

University of London  
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**Tradition and modernity: a sociological comparison between Sri Lankan  
Muslim women in Colombo and London in the late 1990s**

A Dissertation submitted to the Department of Sociology in Candidacy for the  
Degree of Doctor of Philosophy

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## Abstract

This thesis is a sociological comparison between Sri Lankan Muslim women in two contemporary societies, and it concentrates on the dynamic relationship between religion, culture, and gender. The theoretical aims of the thesis are to investigate the ways in which religion, principally in relation to gender relations, is perceived by its followers, and the diverse manner in which religion can manifest itself, in different cultural and social contexts, at a given time. In particular, the study focuses on the diversity of followers' world-views because of adherents' different social experiences, despite the core religious beliefs they share. Further, it explores the impact these differences can have on followers' perceptions of the roles they play and the identities they assume. These issues have been addressed primarily by means of qualitative research, conducted in Sri Lanka and Britain. Although the thesis refers to the theoretical standpoints of many sociologists, two approaches are of particular significance: the first is Robert K. Merton's role-theory, to understand religious identity in relation to individuals' multiple identities; and the second is feminist critiques, for their insight into the relationship between religion, patriarchy and gender.

The results indicate that Islam is an important independent variable that has an impact upon many aspects of life, mainly because it is regarded as a source of guidance and identity for a majority of women in the study. It follows that an understanding of the traditions and beliefs based on religion is essential to recognise existing power structures and gender relations in Muslim communities. Religious traditions are often regarded as immutable, given the sources on which they are based; but, as this study indicates, traditions and beliefs based on religion can alter with transformations in the social and cultural milieu. As a source of identity, Islam gives Muslims a sense of belonging to a 'community' that transcends national and geographical boundaries, even if the members of that community follow different forms of Islam and have other identities – such as being Muslim *and* Sri Lankan *and/or* British *and/or* mother/wife and so on. What is of particular relevance to the sociology of religion is that, although the women in this study had multiple competing identities, their religious identity, unlike, say, their national or ethnic identities, was an exclusive characteristic.



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## Glossary of terms

**A.H.:** After *Hijra*. The Muslims began their first calendar year after *hijra* – the Prophet Muhammad's migration from Makkah to Medina in 619 A.D.

*ahl-al-kitab*: people of the book

*alim*: Muslim elder

*Caliph*: 1. steward, vicegerant; 2. successor (of Prophet Muhammad)

*dua*: supplication, calling upon God, prayer

*Eid-ul-fitr*: the festival celebrating the end of fasting in the month of *Ramadhan*

*fiqh*: 1. 'intelligence', 'knowledge'; 2. the science of Islamic jurisprudence

*furnat*: tiny branches (of theology, law etc.)

*hadith*: a report or tradition of a precedent set by the Prophet Muhammad or early authorities

*Haj*: pilgrimage to the House of God (the *Ka'bah*) in Makkah, which is the fifth pillar of Islam

*halal*: lawful, Islamically permissible

*haram*: unlawful, Islamically prohibited

*hijab*: 1. 'veil' or 'curtain'; 2. Islamic dress comprising a head-scarf and loose garments that cover the entire body excluding the hands

*ibadat*: worship of God

*ijma*: consensus of opinions

*ijtihad*: juristic reason

*ikhtilaf*: divergence of juristic opinion and doctrine

*iman*: faith

*isnad*: chain of transmitters

*Jamaat-e-Islami*: an Islamic group founded in India in 1941

*Ka'ba*: a cube-shaped structure in Makkah, which is described in the *Qur'an* as the first house of worship built for mankind

*kafir*: non-believer

*kaikooli*: dowry

*Khilaafah*: the designation of the political system of the Muslim State after Prophet Muhammad

*khul*: divorce by mutual agreement. Here the wife provides a consideration to the husband for her release

*kutbah*: sermon

*lebbe*: a male teacher of the *Qur'an* in Sri Lanka

*lebbumma*: a female teacher of the *Qur'an* in Sri Lanka

*lian*: adultery

*madhahab*: (pl. *madhahib*) school of law (namely Shafi, Hanafi, Hanbali, Maliki)

*mahr*: dower given to the wife by the husband

*matn*: text

*mubarat*: divorce by mutual agreement

*mufti*: jurist, legal scholar

*nikah*: marriage ceremony

*pardah*: veil, curtain; a system in certain Muslim and Hindu societies of screening women from strangers by means of a veil or curtain

*qazi*: a special judge in a Muslim court of law

*qiyas*: analogical deduction

*Ramadhan*: ninth month of the lunar calendar

*sadaqat*: charity

*sahabah*: companions of the Prophet

*salat*: prayer; the second pillar of Islam

*sawm*: fasting, particularly in the month of *Ramadhan*; the third pillar of Islam

*shahaadah*: declaration of faith

*Shari'ah*: Islamic law

*Shi'a*: one of the two main sectarian divisions in Islam (the other being *Sunni*)

*sunna*: practices endorsed by the Prophet Muhammad

*Sunni*: one of the two main sectarian divisions in Islam (the other being *Shi'a*)

*sura*: chapter (in *Qur'an*)

*Tableeq Jamaat*: an Islamic group founded in the 1920s – 1930s in India

*tafsir*: the science of *Qur'anic* commentary or exegesis



*takhayyur*: choice

*talaq*: husband's divorce of wife by repudiation

*taqlid*: strict adherence to the law as stated in the authoritative legal manuals

*taqwah*: an act of piety

*tawfid-e-talaq*: the right of the wife to divorce her husband unilaterally

*thali*: necklace that the groom ties around the wife's neck at the wedding

*ulema*: scholars of Islam

*umma*: the universal Muslim community

*usul*: sources of law, fundamental principles

*Wahhabism*: a movement founded in Arabia in the 18<sup>th</sup> century, based on the ideology of Muhammad Abd al-Wahhab. It is an approach to Islam that follows the *Hanbali* school of thought and is based on a strict interpretation of the *Qur'an* and *sunna*

*wali*: guardian

*walimah*: the marriage feast

*watan*: homeland

*zakat*: the compulsory tax on wealth; the fourth pillar of Islam

## **Chapter 1**

### **Introduction: the scope and method of the research**

#### **Introduction**

Religion acts as an important link between the individual and the larger social group, by providing shared meaning for human experience. A religion can be a comprehensive meaning system that identifies all experiences of the individual and the broader social group in a specific set of explanations. Such meaning systems are created and upheld by people, and, as Berger suggests, attaching meaning to the world around is an 'ordering of experience' by human interaction (1969:19). One way of maintaining social order is through the process of 'legitimation', whereby socially established 'knowledge' serves to explain and justify social order (1969:29). Legitimations can be expressed in a number of forms and some of these include proverbs, moral maxims, myths, legends and folktales that may be used to explain and maintain certain social arrangements (1969:31). Religious legitimations can be particularly strong sources of order and authority because they are located within a 'sacred and cosmic frame of reference' that goes beyond human knowledge and history (1969:33).

In its broadest sense, this thesis explores how religion provides a shared meaning system to certain groups of people even though these groups of people may live in very different geographical locations and environments. It therefore highlights how religious legitimations, based on traditions and/or religious scripture, can be powerful sources of order and authority. However, at the same time, the study also highlights how religious legitimations can be used by subordinate groups of people to justify beliefs and actions that are contrary to the actions

and beliefs of the dominant group, thereby emphasising how shared meaning is created through a process of selection and interpretation of religious texts and traditions.

### **Reconsidering tradition in modernity**

The impact of traditions on individuals can vary according to numerous criteria - such as where people live, the size of the community with which people identify themselves, individuals' degree of openness to difference and change, the period in time to which individuals belong, the communal, social, economic and political climate that is prevalent, and even environmental changes. Such criteria are not mutually exclusive, as one criterion is often inextricably linked to a number of others, making it difficult, if not impossible, to explain the precise reason for people's changed attitudes and practice of traditions. This thesis looks specifically at the way in which two samples of Sri Lankan Muslims - one sample residing in Colombo, Sri Lanka, and the other in London, Britain - interpret, understand and experience Islamic and other cultural traditions in a transient world. For Sri Lankan Muslims living in Colombo, their views on Islamic and other traditions have been influenced significantly by the volatile political and economic climate of the country, while Muslims of Sri Lankan origin residing in London have been affected by living in a Western, economically developed nation. This introductory chapter aims to explore the terms *tradition* and *modernity* within the context of the thesis and looks at how these terms fit into the more specific questions that are addressed throughout the study.

A tradition, in its broadest sense, is a custom, opinion or belief that is passed on from generation to generation, in oral or written form, and/or by practice. As Edward Shils observes, the frequent recurrence of practices or customs over generations has a 'normative'

character that links the generations of the dead with those that are alive, and influences the actions of subsequent generations to whom these ancestors are unknown. This normative essence of tradition is described as the 'inertial force' that holds society together in a given form over time (1981:25). Throughout this thesis, the term *tradition(s)* is used to describe practices among Muslims that are both *Islamic* as well as *non-Islamic*. Some of the non-Islamic customs of Colombo Muslims - which are discussed in greater detail in Chapter 5 - are comparatively new practices that may not even qualify as traditions due to their recent beginnings. However, the fact that they have been incorporated into the general 'way of doing things' by succeeding generations of Muslims has given certain practices the status of custom and/or tradition. When discussing tradition in the *Islamic* context, it often has a specific meaning: it is related to the term *sunna*, which is the 'authoritative example set by [Prophet] Muhammad and recorded in traditions (*ahadith*; *akhbar*) about his words, his actions, his acquiescence to the words or actions of others, and his personal characteristics (*sifat*)' (Brown, 1996:6). The traditions of the Prophet and his Companions are essential to *Sunni* Muslims because, as is explained in greater detail in Chapter 3, the *sunna* is one of the primary sources of Islamic law and jurisprudence. If the concept of Islamic tradition is extended even further, it also incorporates beliefs and practices that are based on the *Qur'an* - which is the other primary source upon which Islamic jurisprudence and law are based. In this context, therefore, Islamic tradition is not just a custom or belief based on religion, but it can also be the foundation upon which religious laws are built. Tradition, in the Islamic sense, is then a far more potent influence on Muslims because of the hazy boundary that distinguishes a practice that is a custom, from a practice that is law.

