. The men knew that polygamy is illegal in Canada and could result in jail, then used Canadian law to claim 50 percent of their marriage assets.

iv) Contemporary problem of male guardianship

Muslim Marriage contract according to Muslim family laws or as a domestic contract under Canadian family law.

Like other couples, the contemporary Canadian Muslim family goes through life cycles and adapts the roles and responsibilities of its members to the larger needs of the family. Accordingly, the practice of "Authority" or "Guardianship" cannot be reduced to an either/or circumstance, but may instead be viewed as fluid—to be fulfilled by either partner, depending on circumstance.

Thus, we can review the concepts of *qiwamah* and *wilayah* that are not patriarchal in nature as it is no longer a role fulfilled by men, but rather the collective household and includes the hard work, efforts and voices of women.

As discussed earlier, the legal validity of a Muslim marriage contract, conducted in Canada, is ambiguous. Nonetheless, for some of the women in our report having an Islamic marriage contract was important. Many were keen to add clauses that they believed would protect their rights. In the case of Amina, for example, she was adamant about having a contract, even though she did not have one for her first ceremony. For some of the other women, the Muslim marriage contract and the Muslim divorce were mere formalities.

In either case, the Muslim marriage contract, or the clauses they added did not play a practical role. For some, whether such a contract played any role in a Muslim marriage was dependent on the moral integrity of both partners and the importance they ascribe to it. Yet as the story of Amina illustrates, for some Muslim men it is something that can be rejected.

For many Canadian Muslim women, this places them in a vulnerable situation. A significant percentage of Muslim women—first and second wives—do not register their marriages with civil authorities and consider the Muslim marriage contract as sufficient. However, by not registering their marriages they deprive themselves of the legal rights guaranteed to women under Canadian laws.

With so many inconsistencies and gaps between the theoretical framework and lived realities of Muslim women, the question remains: What new understandings of *qiwamah* and *wilayah* can be developed in order to create an equitable legal framework?

v) Multiple Oppressions: Patriarchy, Gender, Race and Class

What stands out in many of the life stories is how some of these women fall prey to multiple forms of oppression. This highlights the importance of an intersectional feminist framework.

Intersectional Feminist Framework [IFF] attempts to understand how multiple forces work together to reinforce conditions of inequality and social exclusion. IFF examines how factors including socio-economic status, race, class, gender, sexualities, ability, geographic location, refugee and immigrant status combine with broader historical and current systems of discrimination, such as colonialism and globalization can lead to inequalities among individuals and groups.⁴²

In the case of Naeema, patriarchy intersected with race/ethnicity to justify her husband and his family's decision to divorce her. Naeema was South Asian, while her husband came from an Arab background. Although never directly invoking racism and the impact it had on her marriage, Naeema alludes to how her extended family and in-laws never fully accepted her, stating "I did not fit in" and that many of her family members did not like her.

She goes on to explain how the rest of the women in her husband's family were stay-at-home wives, fulfilling the traditional gender roles expected of them. She suspects that her in-laws played an active role in inciting the end of her marriage.

When Naeema's husband married his second wife supposedly according to Muslim family law, while still being legally married to Naeema under Canadian law, we learn that he married a friend of his sister's who came from his ethnic background.

Racism also features prominently in the story of convert Amina. She is cognizant of this "racial dimension" in her married life. Like Naeema, Amina married into an Arab family and remarks that within this community there was a fear of white female converts. It was presumed that as women of the land, Canadian law favored them and was discriminatory to new immigrants and visible minorities. She struggled with the challenges that came with marrying into this Muslim community and the gendered expectations and communal form of surveillance and accountability that characterized her marriage.

