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Policing Gender, Sexuality and 'Muslimness'

Anissa Helie
CUNY John Jay College

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Sexuality in Muslim Contexts

Restrictions and Resistance

*Edited by Anissa
Hélie and Homa
Hoodfar*



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introduction

Policing gender, sexuality and 'Muslimness'

Anissa Hélie

This book looks at emerging trends that affect women's sexuality, with a particular focus on Asia and the Middle East, and documents both the curtailing of sexual rights occurring in diverse Muslim societies and the strategies designed to counter these developments. Yet this focus in no way suggests that the policing of gender and sexuality is unique to Muslim societies: rather, bodily rights, sexual conduct and gender expression are regulated in all societies. Throughout the world, a range of actors – from families to communities to governments – refer selectively to 'Western values', 'Christian values', 'African values', 'Jewish tradition' or 'Muslimness' to justify stigmatization and repression.

Nonetheless, there is a widespread tendency to posit gender equality and emancipation within the sexual realm as products of modern – or 'Western'-inspired – reforms. On the one hand, conservatives and Islamists in Muslim communities reject gender equality and gender plurality as impositions from 'the West'. On the other hand, Western discourses (from popular media to mainstream journalism to academic writing) often stigmatize Muslim communities for limitations placed on both women's rights and bodily rights. The authors here reject this reductive perspective. They recognize that such an approach not only

ignores the sexual plurality that existed in Muslim communities and cultures prior to encounters with ‘the West’,¹ but also fails to recognize the way women in Muslim societies have designed empowerment strategies within their own societies that draw on existing traditions. The assumption that any movement towards sexual emancipation in Muslim communities must be linked to ‘Western’ influence carries the risk that advocacy around women’s empowerment² and sexual rights will continue to be dismissed as foreign and imported from/imposed by ‘the West’.

Instead, the essays in this anthology discuss the means people in Muslim societies employ to negotiate sexuality in their specific contexts: all contributors explore infringements on expressions of sexuality, and document the ways through which social actors confront a range of challenges, using a variety of means.

While rejecting the assumptions that Muslim societies are unique in policing women’s sexuality, and that any movement towards greater emancipation is linked to Western influence, the essays in this volume nevertheless recognize that sexuality remains one of the cornerstones through which ‘Muslimness’ is enforced. Thus, it is critical to question the very concept of ‘Muslimness’. What is it supposed to convey? Who defines it? And how is it used to legitimize the control of sexuality, with women and stigmatized sexualities being particularly targeted?

These are important questions at a time when widespread references to the ‘Muslim world’ (which is by no means the monolithic whole suggested by this formula) tend to obscure the complex historical, cultural, economic and political legacies that shape specific Muslim societies. The notion of a ‘Muslim world’ also ignores the fact that the meanings attached to ‘Islam’ vary not only between different societies but within them, with individuals or groups adopting different beliefs and practices.

In the same vein, the concept of ‘Muslimness’ erroneously suggests homogeneity among communities whose understandings of Islam may vary widely. Far from being designed to transcend existing differences, the discourse of ‘Muslimness’ purposely ignores diversities that exist and operate across and within Muslim communities, and projects a diasporic identity centred on an ‘imaginary transnational Muslim culture’ (Hélie-Lucas 2004).

Often promoted by actors linked to political Islam, this essentialist representation is a political construct that portrays ‘Muslimness’ as unified and Islam as monolithic in order to establish a set of totalizing ‘truths’.

First, Islam is no longer understood simply as a question of belief (as related to personal faith); instead, it becomes an all-encompassing identity – one that should shape an individual’s sense of self, as well as the collective code of conduct. In addition, the notion of ‘Muslimness’ supports the transformation of Muslim-majority countries into ‘Muslim countries’; in the process, long-standing contributions of non-Muslim religious minorities, as well as those of secular-minded people, are minimized or erased. In this view, anyone born in a Muslim-majority culture is automatically assumed to be a believer who should be made to behave according to prevailing cultural norms. Further, this definition of ‘Muslimness’ is posited as impossible to challenge because it is cast as deriving from an ahistorical ‘Muslim identity’ which is divinely ordained. The consequence is that alternative visions of what it may mean to be a Muslim are dismissed as culturally irrelevant; they may even be denounced as blasphemous, a charge that can lead to severe sanctions imposed on individuals or entire communities (including the death sentence).