The question that is pertinent to this discussion is how do traditions survive in changing political, economic and social climates? Or, how do traditions manifest themselves in

modernity? In order to answer these questions, *modernity* itself needs to be defined and placed within the context of the thesis.

The terms *modernity* and the *modern* are defined in various ways by scholars and there is no universally accepted definition of the terms, nor is there consensus on when the 'modern age' commenced. For example, Alex Inkeles and David Smith describe the 'modern man' as a person whose conduct is 'inculcated by work in the factory', which these writers consider to be the epitome of the 'institutional pattern of modern civilisation' (1974:5). Anthony Giddens, very broadly, defines modernity in terms of 'the industrialised world', while taking into account that 'industrialism is not the only institutional dimension of modernity' (1991:15). Anthony McGrew discusses the 'modern era' in terms of the 'globalization of human affairs', briefly defined as 'the multiplicity of linkages and interconnections that transcend the nation-states (and by implication the societies) which make up the modern world' (1992:65). Similarly, Roland Robertson - who has written extensively on globalization - describes the latter phenomenon as 'intimately' related to modernity and post-modernity (1990:20), while Giddens also examines modernity in relation to the globalization of social activity (1991).

When discussing modernity and its influence on mainly *Sunni* Islamic thought, scholars often refer to the period after the mid-nineteenth century, as it was during this time that works of reformers like Sayyid Ahmad Khan and Muhammad Abduh reassessed Islamic authorities of the past (see, for example, Donohue and Esposito, 1982; Rahman, 1982; Al-Azmeh, 1993; Brown, 1996; Waines, 2002). In this context, the use of 'modernist' to describe these reformers refers to fresh ways of thinking and new approaches to religious authorities and traditions that emerged in a certain period, which subsequently led to that time in history being described as 'modern'.

Other scholars, such as Kenneth Thompson, stress the importance of post-modernism in describing the current stage at which the world is. As with *modernity*, *post-modernity* is besieged with problems of definition. Thompson understands post-modernism as the 'aesthetic cultural and intellectual forms and practices' that emerged in the 1980s and 1990s (1992:227) that replaced modernism - a term that he describes as the cultural styles and movements of the first half of the twentieth century (1992:228). As with the 'modern age', with the 'post-modern age' there is no unanimous agreement on the exact period when it began (see Turner, 1990). However, what scholars can agree on is the complexity of what is meant by 'post-modern(ity)'. Some of the features assigned to postmodernism include self-referential discourse, heterodoxy, eclecticism, death of utopia, deconstruction, displacement, discontinuity, dissolution of legitimising narratives and so on (Ahmed and Donnan 1994). In relating post-modernity to religion, and Islam in particular, both Ernest Gellner (1992:23) and Akbar Ahmed and Hastings Donnan (1994) dwell on the difficulties involved with defining the post-modern. As Ahmed and Donnan suggest:

... though ... the postmodern comes after the modern, their boundary is blurred and each is mutually implicated in the other ... This makes it rather difficult to determine just how 'new' the changes allegedly typical of postmodernity are and where they must be subjected to a new (postmodernist) form of analysis. (1994:12)

At the end of the 20<sup>th</sup> century, Larry McCaffery, discussing contemporary American fiction, describes some writers as 'a new generation of "post-postmodern" authors' (1996:311), thereby implying that the world is moving on to a period that is now beyond the post-modern. This leads to the question of how can the world, or parts of it, be described in contemporary times: is it modern, post-modern, post-postmodern and/or something completely different? To this, there is no universally acceptable answer. Writing about religion in the present day,

Linda Woodhead et al describe the world in the current period of time as 'modern' (Woodhead et al, 2002). Woodhead suggests that the 'modern world comes in different guises and at different times in different parts of the world' and, subsequently, it becomes increasingly difficult to defend the view that all societies 'progress through uniform states of development from the premodern to the modern' (2002:4). This problem of giving an all-encompassing definition to the term 'modern(ity)' became clear in this research as it was focusing on two groups of women living in two very different political, social and economic environments, and yet living in the same period of history and affected by the same international situations and processes. Inkeles and David's discussion is salient for an understanding of modernity as it is referred to in this thesis. They state:

Taken literally, the word [modernity] refers to anything which has more or less recently replaced something which in the past was the accepted way of doing things. In that sense, the first sailing vessels to replace the galleys propelled by oars were modern, as was the clipper ship before the steam, and steam before atomic power. Approached in this way, the modern becomes a catalogue of things rather than a concept. (Inkeles and Smith, 1974)

In this context, the terms 'modernity' and 'modern' are used to describe the *contemporary* and *new* throughout the thesis. So, for example, while for Sri Lankan Muslim women living in Colombo the ability to be a part of the workforce as a professional lawyer, doctor or accountant is a consequence of relatively recent changes in people's everyday lives and attitudes, for second-generation Muslims of Sri Lankan origin living in London such a situation is nothing new, and hence is not something they would necessarily classify as a 'modern' phenomenon.

In answer to the question of how traditions survive in the modern world, the potential answers are numerous: traditions may cease to exist, they may be reinvented or they may be reinterpreted to suit contemporary situations. Writers such as Woodhead state that modernity

... tends to be corrosive of tradition – of authorities which lie outside the individual self and claim to be higher. The authority of the past, the authority of a clerical élite, the authority of established religious institutions and practices, and even the authority of a transcendent deity all come into question. (2002:9)

However, this is not always the case. Traditions can exist in modern, contemporary societies, and religious traditions, particularly Islamic ones as this thesis highlights, can survive - if not flourish – in what is perceived as developed as well as developing nations. This does not mean that people do not have to contend with conflicts between religious traditions and secular goals and lifestyles or that they do not have to re-evaluate their traditions in the light of changes that take place internally and externally. What traditions, religious and others, can do is bring stability and create ‘a sense of firmness’ (Giddens, 1992:48) in an otherwise changing world.

## **The aims and theoretical and methodological approaches of the research**

### ***The research questions***

While acknowledging that religion provides a shared system of meaning to its followers over time and space, the question still arose of how religious and other traditions continue to manifest themselves in contemporary, modern societies, particularly with reference to gender relations. I was interested in finding out how a minority group like the Muslims in Sri Lanka, who had resided in the country for centuries and to whom religion was an important marker of identity, maintained their religious and other traditions in an ever-changing world, and how



this, in turn, impacted upon the female members of the community. The usefulness of researching Colombo Muslims and Muslims of Sri Lankan origin in Britain was that it gave me the opportunity to compare two groups of women who are from the same religious and ethnic backgrounds but who live in very different cultures and social settings. This comparison provided me with valuable insight into how the purpose and function of religion was interpreted and understood by the women in my study and the Sri Lankan Muslim communities in Colombo and London. My principal research questions could be defined as follows:

1. How significant is religion in the lives of Sri Lankan Muslim women in contemporary societies? Has it been (i) religion and/or patriarchy or (ii) some other aspect of their lives that has:
  - a) influenced their under-representation in the fields of education and employment; b) limited their freedom of choice and movement, particularly in the past?
2. In relation to the significance of religion, what role does Islam have in identity-building among followers of the religion?
3. What conclusion(s) can be drawn about religion and identity that could be significant for the sociology of religion?

In order to make the research questions 'workable', topics to be covered in the interview schedule and questionnaire were listed. This contributed to keeping the aims of the research in focus. While it was hoped that an insight could be gained into the experiences and the position of Muslim women, most specifically in the fields of education, marriage and employment, my research aimed to address the following, more specific questions:

- How (if at all) is religion manipulated and/or interpreted in order to control women's independence?
- What role does the Muslim family law of Sri Lanka play in maintaining inequalities between Muslim men and women?
- To what extent does the Muslim family law of Sri Lanka coincide with the *Qur'an* and the *sunna* of the Prophet Muhammad?
- Have there been any religious traditions that have challenged the impact of patriarchy on Sri Lankan Muslim women?
- What is the relationship between respondents' level of religiosity and their views on gender relations and roles?
- What is women's role, if any, in perpetuating a system that could hinder their independence?
- How do other factors, such as class and occupation, influence the experiences of the Sri Lankan Muslim woman?
- What are the similarities and differences in the influence, significance and practice of religion in the lives of Sri Lankan Muslim women in Colombo and in London?
- How does religion influence Muslim women in a world of syncretic and multiple identities?

Religion is a significant variable in this research firstly because religion, or being Muslim in this case, is the primary factor that identifies Sri Lankan Muslims as being different from the other major ethnic groups in the country. However, before proceeding to examine the Muslims of Sri Lanka in greater depth, it is important to clarify the concept of *religion* as it is used throughout the thesis. Earlier in this chapter, *religion* was described as 'a comprehensive meaning system that identifies all experiences of the individual and the broader social group in a specific set of explanations'. To enhance this further, a religion comprises beliefs, practices and social institutions that are based on the postulated existence of a greater, transcendent reality. While the above definition may not be inclusive of all meaning systems that are perceived as 'religions', it identifies the kind of occurrence that qualifies as 'religion' in this thesis.