There are two aspects of her *qiwamah* and *wilayah*-based marriage, where it is apparent that her race subjected her to further gendered oppression. The first striking dimension is the non-Islamic marriage or "halal meat ceremony" that she and her husband had. As Amina correctly notes, these non-Islamic marriages were common amongst her convert circle and were arguably primarily for the purpose of being able to have sex with their partners. Yet, this form of marriage was something that only convert women experienced. As Amina states, "Looking back, I realize that he never would have treated a woman from his own country this way."

This intersecting form of discrimination becomes more apparent when Amina's husband took a second wife from the same cultural and ethnic background. The double standards and dual oppression became apparent. While Amina was expected to cover her body and wear her *hijab*, her husband's second wife was allowed to wear provocative revealing clothing. Moreover, when both of these marriages ended, he provided his Arab wife with her full payment of *mahr*, because his community and her family would hold him accountable.

Conversely, he declined paying for Amina's, and when he finally did, it was only partial. Also, worthy of note was the economic situation of Amina, who struggled to support the entire household on only her income, while living on welfare.

⁴² Bunjun, Bénita, et al., "Intersectional Feminist Frameworks: An Emerging Vision." 2006, *Canadian Research Institute for the Advancement of Women*, 7 Feb. 2013 <http://www.criaw-icref.ca/intersectional-feminist-frameworks-emerging-vision>>

Although initially Amina's husband could not work legally, and the family survived on social assistance and housing, it is worth questioning whether her circumstance would have been different had she come from a higher economic status.

While Amina's situation is not reflective of the experiences of all Canadian convert women, it does point to the unique vulnerability and challenges that converts face. Converts are often accepted within the communities they join because they validate that community's claim to have a particular and perhaps privileged approach to truth . . . That said, converts can challenge communities and be resented for it, because they don't know or accept the many small compromises with which communities negotiate that gap between what their scriptures proclaim or require. and what believers actually live in the day to day.⁴³

The story of Samina is also about oppression. Samina's first marriage was to a man from a higher economic status. She describes her ex-husband as a Westernized refined individual, who was fluent in English. This difference in economic class served as a source of shame for her, and reinforced her lack of confidence within her marriage, making her more compliant, easily dominated and willing to stay in the abusive relationship.

Samina's second marriage was to a Sunni man. Although not discussed in detail in her life story, one questions whether her minority status as an Indian-Ismaili made her more susceptible to an abusive marriage of *qiwamah* and *wilayah*.

In some Muslim-majority countries and Muslim communities, Ismailis are not considered Muslims and are thus victims of religious persecution. Interestingly, part of Samina's ex-husband's demands in their second marriage contract was that in addition to renouncing claims to any property, that she converts "willingly" to Sunni Islam.

vi) Role of families and need for strong female models

There is a common thread in these stories of the power of strong female/parental figures as well as a supportive family structure. This impacted many of the lives and their ability to a) resist *qiwamah* and *wilayah* in their marriages, b) recover from divorce, and c) develop a strong sense of self.

We see this in the story of Naeema, whose parents imparted a sense of confidence in her during her youth and also served as a strong source of emotional support and defense during her divorce, actively telling their son-in-law that he had wronged her.

Of particular note was that the support of Naeema's father allowed her to challenge her husband's demand that she must obey him. The importance of family and female figures who led by example is also found within the story of Safia. At a very young age, thanks to the work of her feminist grandmother and father, Safia was aware of the realities of patriarchy, of her self-worth and was empowered to challenge them so much so that she was unwilling to accept the practices of patriarchy in her marriage.

Noreen's family has been a source of strength for her, and they played an active role in her choice of her husband. Both her parents provided her with strong models of being male and female, and her own marriage of balance, rather than domination resulted from her background.

⁴³ Noor Javed, "The Joys and Rigours of Converting to Another Religions," Mar 2013, *The Toronto Star*, Dec 2013

<http://www.thestar.com/news/insight/2013/03/31/the_joy_and_rigours_of_converting_to_another_religion.html>.