In short, the conventional, commonly used construction of ‘Muslimness’ derives from a conservative political agenda that seeks to implement an ideal ‘Islamic society’. This definition relies heavily on sexual repression, of women and stigmatized sexualities in particular. Thus the idea of ‘Muslimness’ tends to strengthen exclusionary discourses and to emphasize that personal behaviour and social norms – especially in the sexual arena – should reflect ‘Muslim values’.

The chapters in this volume focus on the many ways that culture, expressions of religiosity and sexual conduct manifest themselves through time and space. Contributors also document recent trends in various Muslim-majority countries where religious arguments are used to deny the complexity and fluidity with which customs, religion and sexuality intersect. Indeed, as noted above, the current policing of sexuality is often justified

through discourses of moral codes, cultural ‘authenticity’ and religion. In Muslim communities around the world, conservative forces and actors linked to the religious right rely on selective interpretations of Islam to oppose sexual diversity and gender equality. Challenging such trends, this book relies on the premiss that all major religious traditions, as understood and practised in today’s world, can promote either emancipatory or conservative standpoints. Within each religious tradition, a broad range of interpretations of religious scriptures, combined with diverse and locally defined cultural values, can lead either to promotion or to denial of sexual rights for all.

This volume embraces a broad view of sexuality and sexual rights – in contrast to most of the existing scholarship, which tends to privilege either the question of women’s sexual and bodily rights (with all women assumed to be heterosexual) or the rights of sexual and gender minorities.³ Given that the field of sexuality has been recently dominated by issues relating to sexual orientation (and, to a lesser degree, to questions of gender identity), current debates often de-emphasize or ignore the links between compulsory heterosexuality and other forms of control of women. This book intends to broaden the lens through which sexuality is analysed. For example, it is commonly understood that a trans-identified person or a bisexual individual can be seen as challenging established ‘Muslim norms’. It is less widely recognized that, depending on the context, a woman may be seen as similarly challenging such norms if she is divorced; if she refuses to marry altogether; if she mingles outside her caste, class, ethnic or religious group; if she refuses to observe the prevalent dress code; or if she seeks work.

Since ‘sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical and religious and spiritual factors’ (WHO 2010), numerous elements other than sexual orientation remain tightly linked to local understandings of sexuality and to notions of modesty or promiscuity. The linkages between sexuality and female dress codes, or between sexuality and the gendered provisions of marriage laws, are made explicit in the case studies presented here. The contributors understand both the centrality of

sexuality as a site of control and the varied methods of operation of conservative forces in Muslim contexts. Their broad framework of analysis brings into visibility the connections between the repression of women's sexuality and the repression of stigmatized sexualities. At a time when human rights advocates deplore the fragmentation of progressive efforts in the arena of sexual and reproductive rights,⁴ the perspectives presented here highlight the potential for larger coalitions that would promote a shared understanding that the notion of sexual rights must truly encompass sexual rights for all.

Finally, although this volume explores how people in Muslim societies engage with sexuality differently in a variety of contexts, religious identity is not its main focus. While it is certainly true that discrepancies between the discourses promoted by religious leaders and the actual practices of believers can lead to dynamic tensions and negotiations, religion is far from the only parameter impacting the politics of sexuality and gender empowerment. Despite pervasive claims positing Islam as the main marker of identity in Muslim communities, women, men and trans persons from Muslim contexts are reclaiming the right to shape their own cultures, within as well as outside religious frameworks. As elsewhere, they are engaged in defining not only their (sexual, cultural, gendered) subcultures, but their societies as a whole.