Although Sri Lanka is predominantly a Buddhist country, its religious composition is varied and includes Hindus, Muslims and Christians. According to the last Census conducted in July 2001, the total population of Muslims, which comprises Ceylon Moors, Indian Moors, Malays, Borahs and Memons, was approximately 8.5 per cent of the total population of the country (Census of Population and Housing, 2001). The religious orientation of Muslims has led them to be distinctive, in most cases, in the clothes they wear, the food they eat and the general manner in which they live their lives. Robert Bellah goes a step further when he discusses the 'interpenetration' of religious identity and nationalism in countries such as Pakistan, Indonesia and the Middle East where Islam is predominant (1970:161). In the case of these countries, he explains how nationalism was shaped by Islamic consciousness. Other writers such as Jessica Jacobson (1998), Talip Kucukcan (1998), Yunus Samad (1998) and Steven Vertovec and Alisdair Rogers (1998) have discussed the importance of Islam in identity formation among Muslim youth in Britain. Further, they address the issue of how ethnicity differs from religion in the evolution of identity among the Muslims. The situation among the Muslims of Sri Lanka has been very similar as they too have, historically, been a religious as well as an ethnic minority in that country. The prevalence of a family and inheritance law that is applicable to the Muslim population in Sri Lanka has contributed greatly to endorse certain practices that are peculiar to the Muslims of the country. To quote Bina Agarwal:

Today it is the Muslim identity of the Moors rather than their cultural identity that has legal primacy and Muslim law applies uniformly to all Muslims in the country. This is the only system of personal law in Sri Lanka whose application is linked with adherence to a particular religion. (1994:240-241)

This, however, does not imply that all Sri Lankan Muslims follow a single way of life but simply that there are certain practices that are unique to them in the country. These issues relating to the history of Islam in Sri Lanka, the religious identity of Sri Lankan Muslims and the Muslim Law of Sri Lanka are discussed in greater detail in Chapters 2 and 3.

In the case of Britain, although the emergence of a Muslim community can be traced back to the seventeenth century (Lewis, 1994a:11), it is in the post-World War II period that the numbers of people who identified themselves as Muslims increased. Chapter 7 has a more detailed discussion of this subject. However, the heterogeneity among Muslims is even more apparent in Britain, as far as 'Islamic culture' is concerned, given the diversity in people's countries and/or places of origin, socio-economic and educational backgrounds and so on. Therefore, as Aziz Al-Azmeh states, there is no 'Muslim cultural homogeneity', only similarities in certain religious beliefs and observances (1993:4). Variations in the way a religion is practised by followers due to differences in traditions emphasise the improbability of a 'universalistic form of religious expression' (Beckford, 2000:181). Robertson's use of the term 'glocal' to describe 'a global outlook adapted to local conditions' (1994:36) is particularly relevant here, for even though all Muslims in the world may practice one religion, which is Islam, the way it is practised varies from community to community.

Just as religion is a significant variable in this study, so is the variable of gender, as the research focuses on women. As the literature on Sri Lankan Muslim women is scanty and scattered, this thesis hopes to open a window on their experiences in various aspects of their lives. It should be noted that the laws and customs relating to marriage will be considered in detail, since marriage is regarded as an important institution among all the religious and ethnic communities in Sri Lanka, and, consequently, marriage can act as an influential factor

where women's independence is concerned, especially with respect to their education and employment. These laws, based primarily on religious traditions, contribute to shaping power structures within gender relations and are pertinent to the issues raised at the beginning of this chapter on the significance of tradition in modernity.

### *Theoretical and methodological approaches*

The first theme that runs through the thesis combines the two subjects of religion and gender mentioned above. Ursula King's comment on this relationship between religion and gender is particularly significant to my study. She states that '[r]eligion has not only been the matrix of cultures and civilisations, but it structures reality - all reality, including that of gender...' (1995:4). It is this construction of the reality of gender that is particularly important to the aims of the theme mentioned above.

The influence of Islam on women is not an area of study that is unique to my research. Many Middle-Eastern feminists and female writers from countries where Islam is predominant, such as Pakistan and Bangladesh, have written extensively about the impact of religion and patriarchy on the women in their countries (the works of such writers are discussed in greater detail in subsequent chapters). Similarly, the following chapters look at the impact of Islam on women, while they also focus on the role and impact of religion on women who are minorities in countries that are essentially non-Islamic. Here, it is important to clarify that although the relationship between religion and patriarchy is often regarded as a symbiotic one, they are referred to as separate variables on numerous occasions for analytical purposes. The usefulness of making such an analytical separation is particularly clear in a discussion of patriarchal traditions, such as the giving of dowry by the bride's family, which are not Islamic but prevalent among many of the ethnic communities in Sri Lanka.

As in the case of much of the contemporary writing on women and religion, the ensuing chapters include an examination of the organisation of religious knowledge and the manner in which it makes universal claims. The problems that King cites as two very fundamental issues that researchers have to deal with in the study of religion and gender were factors that I, too, had to contend with during the course of my work. The first problem was in relation to the subject matter of research dealing with religion. As King observes, most phenomena related to religion still continue to be placed in the context of an androcentric, or male-centred, framework (1995:19). This is true of much of the history relating to the traditions of the Prophet Muhammad, the status of women during the birth of Islam and its subsequent development and religious outreach, and the general social conditions that prevailed during the times of the Prophet. These androcentric approaches have developed over the centuries and continue to be the most popular and accepted sources of religious knowledge in contemporary Muslim communities. King suggests that a 'gynocritical approach' in religious studies, where women scholars 'analyse and interpret religious phenomena specifically associated with, experienced, articulated and described by women' (1995:19), has developed only in the recent past. It is such an interpretation of religious beliefs, practices and traditions that are explored in this research.

The second problem discussed by King relates to the researcher's attitude towards what are the most appropriate methods for studying religion and the religious. One of the principal features of this methodological process involves 'a hermeneutics of suspicion' (1995:22) in relation to, or a fresh outlook on, traditional sources and methods, together with a critical deconstruction and reconstruction of central aspects of any study of religion. Some of the methodological debates involve the most appropriate way of conducting research, such as the

insider/outsider or the neutrality/commitment approach, in studies relating to religion. Knott emphasises the fact that most feminists who have addressed the issue of methodology *vis à vis* religion and gender have stressed that 'what a feminist perspective offers is an awareness and critique of domination and oppression in society and the continuing operation of androcentrism and sexism at all levels' (1995:213). In other words, she argues that as women researchers and scholars, our epistemology and methodology should ensure that women's experiences are voiced and these should contribute to bring about positive changes in the lives of women.

Among Sri Lankan Muslims in the past, a study of the community has always involved a study of the views and histories of the males in that community. It is only recently that organisations like the Muslim Women's Research and Action Forum (MWRAF) in Sri Lanka have attempted to fill this void in Muslim women's studies by focusing on the position of women in the country. My principal reason for selecting a sample comprising only women for this research was primarily to discover the viewpoints and experiences of women, who, in the past, have been marginalised. As scholars like June O'Connor emphasise, focusing on women's studies and research has enabled scholars to see 'the partial, selective picture we have inherited' (1995:47). Although a comparative study between men and women would have illuminated the differences in the experiences and views of the two sexes more effectively, this could not be achieved for several reasons discussed later in this chapter.

Keeping in mind the observations made by scholars such as King and Knott mentioned above, one of the central aims of this research was to focus on how androcentrism and sexism in religion have affected the lives of women in my study. Therefore, feminist scholarship, mainly the works of Western, Middle-Eastern and Third-World feminists, will be referred to

throughout to explore the relationship between men and women as well as that between religion and gender.

The second theme that emerges in this thesis relates religion and identity. As mentioned earlier, one of the questions addressed is how religion can influence Muslim women in a world of syncretic and multiple identities. It is generally understood that since the 1970s, the scope and pace of global integration has increased, escalating the flows and connections between nations (Hall, 1992:299). One of the consequences of this form of global integration has been the emergence of plural and/or new identities. As Stuart Hall observes, classical sociologists, such as George Herbert Mead and Charles Horton Cooley and the symbolic interactionists, promulgated the idea that identity formation was a result of 'interaction' between self and society, which in turn led to the stabilisation of both the subject and his/her cultural world. This 'interactive' understanding of identity and self was different to the view held during the Enlightenment, which was that the human being was a unified individual whose 'centre' comprised an autonomous, inner core. This core emerged with the birth of the human person and remained unchanged until death. The identity of the person was the vital centre of the self. However, it is evident that in contemporary times the interactive explanation is no longer sufficient because the human subject, previously thought to have formed a unified and stable identity, is becoming 'fragmented', comprising several identities. Hall describes such an individual as 'the post-modern subject', having no fixed, stable or permanent identity (Hall, 1992:275-277). The impact of these diverse identities can be contradictory: some identities can move towards 'Tradition' in an effort to restore their former purity; others move towards 'Translation', with the acceptance that identities are influenced by various factors and, as such, they are unlikely to be pure or unitary (1992:309).



One very significant question that situations of plural and multiple identities raises is how does religious identity coexist with multiple identities in the present day? The answer to this question is examined in Chapter 7, which focuses on identity among Muslims of Sri Lankan origin in Britain. The theoretical approach taken to probe the dynamics of religious and other identities as well as the issue of how women cope with the multiple roles they perform is based on structural functionalism and the work of Robert K. Merton, whose insights into social structure and role theory, based on Ralph Linton's work (1936) on the concepts of *status* and *role*, are particularly important to explore multiple identities and roles. Merton's general theory of social structure is founded upon the idea that an individual is 'structurally located, anchored in networks of social relationships' (Lewin, January 2002). The basic characteristic of social structure is the *social status*, which involves not just a single associated role, but a variety of associated roles (Merton, 1957:369). To explain some of the key concepts in role theory, *social status* is a recognised position in a social system that an individual occupies. At any given time, individuals have several statuses, termed a *status-set*; they also pass through a succession of statuses from birth to death and this is referred to as a *status-sequence*. An individual could, for example, find herself connected with the statuses of wife, mother, doctor, Muslim and so on and this would be classified as the status-set.

A *role* refers to behaviour expected of someone who holds a particular status. *Role-set* is used to identify a number of roles within a single status and, subsequently, a person has more roles than statuses. So, to cite one of Merton's examples, the status of schoolteacher has its role-set relating the teacher to his/her pupils, to colleagues, to parents and so on (1957:369). It is important to keep in mind that given the numerous statuses occupied by an individual, the resulting roles s/he may have are not always complementary. This is where the concept of

*role-conflict* becomes significant as it is used to describe the incompatibility among roles corresponding to two or more statuses.