Conversely, the stories of Samina, Amina and Lila reflect how the absence of such forces helped contribute to abusive relations governed by male claims to authority and guardianship. Having been raised in a traditional patriarchal South Asian household with a domineering father and extended family, Samina was never exposed to what a strong assertive female could look like, or what an alternative family model could be. She said, “I did not question the power of men.”

Moreover, because Samina was never exposed to what an equal marriage looks like, or was empowered at an early age, she still feels she should have given her first abusive marriage a second chance, and was willing to put up with a second violent polygamous marriage.

Amina and Lila possess their own interesting dynamics. Both converts grew up in households with mothers who fulfilled traditional gender roles. Lila’s case in particular is worthy of note as she was raised within a family where she experienced sexual abuse. Yet having converted to Islam, both women lacked support from their families due to their conversions.

Based upon the narratives provided and the brief glimpses we have into these women’s lives, it seems that those who ended up in abusive relationships did not grow up with a variety of female Muslim role models, or were even exposed to Muslim women who were happy, content, and thriving. They therefore relied on the cultural and religious understanding imposed upon them by their male partners, as well as Islamic literature specifically chosen for its patriarchal interpretations. Perhaps this is one of the reasons that they, in the name of striving to be ‘good Muslim women,’ were susceptible to falling into a pattern of subservience that left them vulnerable to various abuses.

Yet as the story of Kulsum suggests, it is not just a matter of having strong role models who supported and empowered their daughters, which played a role in the respondent’s ability to challenge patriarchy.

She converted to a particular interpretation of Islam which is traditional and believes in the patriarchal system of *qiwamah* and *wilayah*. Even though her parents had an egalitarian household, she obviously chose the more traditional community and family model.

It is possible to conclude that what is important is that women are exposed to a variety of ways one can BE a Muslim woman. The role models that Amina, Lila and Kulsum had during their formative years as Muslim women were examples from the male-authored religious materials they were exposed to, and the other Muslim women in their small, selective communities. In the case of Amina, her husband’s community actually forbade her from meeting people outside their small group (even other Muslims). Lila came to understand that accepting a subservient role in one’s marriage gave a Muslim woman “access to salvation.”

And Kulsum has embraced the role of ‘second-in-command’ within her male-dominated household, relying again on gendered readings of religious texts upon which to model herself.

The experiences of these women indicate the important role mothers, fathers, and families play in molding their daughter’s overall sense of esteem, and their understandings of what types of behavior she is willing to accept or reject.

Patriarchy is learned behavior and the primary means of resistance is for parents themselves to lead by example.

vii) *Qiwamah* and *Wilayah* of Patriarchal Communities

In many of these life stories the greater community, including in-laws and extended family, played a dominant role in the perpetuation, fortification and justification of oppressive understandings of *qiwamah* and *wilayah*. As Cynthia Enloe reminds us in *The Curious Feminist*,

No patriarchy is made up just of men or just of the masculine. Far from it. Patriarchal systems have been so enduring, so adaptable precisely because they make many women overlook their own marginal positions and instead feel secure, protected and valued.⁴⁴

This phenomenon is demonstrated in many of these lives as other Muslim women, including sisters, mothers-in-law, and or second wives become complicit and help reify gendered understandings of *qiwamah* and *wilayah*. This lends itself to devastating implications for the Muslim women in the marriage, and in the communities.

This features prominently in the life stories of Naeema, Samina, Safia and Amina. In the case of Naeema, her in-laws, specifically women from whom she should have got support, in reality, undermine her position as wife and mother.

In Safia's story the community's role in reifying patriarchy and *qiwamah* and *wilayah* was demonstrated when her mother-in-law sought to exercise control over the autonomy of her son by establishing where he would get married. Moreover, we catch glimpses of this when she recalls that community members used to comment on how she was the more dominant partner in their relationship and therefore contributed to his crisis of masculinity, which served as the driving force behind the demise of their marriage.