The volume highlights the diversity of concerns, obstacles, opportunities and forms of resistance within the so-called Muslim world. As noted, this mapping exercise is critical at a time when conservative coalitions of both non-state actors and governments insist on enforcing narrowly defined sexual norms, which are often promoted as Muslim values or Asian values. Furthermore, the rise of Islamist rhetoric is made more powerful through its manipulation of Western democracies, which are sometimes blinded by (or even opportunistic about) misguided arguments favouring cultural relativism. The ongoing competition between legal arguments upholding gender equality and arguments linked to religious freedom is a significant marker of current and serious threats to stigmatized sexualities and women's individual and collective rights. Yet, concurrent with these troubling indications, there is an unprecedented wave of organizing around sexuality

issues, and evidence of ongoing local efforts. Recognizing the ability of local actors to challenge oppressive structures, this volume seeks to make women's and LGBTT people's agency more visible, providing testimonies about their ongoing engagements with sexuality, and about the tensions produced in the course of that struggle.

The writings here offer a combination of insights, ranging from the perspectives of advocates and activists grounded in specific contexts to academic analyses coming from a variety of disciplines, including history, anthropology, gender studies, law and political science. In contrast with much of the available research that tends to concentrate on case studies linked to a specific cultural or historical setting,⁵ the chapters also reflect the constraints and opportunities of a broader variety of socio-political contexts: the book's geographical focus encompasses Iran, Pakistan, Bangladesh, India, Indonesia, Israel, China, Saudi Arabia, Algeria and Malaysia, with additional examples pertaining to Lebanon, Turkey and Morocco. The authors map the restrictions individuals – women in particular – face, as well as the avenues they find for change. A central focus of the book is the ways women analyse, address and resist the mechanisms of sexual control; while the essays here report on gender ideologies promoted by states and/or customary traditions, they emphasize women's and LGBTT people's contestations.

Country case studies, for instance, provide evidence of indigenous strategies that women, as well as people stigmatized for their gender expression or sexuality, have designed – either collectively or as individuals – to mobilize for bodily rights. The various chapters are thematically unified in their emphasis on the varied paths that local actors pursue towards empowerment. The authors' combined scholarship suggests that there is a range of ways to reach this goal: from individual to collective, oppositional to coalition-building. One key argument is that transformative resistance is more likely to lead to social change where social actors develop strategies that are grounded in their specific settings. Several chapters present research from field work carried out through the Women's Empowerment in Muslim Contexts programme (WEMC),⁶ offering concrete data drawing from

women's grassroots understanding of sexuality as including 'perhaps less obvious areas of sexual control such as dress codes, marriage contracts, criminalization of sexuality'. Several chapters stress the impact of customary practices on women's lives and agency, as well as the impact of non-state actors⁷ in policing their communities. The book reflects these concerns through explorations of both historical processes and current contexts.

Part I, 'Tools of Policing: The Politics of History, Community, Law', combines chapters pertaining to widely different political contexts, including Muslim states such as Indonesia, Iran, Pakistan and Muslim-minority communities in Israel and India. Historical constructions of gender and sexuality are addressed in two different settings: Vivienne Wee focuses on Indonesia, and Claudia Yaghoobi on Iran. Both authors sketch the evolution of past and current constructions of gender and sexuality, and both stress the links between gendered sexual norms and broader cultural and political processes.

Wee reports on the drive to police sexuality currently enacted by both the Indonesian government and Islamist non-state actors. She shows that this policing, while 'justified' by references to Islam, in fact draws from earlier periods. She evokes, for example, Dutch colonial officials' attempts to 'reform' indigenous populations by introducing indecency laws to curb their supposedly wild sexuality. She also notes policies enacted by the Suharto regime to control political opponents. Wee argues that the progressive obscenification of women's bodily parts has much to do with political agendas.

In a similar vein, Yaghoobi explores the links between modernity and the gradual casting of homosociability as a backward social practice which occurred in Iran in the late nineteenth century. Yaghoobi also considers strategies designed by Iranian women's rights advocates during the period from the Constitutional Revolution of 1905 to the post-1979 Islamic Revolution, concluding with a brief overview of the role played by sexuality in the more recent Green movement.