The significance of role theory to the previous discussion of tradition, modernity and identity is that certain statuses or positions held by individuals can become exceptionally important in the formation of their identities, which, in turn, can shape their entire lives. Statuses that are important in identity formation include variables such as occupation, nationality, ethnicity, sex and religion. Therefore if, as Hall states, identities are becoming fragmented in contemporary times particularly in terms of ethnicity and nationality, then this could be reflected in an increased fragmentation of statuses, and new statuses will be continuously created and negotiated. Fragmentation (of statuses) can increase the possibility of having conflicting statuses and roles. Based on Merton's theoretical stance as described above, this discussion is extended further by suggesting that identities, especially in terms of religion, ethnicity and nationality, can become competing or complementary ones.

The following chapters, therefore, examine the impact of tradition and modernity on Sri Lankan Muslim women, and how this has influenced the 'statuses' they occupy, the roles they perform within these statuses, the manner in which the roles within a status have changed over time and how new statuses have impacted upon the identities of these women. The methodology adopted to research these issues and synopses of the ensuing chapters are provided in the following section of this chapter.

## **The methodology**

Two major sources of data collection were utilised to obtain the information necessary for the research project. The first was quantitative in nature where any relevant statistics such as census data on the position of Sri Lankan Muslim women were examined. The statistical and the quantitative element in such data contributed to substantiate claims made about the Sri Lankan Muslim woman. It is important to clarify that while every effort was made to obtain the most up-to-date statistical information, in Sri Lanka this was not always possible. For instance, in some parts of this thesis, the figures used rely on the Sri Lankan Census of 1981, as no other census was carried out from 1981 until July 2001. In November 2002, only the preliminary results of the 2001 Census were available for analysis. Furthermore, while the Census of Population and Housing of 1981 is based on the results obtained from all twenty-five districts of Sri Lanka, the results of the Census of 2001 are based on eighteen of the twenty-five districts due to the unfavourable security situation that was prevalent at the time the Census was taken. Other statistical information that was available, namely reports from the Central Bank of Sri Lanka and the University Grants' Commission in Colombo, was also used where appropriate. Statistics on Britain have been obtained principally from the Census of 1991. Finally, as I wanted to get the views of as many women as possible, two hundred and twenty-five questionnaires were distributed among various women's organisations based in Colombo, Sri Lanka.

To analyse the position of these women further, qualitative information was obtained by means of interviews, of both Muslim women and key informants. The former set of interviews were carried out with the following objectives in focus:

- to examine the respondents' awareness/lack of awareness of the rights of Muslim women according to the Islamic Law as opposed to the Muslim Law of Sri Lanka;
- to examine the degree of control women have (and/or should have, in the opinion of male informants) when making important decisions in relation to their lives - particularly in the fields of education, employment and marriage;
- to examine the level of control, if any, that has been placed on women in their daily lives by family members such as parents, siblings and other relatives; and
- to examine any similarities/differences in opinions and views between those people who currently reside in Sri Lanka and those who have lived outside the country.

I also obtained information about various aspects of Muslim social life by interviewing people such as Muslim marriage brokers, registrars, lawyers and school principals and teachers in Sri Lanka. Among Muslims of Sri Lankan origin in Britain, my key informants were past presidents and committee members of the two main Sri Lankan Muslim organisations. They were able to provide me with an insight into the extent to and the manner in which the Sri Lankan Muslim community in Britain had grown and changed over the past twenty-five years. The information obtained from all these sources was almost always useful and contributed greatly to the reliability of the results.

### ***The samples***

Several controls were considered in the selection of the two samples; first, the respondents were either those who identified themselves as Sri Lankan Moors or Malays. The reason for the selection of Moors and Malays was because they are the largest Muslim communities in Sri Lanka; hence, any claims made at the end of the research will be limited to this part of the population. Second, respondents for the research were drawn from Colombo, Sri Lanka and London, Britain, or the immediate suburbs of these two towns. This was done mainly to identify any similarities/differences in opinion between those people who live in Sri Lanka

and those who have been away from their country of origin for over a period of time, which for the purpose of this research will be ten or more years. Third, the family level of income, respondent's occupation and/or husband's occupation and organisation to which the respondents belonged were considered to determine the social status of the interviewees; and, finally, all respondents selected for the sample were over eighteen years of age. The women residing in Sri Lanka were selected from the following organisations: the Ceylon Moor Ladies' Union; All Ceylon Muslim Women's Association (Colombo sector); Moors Islamic Cultural Home; and the Young Women's Muslim Association in Sri Lanka. In Britain, the Sri Lankan Islamic Association (SLIA) and the Sri Lankan Malay Association (SLMA) were the sources through which respondents for the interviews were obtained, as these organisations are based in London and have the largest membership of Sri Lankan Muslims.

### ***The interview schedule***

Apart from the preliminary closed-ended questions such as area of residence, date of birth, current marital status and occupation, the interview schedule comprised open-ended questions that covered the following broad areas:

- education
- paid employment
- marriage
- Muslim Family Law of Sri Lanka
- religiosity
- level of independence
- identity

The interview schedule was useful in that it gave the respondents a certain degree of freedom when answering questions, while, at the same time, it gave the interviews some structure and direction.

***The core respondents: the Sri Lankan sample***

According to the preliminary results of the Census of July 2001, Muslims comprised 10.7 per cent of the total population in the Colombo Municipality. The three main reasons why Colombo was selected for my research are, firstly, it is the largest urban area in the country; just as London is in Britain. It has a large number of primary and secondary schools and is the nucleus of most business activity in the country. Secondly, it has a relatively large number of Muslim women's organisations. As my interviewees were selected from four of the larger organisations, it was useful to concentrate on an area of the country where I could gain access to potential interviewees. Thirdly, Colombo was familiar to me and I had contacts within the Muslim community.

The organisations mentioned above comprised mainly of women in the middle and upper strata of the social pyramid. The most important functions of these organisations are to engage in various charitable activities and also provide its members opportunities to meet and socialise on a regular basis. Some of these organisations have funds for educating Muslim girls, some others run hostels for Muslim orphan children and female youth and some others have projects that aim to raise funds for Muslim refugees living in areas affected by the war between the Sinhalese and Tamil people. While some of the fund-raising events, such as coffee-mornings and evenings, are also ways of creating opportunities to socialise with other members of the communities, most other social gatherings are held to celebrate religious events such as *Eid-ul-fitr*, the festival after the month of fasting or *Ramadhan*, and the birth of the Prophet Muhammad. In many ways, the socio-religious activities organised by these organisations are similar to the events organised by the SLIA and SLMA in Britain.

A total of forty respondents participated in my interviews in Colombo. Initially, I was keen to include women *and* men in my study, but soon realised that this would be a formidable task for three main reasons. First, it would have been very difficult to get the consent of Muslim men to participate in the study, given the conservative nature of the Muslim community in general. Second, even if men, other than those who were informants, had participated in the research, I was unsure of how a knowledge of this would affect the way in which potential female interviewees would view me and respond to me. Finally, as this study was already a comparative one, making a further comparison between male and female views and experiences would certainly have made it an ambitious project, considering the limited time and resources that were available. After careful consideration of these issues, the decision was made to focus on women's understandings of their experiences.

In Colombo, the sample was selected by obtaining lists of the committee members of each of the women's organisations mentioned earlier, and contacting them personally to get their consent to participate in my research. Initially, it was extremely difficult to find women who were willing to be interviewed because being interviewed involved revealing personal information about oneself to a stranger. At this stage, the element of trust had not been established between the interviewer and interviewee. Given this problem, it was decided that the most practical method of contacting potential respondents was by adopting the 'network' or 'snowball' approach, whereby a member of the population to be studied is contacted and asked if s/he knows of anyone else with the required characteristics. The nominated individuals are interviewed and then asked to identify further sample members (Arber, 2001:63). As Margaret Peil suggests, this method is useful to identify people who are hard to locate, and initial contacts may be chosen randomly, purposively or accidentally (Peil, 1982:32). Both in Colombo and in London, three or four active female members of the

Muslim organisations identified for the research as well as a few other members whom I had met through various sources were contacted, and were asked if they would mind participating in the project. At the conclusion of the interviews, respondents were asked to suggest the names of any other members of the organisations whom they felt would not mind being contacted for the interviews. Kay Standing (1988) makes specific reference to the advantages of snowballing in her research on lone mothers. One benefit mentioned by her that I too experienced is that this method contributed to break down power relations between the interviewer and interviewee. It enabled trust to be established between the researcher and the respondent before the interview took place, as the potential respondent had already been approached by a friend/relative. As one of my key informants from the Muslim Women's Research and Action Forum (MWRAF) explained to me, most women fear that the information with which they provide researchers will be leaked to the more 'fundamentalist' Islamic press that publish weekly newspapers such as the *Al-Islam*. Through my own observations, another fear that these women had was that the information they gave me could be repeated to someone else who knew them, in their families and within the community.

The women in my sample were predominantly over forty years of age. This is representative of the women's organisations in general, as the active members tend to be those women whose children are older and who have less family responsibilities, and many of the women were not in paid employment. Most interviews lasted for at least two hours, and some for a longer period, at the respondent's own residence. This made it possible to get a glimpse of their home environment and the types of lives they led. For example, the presence of domestic help gave some indication of their financial position as well as the distribution of work within the household.



All my interviews, including the ones conducted in Britain, were tape-recorded. Although some respondents initially felt self-conscious and sometimes suspicious of my motives, I always reassured them that they were free to ask me to switch off the recorder if they did not want certain parts of their conversation on tape, which was done on a few occasions because of the sensitive nature of what was being said by the interviewee.