Samina's story includes similar dimensions, yet differs from Naeema's in that her early childhood years and youth were heavily influenced by an intrusive extended family who surveyed all aspects of her life in order to create a woman that was complicit in a cultural and religious patriarchal structure. This communal patriarchal structure became further entrenched in her life when she moved in with her in-laws from her first marriage. Here patriarchy included not only her husband, but her mother-in-law, father-in-law and sister-in-law who demanded obedience. Because she was the second wife in the polygamous marriage, she bore the brunt of the other wife's jealousy and abuse.

Amina consciously reflects upon the role of the community in the perpetuation of her abusive marriage dominated by *qiwamah* and *wilayah*. Religious leaders and community members upheld the structure of *qiwamah* and *wilayah* so that she had no recourse to any help. As Amina states, "It wasn't just him—there is a wider community that aided and abetted his disregard. The community basically told him, 'You don't have to bother with this. You're the man; marriage is all about you and what you want.'"

Even within the structural patriarchy of *qiwamah* and *wilayah*, some of the women were able to resist what was happening to them and their children. Safia and Noreen illustrate individual and collective resistance within communal structures of patriarchy. Safia's grandmother and father embraced feminism, challenged religious patriarchy and raised Safia to be a strong assertive woman. Similarly, Noreen and her husband are able to make their marriage work in spite of the pressures exercised by her in-laws.

viii) Abundance of patriarchal interpretation of Islam/Lack of accurate and alternative woman-positive interpretations

⁴⁴ Ibid, 5-6.

Of greatest significance is that currently within most Muslim communities the dominant understanding of Islam is one of traditions, literalism, and even extremism.

Though there are excellent scholars who are presenting a more moderate, open and equality driven understanding of Islam, these interpretations sadly do not reach the vast majority of Muslims. Instead, information is being presented by people like Jamal Badawi and others via website and You tube.

Another example is the disturbing book which is widely available in Islamic bookshops and Centres called Behishti Zewar by Maulana Ashraf Ali Thanwi, printed in 1987 in Pakistan.

The Heavenly Ornaments, or Behishti Zewar in Farsi, is often gifted to a new bride for her edification and practice of Islam. It is quite vast, full of the author's version of *fiqh*, *hadiths*, and other practices attributed to the Prophet. It contains some strange ideas, which sadly are believed and practiced by South Asian families.

Women are told that they can visit their family once a week with the permission of their husbands. The wife's family is not encouraged to visit her at her home.

Here is an example of a quoted *hadith* [Saying of the Prophet]: "I have not left behind any test and tribulation on men more harmful than women." And again, "The intellect of women is deficient," "after all, a woman is made from the crooked rib of the man."

Surprisingly, the author gives the Christian version of the story of Adam and Eve [Hawwa], in which it is Hawwa who has sinned. This is in complete contradiction to the Quranic version of creation.

The challenging task for all of us who believe in Islam's message of equality, social justice and equity, is to continue to educate on this message of Islam. This is the objective of the *qiwamah* and *wilayah* project.

LESSONS LEARNED AND FUTURE EMPOWERMENT STRATEGIES

Having interviewed the seven women about their lives, we can respond to Musawah's question as to what are the important lessons learnt from these women's lives? What are the challenges we face in carrying out our own work and movement building? Are there changes we should make in our own empowerment strategies?

We need to operationalize the Recurring Themes so that we can address the issues in them.

In addition to the issues of the Recurring Themes we must include men, the more traditional women and greater emphasis on Islamic scholarship of women and men.

Mobilizing Men

We think we must mobilize men and include them in addressing the identified issues facing families. This is no easy task, but efforts must be made.

Men are allies in creating very strong women, as fathers they play a very pertinent role—some of the case studies illustrate this—we need to focus on the empowerment of men and having them challenge traditional understandings of masculinity and what it means to be a father, husband, and brother.

These gendered assumptions/constructions impact the way we see and read the Quran and *hadith* and give them life and meaning.