The chapter by Hooria Hayat Khan, on Pakistan, reflects on the issue of policing within and by communities. It includes a discussion of the crucial roles of customary practices in defining

what constitutes acceptable women's sexuality, and in sanctioning those who dare to defy tribal norms. Khan's case study is anchored in Balochistan, but it illuminates how sexual norms are enforced by non-state actors in a variety of other settings, particularly in contexts where legal and cultural spheres overlap. While women have occasionally been able to use customary traditions to enhance their rights⁸ (hence illustrating that local customs do not always work to women's disadvantage), Khan's data raise the urgent question of what happens to women, in particular, where states are unwilling or unable to enforce even marginally progressive laws and, instead, allow harsh traditions to prevail.

Part I also includes two chapters focusing on formal legal frameworks. Yüksel Sezgin offers a comparative examination of restrictive legal norms and of women's resistance in two non-Muslimmajority countries. Focusing on marriage and divorce among Muslim minorities in Israel and India, Sezgin highlights the degree to which strategies around women's sexuality are intricately entangled with identity politics in contexts where women attempt to increase their autonomy while at the same time demonstrating their allegiance to their community. The realities of Israel's treatment of its 'Arab citizens' renders the situation of Palestinians in Israel (Muslims and others) much more drastic in all respects, but the Indian Muslim minority also experiences heavy forms of discrimination within the Hindu-majority state.⁹ Sezgin explores how tensions between women's rights and majority-minority politics leads to complex strategizing within ethno-religious communities, particularly regarding the (dis)advantages of using either secular or religious strategies to effect change at the community level in terms of women's access to divorce and maintenance.

Ziba Mir-Hosseini proposes a general analysis of the legitimization of women's unequal status in Muslim legal traditions, with a focus on marriage contracts and dress codes. Grounding her discussion on classical jurists' rulings, Mir-Hosseini raises the analogy between marriage regulations and slavery – an institution which, while 'repugnant to modern sensibilities', was prevalent enough to influence pre-modern

interpretations of religious scriptures. Recognizing the variety of conceptual frameworks that regulate both marriage and dress codes, she argues that this range of opinion produces welcome tensions and allows feminist scholarship to challenge gender inequality from a religious perspective. These reinterpretation efforts, she contends, are particularly crucial given the regressive gender policies enacted in various Muslim contexts since the 1980s.

Together, the chapters of Part I establish clearly that tools of policing tend to be both varied and overlapping: states, communities and religious institutions all use history, culture and identity – including the concept of ‘Muslimness’ – as powerful frameworks to control women’s (and men’s) bodies and minds.

In the chapters of Part II, ‘Sites of Contestation: Reclaiming Public Spaces’, contributors identify public spaces as both sites of negotiation and sites of contestation. In doing so, they illuminate the fact that the behaviour of ‘private’ bodies within ‘public’ spaces is as crucial to politico-religious forces seeking to curtail sexual rights as it is to individuals or organized collectives who seek to resist specific policing practices. Contributions in Part II address trends that have emerged with regard to a variety of public spaces; most report on contemporary expressions of resistance that are innovative, diverse and powerful. They record the reclaiming of public spaces by both women and stigmatized sexualities in locales as varied as China, Iran, Pakistan, Bangladesh, Saudi Arabia, Algeria and Malaysia.

China, despite having an estimated Muslim population of 21 million, is often overlooked in research relating to Muslim contexts. Maria Jaschok and Shui Jingjun focus on China’s long-established tradition of female preachers, specifically on women’s mosques in the Northern region. The data on two female *ahong* describe how these individuals deal with expectations surrounding their role as spiritual leaders, who must convey notions of purity and modesty, while highlighting how their public persona provides them with the necessary authority to negotiate the sexual arena of their own private lives. This discussion is also relevant to the broader debate regarding women

as religious leaders, particularly as female imams face opposition from male religious authorities from Morocco¹⁰ to the USA.¹¹

Equally relevant to current developments (with the Iranian government reviving attempts to tighten the regulation of Internet cafés and planning to launch a ‘national Internet’ that would limit access to the World Wide Web),¹² Shadi Sadr attests to the vibrancy of online debates in Iran. Focusing on cyberspace as a public space occupied by a majority of urban middle-class and young voices, she presents the findings of an innovative research project aiming to document citizens’ diverse assessments of the regime’s policies on veiling. In reviewing the lively blog discussions, she contrasts public and private discourses on the *hijab* issue in a context of strictly censored state media. She also calls attention to the fact that dress codes – one of the regime’s most visible assertions of power since the imposition of compulsory *hijab* in 1983 – are being subverted and redefined as political statements in defiance of the Iranian authorities.¹³