Since many of the questions asked of them were in relation to their own lives, it is understandable that they sometimes felt embarrassed and reluctant to divulge any information about themselves. However, the majority of the respondents were extremely co-operative and seemed to enjoy the opportunity of sharing their life stories, which is one of the advantages of a woman interviewing women (Oakley, 1981; Finch, 1993). The hospitality that many women offered, as in Janet Finch's experience as a researcher, was an indication of the willingness of the women not merely to be 'interviewed', but also to share their life experiences and views. Being an 'insider', or a part of the Colombo Muslim community myself, on several occasions they attempted to establish 'connections' or relationships between themselves and me. They would often ask me who my parents were and from which part of the country they originally came. This highlights how close-knit the community can be. Initially, I expected the closeness of the community to hinder opportunities of gaining the trust of respondents. However, this never posed a problem when the fieldwork was conducted in Colombo. Having been a part of the Colombo Muslim community, but now living overseas, was ideal for the research as it gave me an 'insider' as well as an 'outsider' status; this meant that I could relate to their experiences, while, at the same time, distance myself from the community when it was necessary. An example of such a situation was when one interviewee described to me the way in which marriage proposals worked in the community. Once she completed her explanation, she mentioned to me that she had two unmarried nieces

and wondered if I could help her find suitable partners for them. Although I sensed her unhappiness and worry, I mentioned to her that I had been living overseas for too long to know the community well and that I could not take the responsibility of recommending any bachelors whom I had not met personally.

### ***The core respondents: the London sample***

The British sample of thirty was selected from the SLIA and the SLMA based in London and, as in Colombo, snowball sampling was used to form the British sample. In London, the two main problems I encountered in acquiring the names of members of the two organisations were, first, they did not have a list of names of *all* the members of their organisations. In some cases, the wives of men who were members of the organisations were not specifically mentioned as members. Therefore, it was sometimes unclear whether some of the males had spouses or not. A similar situation was evident among the children of members. Although some families had children who were over eighteen years of age, since they continued to reside with their parents, they were not mentioned as separate, individual members. The second problem was that almost all the office bearers were male, making it very difficult for them to recommend females for my research. Therefore, the selection process in Britain was similar to the one used in Sri Lanka, where a few active female members of the Sri Lankan organisations were contacted and they helped to identify other women who would fit the criteria required of respondents. A striking difference between the organisations in London and the ones in Colombo, apart from the latter ones being women-only, is that the SLIA and the SLMA in Britain consist of a relatively larger proportion of females (and males) who were between eighteen and forty years of age. Interviewing younger females made the comparison between female Sri Lankan Muslim residents in Britain and those living in Sri Lanka a more interesting one even if, methodologically, slightly problematic.

Here again, the 'insider/outsider' status proved to be extremely useful. When fieldwork commenced in London, although I was familiar with the community, I had been a resident in Britain for only a few years. Most respondents were willing to spend time talking to me because they recognised me from past events and gatherings whilst knowing that I was not actively involved with the members of the community and so would be unlikely to repeat any personal information that they disclosed. Many respondents were comfortable talking about themselves as they felt that I could sympathise with them and understand the problems they had to deal with as Sri Lankan Muslims living in Britain.

### *The questionnaire*

The structure of the questionnaire was very similar to the interview schedule, as the objective was to incorporate in it many of the questions that respondents were asked during interviews. The principal difference between the questionnaire and interview schedule was that while a choice of answers was almost always provided for the respondent in the former, in the latter, the interview respondents were free to provide any information they thought was important in answer to the questions that were posed to them. The main reason for handing out questionnaires to the Colombo Muslims was to attempt to cover a wider age group of women in the community, so that the heterogeneity of the sample could be increased. A similar questionnaire was not circulated among Sri Lankan Muslim women in London as the sample of women who were interviewed included women of various ages. Therefore, it was felt that Sri Lankan Muslim women in London, who were from a middle-class socio-economic background, were well represented in the sample in terms of the variety in age, educational background, occupation and marital status. Furthermore, as there are no organisations among Sri Lankan Muslims in London for women only, identifying just the female members in the

SLIA and SLMA, distributing questionnaires to them and ensuring that they send the questionnaires back to me would have been a very difficult task.

The first part of the questionnaire concentrated on extracting basic background information, such as date of birth, highest level of education and marital status. The second part dealt with issues relating to respondents' experiences of education and paid employment and their views on these subjects with regards to women in general. Part three of the questionnaire comprised questions relating to the Muslim Family Law of Sri Lanka. The reason for the inclusion of these questions was to ascertain the respondents' awareness of certain aspects of the Muslim marriage and divorce laws. Issues dealing with marriage and, again, respondents' own views of and experiences in this area, if applicable, were the focus of questions in part four. Finally, parts five and six dealt with respondents' degree of freedom of movement outside their homes and the extent of their religiosity. Respondents were not required to give their names or addresses, as this was not necessary for the research. Furthermore, this helped preserve their anonymity, and, therefore, increased the response rate.

Although, initially, 225 questionnaires were circulated, the initial response rate was just 26.6 per cent. Given this poor response to the first effort, the presidents and secretaries of four of the larger women's organisations were approached and approximately twenty-five questionnaires were handed over to these organisations. Each of these organisations had approximately 15 to 20 committee members and their membership ranged from 75 to 125 women. It was hoped that with the head of each organisation handing out the questionnaires, members would feel more obliged to fill in the questionnaires. The heads of these organisations offered to hand out the questionnaires to consenting members during one of their many gatherings or events. People who did take the questionnaires had the freedom to

take them home and return the completed forms to an office bearer within 3-4 weeks. Women in these organisations who had already been interviewed by me were asked not to fill in a questionnaire. Although the response rate in this case was 42 per cent, of the total 225 questionnaires that were initially circulated, there were now a total of 102 completed questionnaires. However, of these completed questionnaires, the results of only seventy-nine were used as twenty-three questionnaires were partially filled in and the data provided was insufficient to identify relationships between variables.

### *Participant observation*

Apart from the methods discussed above as ways of obtaining information, participant observation was another research technique that was employed to get a clearer understanding of the dynamics of the Sri Lankan Muslim communities, both in Colombo and London. This involved attending numerous events and gatherings organised by members of the communities and included religious gatherings, engagements, marriages, funerals, birth ceremonies, birthday parties and various types of receptions. During the course of these events I had the opportunity to meet a number of people, both male and female, who gave me invaluable information about the two communities being studied. In Colombo, in particular, participant observation and informal conversations with people were essential to access young women, who would, otherwise, have been excluded from this project. The gatherings also made it possible for me to observe individuals in a social context while being a part of that social setting. The ability to be a participant and observer provided me with useful insights into the workings of the communities that were being researched.

## **The importance and relevance of qualitative research**

The methodological debates concerning the study of gender and religion mentioned at the beginning of this chapter stem from the methodological issues raised by feminist writers who have challenged traditional data collection methods in the study of gender issues. The importance of qualitative data collection methods has, very often, been highlighted by feminist researchers studying women and many women writers have emphasised the need for qualitative research, particularly interviewing, as it enables women to voice their personal narratives. Some feminist writers, such as Rosalind Edwards and Jane Ribbens, describe this process as 'researching the private and personal and seeking to voice it in (the) public' (1998:15), thereby bringing private lives into public knowledge.

As mentioned earlier, a major part of my data was collected through interviews. The primary reason for this, as Janet Parr discovered in her own research of mature women students, was:

...I was looking more for explanations and processes rather than 'numbers of women who...' I realized ... that if my real interest was in explanations and perceptions, then it was greater depth rather than breadth which was required in my research data. One of the ways of achieving this depth in terms of explanations and perceptions was by listening to, and hearing, what the women themselves had to say. (1998:89)

Furthermore, semi-structured interviews gave me the freedom to probe into issues that the respondents thought were important rather than prescribe a fixed structure to the entire interview experience (Parsons, 1996). The interviews also enabled respondents to control the extent to which issues were explored. Given the questions that were addressed in this study, it was clear that interviewing and participant observation would be the most appropriate means of obtaining information.

Ann Oakley (1981) and Janet Finch (1993) discuss the usefulness of women researchers interviewing women. Formal, structured interviews, rather than informal ones, can create hierarchical relationships between the interviewer and the interviewee, and Finch describes the effectiveness of in-depth interviewing of a woman by a woman researcher. She states that women, in general, are more accustomed than men to accepting encroachments into their personal lives through questioning and that interviews that are conducted in an informal manner in the interviewee's own home has the advantage of taking place as an 'informal conversation'. Here, the interviewer acts as a 'friendly guest' rather than an 'official inquisitor' (1993:169). Furthermore, as Dorothy Hobson (1978) and Finch (1993) discovered, if women's lives have been confined to the private, domestic sphere, it is likely that they will appreciate the opportunity to talk to someone else, as I discovered in my own experience as a researcher.

The advantage of conducting interviews with women who agreed to participate in this research was that a majority of them were willing to sacrifice their time to discuss, in depth, the issues that were important to the study. The fact that almost all the interviews were conducted in the respondents' own homes meant that they were comfortable in an environment with which they were very familiar, while, as mentioned earlier, it gave me an opportunity to get a glimpse of their lives at home. Interviews that were conducted with key informants offered similar advantages as far as receiving information was concerned. Again, they were visited in surroundings familiar to them; in this case, however, time was sometimes a constraint and the interviews were far more structured. However, the fact that the informants were approached as just that, made them enthusiastic, keen and helpful respondents.

### ***Criticisms of qualitative research***

As Jessica Jacobson reports in her study of religion and identity among British Pakistani youth:

Many researchers who gather qualitative data by means of small-scale field-work face the charge that their findings are not generalisable to the full researched population. (1998:53)

Within a positivist research framework, the above comment would have some significance to my own research. Given the relatively small size of my samples in Sri Lanka and in Britain, the reliability of my data could be challenged. The advantage of a large sample is expressed succinctly by Charles Judd et al:

A large sample size serves the same purpose in all kinds of research - it makes the results more reliable because it is less likely that additional observations would change the outcome. (1986:307)

However, it must also be noted that a large sample is most useful if a persistent bias can be avoided in the selection of that sample. As mentioned earlier for example, many women were above forty years of age in the sample of Colombo Muslims. Thus, key members in the women's organisations were contacted in the hope that younger people could be identified to participate in the study, which, subsequently, would result in a more heterogeneous sample. However, as the members of most organisations were older, this meant that even though the size of the sample was increased from thirty to forty women, it did not contribute towards increasing the proportion of women below forty years of age.