As Safia says, "Although my children are being brought up in Canada, the society here is also sexist and they pick up things accordingly. The kids, my boys, were picking up attitudes from people who were not even immigrants; they were born and raised here and had been here for two or three generations."

Including women who value the traditional model of community and family

How to meet the challenges of engaging those whose views differ from the paradigm of Islamic equality, equity and social justice?

Support for Female Islamic Scholarship

CCMW is in full support of Musawah's objective to develop scholarship which works within the Islamic legal framework, but challenges the foundation of *qiwamah* and *wilayah*. This includes more gender inclusive *fiqh*, which recognizes a multiplicity of positions.

Thank you.

Submitted by

Canadian Council of Muslim Women

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APPENDIX

The Canadian population in 2011 is over 33 million. Stats Canada estimates that in 2010 women accounted for 50.4% of the total Canadian population. Literacy rates in Canada are generally high, 99% for males and females.

Women in Canadian Politics

Canada does not fare well in the number of women representative in politics. However, currently in 2013, three provincial premiers are women.

The 2011 election saw 452 women candidates out of a total 1587 people running (28.5%); this represented a record high proportion of candidates in Canadian federal elections. The Inter-Parliamentary Union ranks Canada 45, Based on the 2011 elections, Canada is ranked 45th out of 190 countries for women's participation in politics. Women comprise 24.7% of the House of Commons, occupying 76 of 308 seats. There are 39 female senators out of 103, accounting for 24.7%.

Life Expectancy Rate

Life expectancy at birth in Canada has improved considerably since the early 20th Century. According to 2011 Statistics Canada estimates, life expectancy for the total population is 81.48 years; for men, it is 78.89 years and for women 84.21. There are no figures specifically for the Muslim population.

Infant Mortality Rate

In 2009, infant mortality was 5.1 infant deaths per 1,000 live births for boys and 4.7 for girls.

Violence against Women

Violence against women (VAW), which encompasses physical, emotional, psychological and financial abuse, is treated as a serious crime in Canada.

A number of governmental policies and programs at both the provincial and federal levels have been developed in order to address this issue. Most importantly, women's equality rights are protected by the Canadian Charter of Rights and Freedoms which states,

Every individual is equal before, and under the law and has the right to the equal protection and equal benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

More specifically, Section 28 of the Charter articulates that these rights are guaranteed to women: "Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons."

Yet despite these legal provisions which seek to maintain a gender equal Canada, VAW remains a pervasive Canadian issue with devastating social and economic implications.

According to CCMW's recent 2013 report Violence Against Women: Health and Justice for Canadian Muslim Women, victims of family violence accounted for 25% of all victims of violent crime in 2010 with women and girls bearing more than twice the risk than their male counterparts of falling prey to such violence. It is estimated that 7 out of 10 victims of family violence are women and girls. Young women face the greatest risk of all as it estimated that women aged 25-34 endure the highest rates of intimate partner violence.⁴⁵

Moreover, as the CCMW report further establishes,

⁴⁵ Cross, 10.

Spousal violence carries a high price tag: according to Statistics Canada, in 2009, the cost was at least \$7.4 billion. This figure includes the cost of policing, health care, safety strategies, victim relocation, criminal prosecutions, funerals and lost wages.⁴⁶

The Canadian Women's Foundation further establishes that every six days, a Canadian woman is killed by her intimate partner. Nearly 50% of women in Canada have experienced at least one incident of physical/sexual violence since the age of 16, with a mere 10% of all sexual assaults being reported to the police authorities.⁴⁷

Although studies indicate that domestic violence in Canada has been on the decline, some research also suggests that these rates have now flat lined.

Canadian Muslim Communities

Until the 1960s, Canadian immigration policies were racialized and discriminatory, making it difficult for non-Europeans from the global South (including most Muslim countries) and former British colonies to immigrate. The few Muslim communities that managed to immigrate were wealthy, educated, and fairly 'westernized'.