Focusing on the same Iranian context where women’s bodies are framed as always erotic and often obscene, Homa Hoodfar examines sports events as critical public venues for the assertion of autonomy. Echoing Sadr’s Internet-based controversies, Hoodfar’s discussion of the Open Stadiums Campaign also documents ‘non-organized’ ways of resisting the exclusion of women from the public sphere. She reviews the limitations imposed by the post-1979 regime on women’s participation in sport (as both practitioners and viewers) and shows how over the last three decades Iranian women have, through reclaiming the sports arena in a context of strict gender segregation, invested political meaning into terrains that were not previously defined as overtly ‘political’.

The chapter by Homa Hoodfar and Ana Ghoreishian maps out various forms of morality policing and shows how the regulation of sexuality has effectively shrunk the public spaces available to women in a variety of contexts. While the authors emphasize context-specific strategies designed by women to promote agency and to boost visibility, this chapter also testifies to the broader, cross-regional trend that aims at controlling female bodies in the

public arena. Hoodfar and Ghoreishian offer case studies of moral policing enacted as part of state legislations (as in Saudi Arabia and Iran) as well as case studies of moral policing enforced primarily by non-state actors (as in Algeria and Malaysia), for example through religious leaders pronouncing *fatwas*. Whether institutionalized or not, these forms of gendered policing increasingly gain currency as a legitimate enforcement of ‘Muslimness’.

Shuchi Karim focuses on Bangladesh and specifically on the experiences of women with non-normative sexualities in middle-class urban areas, Dhaka in particular. Karim relies on data collected through interviews with individuals ranging from professionals to commercial sex workers. She explores how women deal with internalized gender roles in a context marked by heteronormativity and an emphasis on marriage and childbearing – and how at the same time they are able to negotiate their lives in a society where homosociability and sex segregation can offer alternatives spaces to follow one’s desires.

Anissa Hélie contrasts the emphasis on victimization of both ‘Muslim women’ and ‘gay Muslims’ in mainstream Western discourses with actual strategies designed by advocates of gender equality and sexual rights, including reinterpretation efforts in South Africa and Indonesia, and organizing geared towards public visibility in Lebanon, Turkey and Morocco. Deconstructing the false dichotomy between an ‘enlightened West’ and ‘oppressive Muslim contexts’, she insists on the need to take into account various factors that impact the ability of both individuals and collectives to claim bodily rights. Drawing the links between limitations placed on women’s rights and discrimination based on sexual orientation and gender identity, Hélie argues that broader coalitions should be build if gender equality is to be achieved.

The contributions to Part II acknowledge that expressions of resistance need not necessarily be spectacular, and that individual, even seemingly modest, achievements play a role in challenging mainstream constructions of ‘Muslimness’. Overall, *Sexuality in Muslim Contexts: Restrictions and Resistance* provides evidence of sustained and ongoing local efforts – ranging from individual assertions of leadership to judicial lobbying, to religious

reinterpretation, to alliances across identity lines – and attests to the fact that social actors in Muslim societies are engaged in redefining, resisting and subverting narrow constructions of sexuality and gender.