Another criticism that could be made concerns the reliability of the data because of the sampling technique that was used. Considering the initial difficulties that were encountered in obtaining the consent of women in both communities to participate, it was not possible to use random sampling to select respondents. The use of such a method would have ensured that 'each element [of the population] has the same probability of selection' (Bouma, 1993:120). However, given the large size of the populations and the reluctance of many women to participate in the research, it became imperative to rely on the names provided by office bearers of the various organisations to make the sample selection. The office bearers provided the names of only those people whom *they* felt would not mind being participants in the study. Even the questionnaires were handed out to only those women who agreed to be included in the research.

Given the problems mentioned above, I endeavoured to include as wide a range of women as possible in my samples. In other words, an effort was made to include women from various age groups, levels of education and areas of the two cities to make the samples more representative of the two communities that were the focus of the study. However, it is important to reiterate one of the principal aims of this research, which was to gain an understanding of the similarities and differences of the experiences and opinions of Sri Lankan Muslim women who resided in London and Colombo. The findings of this research are, therefore, valuable not for the estimates of the *numbers* or *percentages* of women who held a particular view or had a certain experience, but, firstly, for the patterns and explanations of these views and experiences that emerge in the process of the research, and, secondly, for the implications these experiences and explanations of these experiences may have for the broader Muslim population.

## **An outline of the thesis**

The primary objective of this chapter has been to introduce the research project to the reader. It has outlined the area of study by placing it in the context of the two communities that are the focus of the research, while also examining the research questions and methods adopted, and explaining the sociological significance of the research.

In Chapter 2, the social world of the Colombo Sri Lankan Muslim women is discussed by exploring the various aspects of social life that influence them. This discussion is essential to understand not just the social environments of Colombo Muslims, but also those of Sri Lankan Muslim women residing in Britain. The first part of the chapter highlights the concept of identity and how the identity of a community or group of people is created, with particular reference to the Muslims of Sri Lanka, and how this identity affects the women in the community. It focuses on the role played by religion, ethnicity and country of birth in developing the Muslim identity of some Sri Lankans. The chapter also explores the impact of patriarchy on Sri Lankan women in general. Particular attention is also paid to feminist theories of patriarchy in relation to the Sri Lankan context. The next section of the chapter concentrates on the relationship between patriarchy and Islam and how this affects Muslim women. Finally, the significance of the socio-economic background of the women in the community is explored to gain some understanding of how their socio-economic status can have an impact on their experiences, attitudes and the roles they play.

Chapter 3 commences with an examination of literature on the sociological significance of law in order to explain the importance of the Muslim Family Law of Sri Lanka to that community. Here, some of the more classical theories related to this area are discussed and

reference is made to the works of Durkheim, Weber and Marx before proceeding to some feminist critiques of law and society. The evolution of Islamic Law or the *Shari'ah* is explored in the next section of this chapter, and it continues to establish the connection between the broader *Shari'ah* and the more specific Muslim marriage and divorce laws of Sri Lanka. When discussing particular laws, scholarship that has emerged in the past few decades on the subject of women and Islam is cited to highlight the possibility of changing laws and traditions that are perceived as immutable. The chapter concludes with a discussion of how changes within the Muslim Family Law of Sri Lanka, and the *Shari'ah* in general, can occur, within the context of Islam.

Chapter 4 explores the significance of Islam to the Muslim women in the research. The central issues with which this section deals include the degree of importance respondents' place on religion and their level of religiosity and religious commitment. I highlight the difficulties associated with assessing religiosity and explain the criteria I used to evaluate respondents' religiosity. Examining religious commitment helps to understand the importance of religious ritual for a majority of women and how they attempt to incorporate this into their daily lives, irrespective of the country in which they live. This chapter also focuses on how the variables of age and social environment influence the way in which religiosity manifests itself. The next part of the chapter explores respondents' knowledge of some of the laws relating to women discussed in Chapter 3 as an extension of religious commitment among the women in the Colombo sample. Finally, the criteria used to examine religiosity are reviewed and their level of usefulness as tools of assessing religious commitment are discussed.

Chapter 5 examines respondents' views and experiences in the areas of formal education and paid employment respectively. Here, focus is on the importance of education and employment for women's independence in general, and respondents' views on the level of importance they place on these two areas are analysed. It is argued that there is a significant difference between the responses of the British sample and the Sri Lankan one; tertiary education and paid employment for women, for example, are seen to be more important among the British respondents. Respondents' own education and employment histories are studied and there is a focus on the factors that influenced their decisions to continue/discontinue their education and careers. This chapter also highlights the distinction that some respondents make of 'formal' education and 'religious' education. With regards to employment, a final area that is covered is respondents' views on 'women's work' and 'men's work' and how domestic labour is viewed in changing social and economic climates, and how all these factors have an impact on the changing roles of women.

In Chapter 6, the significance of marriage to Sri Lankan Muslim women in Britain and in Colombo is explored. It is argued that for many of the older women, marriage became synonymous with freedom and a higher status within the community, while being single had negative implications for a woman. This chapter concentrates on the factors that may influence or had influenced respondents' decisions to get married or not to get married. The importance of arranged marriages is explored and the changes in the ways arranged marriages were conducted in the past and the ways they are being conducted in the present day will also be discussed. Linked to the concept of arranged marriages, this chapter explores the nature and function of dowry and *mahr*, a gift given by the husband to the wife, among Sri Lankan Muslim communities. It also discusses how giving a bride a large dowry by her family is still an important aspect in a marriage, while the *mahr* has only a symbolic importance attached to

it. Therefore, although the dowry has no religious significance, the prevalence of patriarchy among the communities ensures that the practice continues. The final part of the chapter focuses on what women consider to be men's and women's responsibilities and their respective roles in marriage. This discussion highlights how these traditional roles are changing in the case of the younger, more educated women in both samples. Furthermore, a comparison of the two samples reveals how the Colombo Muslims' views and opinions on marriage and women in 'Western' countries are stereotypical and negative compared to the views of British Sri Lankan Muslims.

In Chapter 7, the issues of identity and religion are revisited, but, in the context of Sri Lankan Muslims in Britain. It focuses on how identities develop and, in the case of Sri Lankan Muslims, whether 'being British' is used as a self-description of who they are. Particularly in the case of first-generation migrants, this chapter also emphasises the concept of identity in terms of respondents' descriptions of where 'home' is and where they think they belong. The issue of 'home' is also raised among second-generation Muslims of Sri Lankan origin who were interviewed. Recent literature on multiple, syncretic and hybrid identities are considered in an attempt to understand and explain the numerous identities that people possess. I also address the question of whether religious identity is the most important aspect of their self-identities, and, if so, how it coexists with the other identities that they may have. This latter question relates to Merton's role theory discussed at the beginning of the Introduction, particularly in terms of complementary and competing roles and identities. To conclude this chapter, I look at how Sri Lankan Muslims who have made Britain their country of residence strive to keep their 'traditions' – which are not just religious ones – alive and the role the SLIA and SLMA play in preserving the Sri Lankan Muslim community in Britain.

In the Conclusion, the central themes addressed in the study are consolidated. The areas of (religious) traditions, patriarchy and identity in contemporary societies are discussed in relation to the general themes that emerged in the previous chapters. It refers to the dialectic relationship between religion and its followers and concentrates on how change can instigate individuals to reconsider the religious legitimations that shape their lives. The functions of religion are explored in relation to religion as a shared system of meaning that helps individuals make sense of the world and the role of religion in identity-building, particularly in terms of multiple identities. In relation to the findings, the Conclusion also emphasises how religious legitimations and other aspects of culture and tradition can justify patriarchy within different structures such as the household, work place, educational and other institutions. It highlights the view that the nature of patriarchy is never constant, that is, while patriarchy itself may be a common phenomenon, it is evident in different ways and forms for different communities. Two other points accentuated in the Conclusion are how change can take place in religion and how interpretations of religious texts can take place over time and space. Finally, some further areas of research that could be undertaken as a result of the findings of this research are highlighted.

## **Chapter 2**

### **Colombo Muslim women: their identity and social world**

#### **Introduction**

In Sri Lanka, religion and religious identification have always been important areas of discussion, given that the population of the country comprises Buddhists, Hindus, Muslims and Christians. For the Muslims, with time, it has become imperative for a majority of its members to be identified by their religion, as this has been the factor that has made them a distinct community of people in the country. This chapter will focus on the way in which the Muslim community's identity has been realised in the past century in Sri Lanka, and how this has affected the women in the community. It will also concentrate on factors, namely religion, patriarchy and socio-economic status, that influence the woman's experience of her social world. One of the main results that emerges from this analysis is the way in which religious identity can affect Muslim women's experience of their social world just as women's social world can affect their identity. The relationship between identity and social world is a dialectic and dynamic one, where both factors interact and influence each other.