The 1971 Canadian census identified 33,000 Muslims. This number increased to 98,000 in 1981, and by 1991 it rose to 253,000. As of 2011, the Canadian Muslim population has increased to almost one million.

This dramatic increase in the non-European population has raised various cultural and religious demands for accommodation.

The increase of Muslim migration was further assisted by the economic and political upheavals in various Muslim-majority countries in the last part of the 20th century.

The Canadian Muslim population is ethno-racially diverse. According to the 2001 Census data, 85.8% of the Muslim population consider themselves a visible minority and of this population 36.7% are South Asian, 21.1% are Arab, 14.0% are West Asian, and 14.2% are part of other minority groups. The CCMW report on these statistics [Hamdani report] shows that the Canadian Muslim population is significantly younger than the non-Muslim population. The median age for Muslims in Canada is 28, compared with 37 for the general population. The report also indicates that about a third of Muslims in Canada (29.0%) are 14 years old or younger, compared with 19.4% of non-Muslims.

Canadian Muslim Women

The last comprehensive long form census was conducted in 2001. Much of the statistical information pertaining specifically to Canadian Muslim women is based on the data of the 2001 census. CCMW produced a series of fact sheets based on this data, which give an in-depth statistical picture of Canadian Muslim women.⁴⁸

Women of Asian and African origins form the majority of Muslim women in Canada: 40% are from West Asia, Middle East and North Africa; 35% are from South Asia; 9% are from other parts of Africa; 5% are from Europe; and 2% are from the Caribbean.

⁴⁶ Cross, 4.

⁴⁷ Canadian Women's Foundation. *The Facts About Violence Against Women*. Sept 1, 2013
< <http://www.canadianwomen.org/facts-about-violence> >

⁴⁸ See Report Annex for full fact sheets

All but 14% of Muslim women belong to a visible minority group.⁴⁹

Marriage and Divorce

In 2001, 74% of the Muslim women above the age of 15 years were or had at some time been married. Muslim women marry at a younger age – over 18% of them compared with 5% of all women were married before reaching the age of 24 years.

Compared to all women, incidence of divorce among Muslim women was less than one-half the national average, 7% compared with 17%.⁵⁰

Education & Employment

Nearly one in three Muslim women has a university degree, compared with one in five among all women. 19% reported having at least a Bachelor's degree, compared with 11.5% of all women.

Twice as many Muslim women hold an M.A. (5%), or a Ph.D. (0.8%) as all women in Canada.

Nearly two-fifths (37 %) specialize in a science or engineering discipline compared with 31 per cent of all women.

Less than one-half (49%) of the eligible Muslim women participate in the labour market, compared with the national average of 60.5 per cent.

Unemployment

The rate of unemployment (16.5%) among Muslim women is more than double the rate of 7.2% for all women.

In spite of their higher levels of education, Muslim women are concentrated in lower paying clerical and sales and service occupations.

Only 38% of Muslim women in the labour force worked full-time, full year in 2001, compared with 48% of all women who worked full-time, full year. The average annual income from all sources of a Muslim woman was \$16,010, compared with \$22,885 for all women in Canada.

The majority (84%) of Muslim women earned less than \$30,000 compared with 72% of all women.

Only 5% of Muslim women had an income of \$50,000 or more, compared with 9% of all women.⁵¹

Muslim Women's Political Participation

As voters, Muslim women are disengaged from the political process at all the three levels of government. This disengagement has been examined in detail by CCMW's analysis which looks at the political, economic and social engagement levels of Canadian Muslim women. Muslim female turnout at the polls was only 42% in the 2004 federal election, only slightly higher than the estimated 39% in 2000. Voter turnout rates are low across age groups, and compared to other faith communities Muslims are the least active.

⁴⁹ The Canadian Council of Muslim Women. *Muslim Women in Canada: Fact Sheets*. 3 Sep 2013.