Notes

1. Commonly associated with nineteenth-century Western colonization, the notion of ‘encounters with the West’ is historically debatable given the scope of global economic and cultural exchanges that have taken place since the early days of Islam.
2. We rely here on the understanding of women’s empowerment put forward by the Women’s Empowerment in Muslim Contexts research programme consortium (WEMC, see note 6), which defines empowerment as ‘women’s increased capacity to take autonomous decisions that challenge power relations which are detrimental to them’. See www.wemc.com.hk/web/index.htm (accessed 10 January 2012).
3. The collections by Ilkkaracan are an exception to this rule. See *Deconstructing Sexuality in the Middle East – Challenges and Discourses* (2008); and *Women and Sexuality in Muslim Societies* (2000).
4. For a discussion on this issue, see for example *Reproductive Health Matters* 2011.
5. Recently, much valuable research has explored the issue of sexuality in specific Muslim contexts, such as India or Iran – see, for example, Vanita 2002; Vanita and Kidwai 2002; Najmabadi 2005, 2012; Amer 2008; Babayan and Najmabadi 2008; Afary 2009. For work emphasizing specifically male sexuality, see for example Ouzgane 2006; and El-Rouayeb 2009.
6. From July 2006 to June 2010 WEMC was a multi-country research, communication and capacity-building programme, carried out in China, Indonesia, Pakistan and Iran, as well as among two cross-border populations – Afghan refugees and returnees, and Indonesian migrant women workers. Focusing on the nexus between culture, religion and democratic rights, WEMC documented, analysed and multiplied women’s successful strategies to negotiate and transform disempowering socio-economic and legal structures, engendering long-term changes in policy and practice supportive of women’s empowerment in Muslim contexts. See www.wemc.com.hk/web/index.htm.
7. ‘Non-state actors’ refers to individuals or groups who are not linked to state institutions (such as law enforcement, judiciary, etc.) and include, for example, families or community members.
8. The ambitious Women and Law collective research, carried out in 1991–2001 by the international solidarity network Women Living Under

Muslim Laws (WLUML) in over twenty countries, has documented various examples of women taking advantage of customary practices to claim their rights (WLUML 2006). An illuminating example from the Khyber Pakhtunkhwa province in Pakistan, collected during the course of the Women and Law research by the Shirkat Gah research team, Lahore, shows how a rural woman used her native ingenuity simultaneously to obtain a divorce from her husband and to annul her husband's marriage to another woman. When she learnt that her husband was going to take a second wife, she asked her husband to divorce her, but he refused. Since she failed either to prevent his second marriage or to obtain a divorce, this woman devised an innovative strategy. She was breastfeeding her baby at the time and offered her husband and new wife tea in which she had added a few drops of her own milk. Once they drank it, she confronted them with a long-standing tradition in her community which established that no man can marry a woman who had nursed him, and that individuals who were nursed by the same woman cannot enter into marriage. By drinking her milk, her husband became 'forbidden' to her (as his putative 'mother'); and at the same time the husband and second wife also (as putative 'siblings') became *haram* to each other. The husband was outraged and approached the local *maulvi* and elders, who agreed that the woman was correct and that having drunk her milk both marriages stood dissolved. While this story can be read as evidence of autonomy, it also illustrates an issue raised in Khan's chapter, namely the difficulty for some women to access formal rights and formal courts.

9. For a gender perspective on the most recent large-scale attacks on the Muslim community in 2002 in Gujarat, see for example the discussion on sexual violence by International Initiative for Justice in Gujarat (2003) in *Threatened Existence: A Feminist Analysis of the Genocide in Gujarat*, co-authored by S. Abeyssekara, U. Chakravarti, R. Copelon, A. Hélie, G. Mischokowski, V. Nainar, F. Naqvi, M. Velayudan and N. Yuval-Davis.
10. Following the state-sponsored one-year religious training of female imams (initiated in 2005 by the Moroccan Ministry of Habous and Islamic Affairs), the first promotion of *morchidates* in 2009 saw their role restricted by a *fatwa* issued by the High Council of Ulama forbidding the new graduates from leading prayers, including to entirely female audiences (Eddouada 2009; Lamlili n.d.).
11. For relatively recent developments in the US context, see for example the controversy around Amina Wadud leading prayers in 2005 in New York City.
12. Note that the Iranian government has tried to curtail Internet access for years – this is only the latest attempt, most likely in anticipation of the spring 2012 parliamentary elections (Deghan 2012).
13. Many Iranian women, particularly urban women, subvert compulsory veiling on a daily basis, for example by adopting highly visible (i.e. potentially 'immodest') scarves, or by letting strands of hair show. Interestingly, in December 2009, young men also attempted to ridicule

the prescribed dress codes for women: reacting to the arrest of a Green Movement leader, Majid Tavakoli (whose veiled picture was circulated by the authorities in an attempt to humiliate him), hundreds expressed their solidarity by posting on the Internet portraits of themselves wearing a *hijab*.

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