#### **Ethnic identity and religious identity: the case of the Sri Lankan Muslims**

A discussion of a minority group, such as the Muslims of Sri Lanka, gives rise to the question of whether to be 'Muslim' describes an ethnic identity, a religious identity or both. When researching Colombo Muslim women, in particular, it became imperative to clarify the term 'Sri Lankan Muslims' because the nature and extent of religious identity was a crucial

variable. Anthropologists such as Fredrik Barth define 'ethnic group' as a population which a) is generally biologically self-perpetuating; b) shares fundamental cultural values; c) makes up a field of communication and interaction; and d) identifies itself and is identified by others as comprising a category different from other categories of the same order (1969:11). Important to this study is Barth's discussion of the maintenance of boundaries by ethnic groups. These boundaries persist, despite interaction and contact between different ethnic and religious groups, as is the case in all multi-cultural societies including Sri Lanka. At the same time, these boundaries are more or less permeable and are in a constant state of flux. It must be stated at the very outset of this discussion about shared cultures and ethnicity that, as Claude Lévi-Strauss states, there is no pure culture: '(a)ll cultures are the result of a mishmash, borrowings, mixtures that have occurred, though at different rates, ever since the beginning of time (1994:424)'. However, what I would like to suggest is that despite the absence of pure cultures, people still do see themselves as sharing certain traditions, languages, rituals, religions, histories, origins - all of which is encompassed by *culture*, however abstract a notion it may be - and this shared culture is what is often utilised to construct a shared identity:

*Identity* itself is a complex term and in this thesis it is used to describe *personal* and *social* identity. Using the definition provided by Jean Claude Deschamps and Thierry Devos, the term *social identity* is used to refer to a 'feeling of similarity to (some) others' while *personal identity* refers to a 'feeling of difference in relation to the same others' (1998:3). In descriptions and discussions of the ethnic identities of the Muslim communities in Sri Lanka, I use John Hutchinson and Anthony Smith's definition of *ethnic identity*, which is an 'individual level of identification with a culturally defined collectivity, the sense on the part of the individual that she or he belongs to a particular cultural community' (1996:5).



Before proceeding to examine the concept of ethnic and religious identity as applicable to Sri Lankan Muslims, it is important to explain the use of two other complex and problematic terms in this thesis; namely *society* and *community*. The concept of *society* is used to describe the sum of social relationships among groups of people that generate distinctive cultural patterns and institutions. As observed by Charlotte Seymour-Smith, *society* is often conceived as a human group that is relatively large, independent and autonomous in its self-regulation. It is this relativeness that is crucial to an understanding of the concept *society*, and the distinction of one society from another is quite arbitrary (1986:262). *Society* is often equivalent to the boundaries of nation-states (Abercrombie et al, 1984:231), but the term is also used to describe sums of social relationships at local, regional and international levels. The concept *community* is used frequently in the thesis to describe the Sri Lankan Muslims in Colombo and in London. By *community* I refer to organised ethnic/religious groups 'with a sense of solidarity' (Levine, 1997:16). In a sense, societies consist of communities of people, so, for example, Colombo society comprises Muslim, Buddhist, Christian, Tamil, Malay, Borah, Burgher, Hindu and so on communities of people. The use of the term *community* in no way implies a complete homogeneity of people perceived to be within it, only some similarities.

Writers such as K. M. de Silva, who attempt to define *ethnicity* according to the Sri Lankan situation, state that it should accentuate 'an awareness of a common identity' which corresponds with part of Barth's definition of an ethnic group. De Silva later adopts A. J. Stockwell's definition of the term 'ethnic identity' based on the Malaysian experience, to clarify the concept of ethnic identity in further detail. He states:

Ethnic identity may be perceived according to a variety of terms such as race, culture, religion, language or place of origin of the group's members. (1986:5)

Therefore, race, religion, language, place of origin and/or culture can be used as 'ethnic identifiers' (Shamsul, 1997:55) or 'markers of identity' (Ismail, 1995) to separate one group of people from another. Using Stockwell's definition as a guideline, de Silva states later on in his work that the ethnicity of Sri Lankan Muslims is identified by the markers of religion and a culture distinct to them, rather than by language (1986:114). The ethnic identity of the Sinhalese and the Tamils, on the other hand, is based principally on language. M. A. Nuhuman states that the confusion lies in whether Sri Lankan Muslims are a *religious* or an *ethnic* group because the term 'Muslim' refers to people who follow the religion of Islam, even though their places/countries of origin may lead to them being classified as Moors, Malays, Indians and so on (1997:48). He states that according to some scholars, it is inappropriate to consider the Sri Lankan Muslims as an 'ethnic group', since the term 'Muslim' alludes to a categorisation based on religion. These debates between scholars arise and persist mainly due to the fundamental problem of defining terms such as 'ethnic (group)' and 'ethnicity (of a group/person)'. Consequently, religion may or may not be used as a marker of ethnicity by others or the group itself, or, religion may or may not be important in the ethnic identification of a group. My own findings, based on the Muslims of Sri Lanka, have been that although religion has been an important variable, it alone has not been able to determine the ethnicity of a person; s/he must also share some other aspect(s) of culture such as customs, place or country of origin and/or language with the group with which s/he identifies her or himself. For the Muslims of 'Moor' origin in Sri Lanka, their ethnic identity is one, which, in the recent past, has moved from emphasising its country or place of origin as its primary identity marker to religion.

Qadri Ismail's (1995) discussion of the identity of Sri Lankan Muslims is very important for an understanding of how groups with a shared culture choose to present themselves. He states that identities are always constructed by people within the group or by those outside it. As such, identities are not static; they can be deconstructed and/or reconstructed depending on the needs and motivations of those within the group, or those outside it as the case may be. The past few decades have seen a period that reflects the second phase of the development of an Islamic awareness among the Sri Lankan Muslims. This religious revival seems to be a reflection of a broader resurgence in Islam particularly in the Middle East in the 1970s. In his analysis of religious fundamentalism and cultural identity in the Middle East, Manuel Castells observes:

The construction of contemporary Islamic identity proceeds as a reaction against unreachable modernisation (be it capitalist or socialist), the evil consequences of globalisation, and the collapse of the post-colonial nationalist project. (1997:19)

According to Nuhuman, the first phase of religious revivalism in Sri Lanka took place in the late nineteenth century, and the second in the 1970s. These two periods of Islamic resurgence will be looked at in more detail later in this section on religious identity among the Muslims of Sri Lanka, after an outline is made on *who* is classified as 'Muslim' in Sri Lanka. Given the facts that the Sinhalese and Tamil communities' identities are based primarily on language and the Muslim community's identity as a separate group is recognised by their religious affiliation, it becomes quite important to address the reasons for the importance of religion among this community.

## **The Muslims of Sri Lanka: a brief history**

Lorna Dewaraja documents the genesis of the Muslim community in Sri Lanka as early as 845 A.D. with the arrival of the Arab trading communities (1990:01). According to her, the Arabs were recognised as traders from the early stages of the Christian era but, with the advent of Islam, the traders transported the religion along with their goods to west Asia and northern Africa up to the shores of the Atlantic. All Arab-speaking Muslims, such as the Persians, Arabs and Abyssinians, categorised as Arabs, played a dominant role from Baghdad to China. Cordial relationships were established and maintained around the 9th century by these traders with the rulers of Sri Lanka.

In the second half of the thirteenth century, Arab trade with south Asia decreased with the decline of the Caliphate in Baghdad. Subsequently, trade in the eastern half of the Indian ocean was taken over by the Indian Muslims and the initial settlements of the Arab traders continued to flourish in the western and southern coasts of India due to intermarriage and conversion. In the fourteenth and fifteenth centuries, Indo-Arabs from South India assumed control of the Indo-Sri Lanka commercial activity experiencing dual domicile. These traders acquired wives in Sri Lanka during their stay, and, when the weather was favourable, set sail for India with their goods. With time, Indian Muslim communities grew along the coastline of Sri Lanka, and Dewaraja claims that the Portuguese records indicate that there was a steady inflow of Muslim migrants, some of whom were converted Hindus, from the port settlements of the Indian subcontinent. Dennis McGilvray provides an interesting account of the similarities, in terms of language and customs, between South Indian Tamils and Muslims and Sri Lankan Muslims living in the north and north-eastern parts of Sri Lanka, particularly due to the geographical proximity of India and north/north-east Sri Lanka (1999).

## **A classification of the Muslim community of Sri Lanka**

It is important to note that, although the Muslim community of Sri Lanka is often referred to as a single community of people, in reality the situation is far more complex as is apparent from the literature on this subject. The different communities under the banner of 'Muslim' have their individual origins, histories and practices and sometimes even languages, and it is imperative that the groups are identified as different from each other so that generalisations are not made even though they may share a common religion. Individually taken, therefore, each one is a distinct 'ethnic group', according to Barth's definition of the term, and members of each one of these groups share other cultural attributes apart from religion, which are not found in other Sri Lankan groups. Even the claim that the Muslims follow one religion is only partly accurate, as certain beliefs and practices vary according to the sect and school of thought they follow within Islam. The following table is an illustration of the different groups of Muslims in Sri Lanka:

**Table 1: The Muslim population in Sri Lanka according to ethnicity**

<b>Ethnic origin</b>	<b>Number of people</b>	<b>%</b>
Ceylon Moors	1,056,972	93.16
Malays	43,378	3.83
Indian Moors	29,406	2.59
Memons	3,000	0.26
Borahs	1,800	0.16
Total	1,134,556	100.00

(Source: Junaid 1990:46)

According to this table, it is clear that the largest community of Muslims are the Sri Lankan Moors, who are the descendants of Arab traders and converts to Islam among the Sri Lankan population whom they married. Ismail rightly states that although the Moors are often represented as being of 'Arab descent', the fact that they took Tamil (and Sinhalese) wives makes the Moors racially mixed. To quote Ismail:

[Azeez] represents women as simply reproducing the nation on behalf of men, as conduits without any power to mark. In other words, only the paternal marker of identity is allowed: an Arab masculinity is emphasized, and a Tamil femininity is denied, in the originary construction of Sri Lankan Muslim identity. Put differently, it would appear that Arab men gave birth, by themselves, to the Sri Lankan Muslim social formation. (1995:70)

The Malays are the second largest group of Muslims. M. S. Ossman traces the historical alliance of Malays with Sri Lanka as early as the twelfth century, when the Malays in numerous circumstances had helped the then indigenous people of Sri Lanka to resist the attempts of foreign invasion (1990:32). The use of the term 'Malay' to identify this community is misleading because their ancestors originated mainly from the island of Java in Indonesia. The use of the term 'Malay' to distinguish this group of people is, perhaps, due primarily to the fact that they speak a creolised version of the Malay language spoken in the Malay peninsula and the Indonesian archipelago (Hussainmiya, 1986:280; Hussainmiya, 1987:6). It is important to note here that although B. A. Hussainmiya states that '[c]ulturally the acknowledged 'Malay' customs and traditions are hardly followed in their midst' and that 'eating habits, dressing patterns, and other life styles etc. have changed a great deal from their 'Malay' character', there are yet factors that can, quite often, identify this community as being distinct from the larger community of Moors.