<<http://archive.ccmw.com/publications/factsheet1.pdf>>.

⁵⁰ Ibid.

⁵¹ The Canadian Council of Muslim Women, *Triple Jeopardy: Muslim Women's Experience of Discrimination*. Sept 4, 2013. <<http://archive.ccmw.com/publications/factsheet2.pdf>>.

Factors contributing to low voter turnout rates include apathy or lack of interest, and only 10% can be described as hard-core non-voters. These non-voters have a negative opinion of politicians/political institutions and believe voting in a secular democracy is not consistent with their religious beliefs.⁵²

Canadian Muslim Women Politicians

In proportion to the population, Muslim women are under-represented in Canada at all levels of government. The absence of Muslim women from Canadian politics can be attributed to a number of factors, including but not limited to discrimination, internal barriers, pressure from within the community, and lack of support from political parties.⁵³

The first Muslim woman to get elected to the Canadian parliament was Yasmin Ratansi in 2004; the first Muslim Senator, Mobina Jaffer, was appointed in 2001.

Social/Civic Participation of Canadian Muslim Women

The Hamdani report conducted for CCMW showed that one-third of Muslim women are members of an organization, or participate in group activities. This is half the activity level of all Canadians. Muslim women are also less socially engaged compared to other visible minorities, ranking at the low end among faith communities.

This is evidenced by the results of the needs assessment conducted by CCMW, during which 54% of the women indicated that they had no non-Muslim friends, or most of their friends were Muslims. The reasons for such social isolation are varied and include, but are not limited to, discrimination, low employment levels, systemic barriers and the politics of diaspora communities as well as of race, gender and class.

Violence against Women—Muslim Women and Girls

As previously discussed, there are various legal safeguards within Canada to protect women from violence. However, in spite of these frameworks and safeguards, many Canadian Muslim women continue to feel the effects of violence within the family, manifested through patriarchal norms and practices which include family violence, femicide, female genital cutting/ mutilation, and forced marriage.⁵⁴

Yet despite the stark presence of gendered oppression within Canadian Muslim communities, it is important to note that violence against women transcends religion, class and culture and that no one community or group bears a monopoly on gender inequality, and structural violence. No doubt influenced by Oriental and anti-Muslim sentiment, this remains a pervasive discourse within the Canadian political and social context, as Muslims are incorrectly viewed as being more violent, barbaric and abusive towards women than their Canadian counterparts.

It is the presence of overarching anti-Muslim sentiments combined with the very real presence of gendered oppression within Canadian Muslim communities that makes the work of CCMW so challenging.

Research from the Institute for Social Policy and Understanding (<https://www.ispu.org/>) which examined Muslim marriage and divorce in North America, found that approximately one-third of the

⁵² Daood Hamdani, *Muslim Women: From Polling Booths to Parliament Hill*. 1 October 2005.

<http://ccmw.com/wpcontent/uploads/2005/03/muslim_women_from_polling_booths_to_parliament.pdf>.

⁵³ Ibid.

⁵⁴ For a detailed discussion, see Pam Cross. *Violence Against Women: Health and Justice for Canadian Muslim Women*. 31 December 2013. <http://ccmw.com/wpcontent/uploads/2013/07/EN-VAW_web.pdf>

women interviewed had experienced abuse within their marriage, which is at a similar rate to women in the general population.⁵⁵

When this violence does occur, it occurs in families where the husband/father is resistant or unable to let go of old patterns of marital interaction and gender expectations, including those that are rooted in cultural understandings from their home or native country and moreover gendered understandings of religious teachings and practices.⁵⁶

The above-mentioned facts and figures provide a statistical picture of Muslim women in terms of their levels of education, ethnic background, rates of marriage and divorce, levels of social engagement, and participation in the labour force and political arena.

⁵⁵ Ibid.

⁵⁶ Ibid.