The histories of the Memon and Borah Muslim communities in Sri Lanka are more recent in that it was during the era of British rule of the island that these communities emerged (Moosajee, 1986:311). The origins of both these communities can be traced back to India, and, just like the Moors, their arrival in Sri Lanka was mainly for purposes of trading. Finally, the Indian Muslims or the Coast Moors are no longer a distinct ethnic group. This is because many of them have returned to India due to citizenship problems, and the others have now assimilated into the broader Muslim community of Sri Lanka (Nuhuman, 1997:49).

Although there are many books and articles on the histories of the Muslims in general, they all provide the history of Muslim males. Little is available about the role played by the female members of the families that migrated to Sri Lanka, if any, or the women these traders took as their wives during their sojourns in the island. Unfortunately, due to the lack of literature on the area, a study cannot be made of the position and role of Muslim women prior to the 20<sup>th</sup> century.

Returning to the issue of identity, I would like to focus on the two largest groups of Muslims, who are the Moors and the Malays, as it is these two groups that are represented in my samples. As Nuhuman states, the Sri Lankan Malays 'maintain their separate ethnic identity' (1997:48), while, at the same time, they are also recognised as Muslims. The term 'Moor', on the other hand, is not used often by those belonging to the group to refer to themselves. Nuhuman doubts if the Moor community as a whole ever used the term 'Moor' to refer to themselves. However, in de Silva's study of the Muslims in the period between 1920 and 1943, he describes tensions that broke out over the use of the terms 'Moor' and 'Muslim' to describe the Muslim minority (1986:115). The tension heightened in 1949 when the first independent Sinhalese government attempted to replace 'Moor' with 'Muslim' in the electoral

registers and a large majority of the Moor élite opposed this proposal considering it to be a threat to 'Moor' identity (Ismail, 1995:71). Other Muslim groups such as the Memons, Borahs and Malays felt that this term was too exclusive and élitist and preferred the more general term 'Muslim', as this would encompass all the minority Muslim groups as well as the majority, who were the Moors. This conflict between the Moors and the other groups ultimately led to the formation of two separate political associations during the period: the All Ceylon Muslim League and the All Ceylon Moors Association (1986:115), but neither one of these groups became political parties after independence (1986:228). Although it still exists to a lesser degree today, the Moor/Other Muslims distinction is less apparent and this probably explains why religious identity has become such a crucial differentiating factor in the Muslim community's political and other agendas.

At this stage, it is important to look at how religious identity grew among the Muslims to identify them as a different ethnic minority in the country. Nuhuman states that this took place in two main stages, and these stages will be the next focus of this chapter.

### *Religious identity of the Muslims: the first phase*

Sri Lankan Muslims are described as having been a quiet community until the latter part of the nineteenth century, which saw Sri Lankan society being transformed into a semi-capitalist state under British rule. Given the inability of the underdeveloped new colonial economic system to cope with the needs of the new emerging social classes that previously were catered for by a self-reliant social and economic system, communities had to compete with resources on a communal and/or ethnic basis. Thus, the latter half of the nineteenth century, which Nuhuman also describes as the start of the history of modern Sri Lanka, witnessed the development of shared ethnic consciousness as well as conflict among the Sinhalese, Tamils



and Muslims. These tensions among the three communities culminated in anti-Muslim attacks in 1915, the consequence of which was the consolidation of the Muslim identity (Nuhuman, 1997:53; Zackariya and Shanmugaratnam, 1997:20-21). As the Muslims were emerging as a 'politically conscious' minority, it became imperative that they identified themselves as a separate community as they faced the risk of being subsumed under the heading of 'Tamils'. (For an interesting discussion on this issue of 'Tamil Muslims' see McGilvray's account (1999) of the emergence of Muslim identities in the south of India and Sri Lanka.) In 1885, in a debate provoked by Ponnambalam Ramanathan, member of the Legislative Council, he claimed that Muslims were, in fact, Tamils even though they followed a different religion. This view was disputed by the Muslim élite who attempted to trace back their ancestors to the Arabs, particularly to the Hashemite clan of Prophet Muhammad. The consequence of this bitter debate was that although the origin of Sri Lankan Muslims was mixed, and they shared a common language and customs with the Tamils, they attempted to downplay this by claiming an uncontaminated lineage from the Arabs. Nuhuman states that '[they] tried to disown their linguistic and cultural affinity with the Tamils due to the competition they faced with them in the socio-political domain' (1997:54). Later on, Nuhuman makes a very significant comment on the conflict between the Muslims and the Tamils in Sri Lanka:

In the Indian context, the contrast is between Hindus and Muslims, which is clearly based on religion. But in the Sri Lankan context, the contrast is between Tamils and Muslims. This contrast is not between the same categories of religion as in Hindus or Muslims or of language as in Sinhala and Tamil but between two different categories of language and religion. This clearly shows that the ethnicity of Sri Lankan Muslims is not defined by language as in the case of the Sinhalese and Tamils, but by religion. That is why Sri Lankan Muslims have been giving more importance to their religion than to their language. (Nuhuman, 1997:55)

It should be noted here that language is not the only factor that defines the ethnicity of the Sinhalese and Tamil people. Religion, personal laws and customs are also important in identifying these groups as different. Language, however, has been the more crucial source of conflict between the two groups in the recent past. Where the Muslims are concerned, religion is the single, most important criterion that differentiates them from the other groups. In their discussion of the emerging religious consciousness of the Muslims in the period from 1880 to 1900, Faizun Zackariya and N. Shanmugaratnam state that this was a time when Sri Lankan Muslims began to make significant symbols of their identity which reflected a resurgence of religio-cultural traditions. This is particularly evident in the establishment of the Muslim personal law, and schools for religious education and Arabic language (1997:12-13). Here, it is also important to highlight the role played by the British in the formation of a Muslim identity:

[One] must also recognize that the Muslim assertion of difference *may not* [italics in original] have been successful without the role of the British colonial power which recognized, encouraged and institutionalized Muslim difference. In other words, “ethnic-racial classifications” were indeed constructed by the British colonial state; though indeed with the acquiescence and participation of dominant groups within these “classifications”. Or, to put it more precisely, these “ethnic-racial” identities got established/were constructed/emerged out of a certain process: the (patriarchal/capitalist) colonial encounter with native élites. (Ismail, 1995:71)

Jonathan Friedman highlights a perspective similar to the one of Ismail above when he states that ‘ethnicity’, defined as ‘a homogeneous essential culture attributable to a social group or segment of a population’, can be a consequence of colonial imposition of group or ‘categorical’ identities on ‘tribes’ and regions (1997:73). Friedman cites Melanesia and Polynesia as examples where the establishment of ‘customary’ law courts, for instance, was incorporated into self-identification. Later, these customary practices, promoted by the

colonial powers, were used as 'nationalist' tools in the struggle against colonialism. What is important in this line of thought is that ethnicity is seen as a product of 'top-down classification' (1997:72), whereby the colonial power is significant in imposing a collective identity.

Although the 'Muslim identity' was well under way to being established and protected by the early 20<sup>th</sup> century, there is no written evidence that Muslim women were included in these processes. Their exclusion in the law-making process and the resulting inequalities in the law, and their absence or relatively low representation in educational institutions and in paid employment outside the home are three important examples.

The first phase of the establishment of a Muslim identity discussed above, highlights the preliminary stages of the development of a religious consciousness of the Muslims from the late nineteenth to the early twentieth century. The second phase of the revival of Islam, as suggested by Nuhuman and discussed below, commenced in the 1980s. However, in the period between these two phases, religion continued to be a significant force that strengthened the identity of the Muslims; this is apparent in the formation of several political parties such as the Ceylon Muslim League in 1924, various other regional Muslim associations, and, in the post-war period, the All Ceylon Islamic United Front in 1960, and more recently, in 1985, the Sri Lankan Muslim Congress.

### ***The second phase: the post World War II period***

Two principal organisations that have heightened Islamic awareness in Sri Lanka have been *Jamaat-e-Islami* and *Tableeq Jamaat* (Nuhuman, 1997:59). Described as 'fundamentalist' by nature, these organisations grew in the 1940s and 1950s. In his definition of

'fundamentalism', Nuhuman asserts that he does not attach any negative connotations to the word as most Western political scholars have had the tendency to do. He defines it as 'a historically determined political ideology which has its roots in a specific socio-political environment of a religious community' (1997:47). It is useful to add that both organisations discussed below are literal in their interpretations of religious texts and decrees. This helps to explain why their political ideology as well as their religious ideology is very often historically determined. Any change that they would make to their beliefs and philosophies would have to be grounded in strict interpretations of religious doctrine and literature.

### ***Jamaat-e-Islami***

This group was founded in 1941 in India by a journalist named Abdul A'la Maududi and it has been operating in Sri Lanka since 1947. Maududi believes that Islam is an ideology, an activist creed and a religion comprising a legal system, all striving to regulate the different aspects of life (Rippin, 1993:31; Lewis, 1994a:41). While he criticises Muslim religious scholars for being bound by medieval exegeses of Islamic law and emphasises the need for *ijtihad*, the use of human reason to determine *Shari'ah* rules, he is also very critical of Western ideologies and innovations. Whether in the form of communism, socialism, capitalism or nationalism, he believes that westernization is the 'new barbarism' (Lewis, 1994a:41). He created *Jamaat-e-Islami*, a politico-religious party, to place those 'righteous' Muslims in positions of political and social leadership, with the aim of converting Muslim countries into Islamic, ideological states.

The group's following of approximately 10,000 in Sri Lanka includes a large proportion of educated middle-class (male) youth and it conducts numerous study circles throughout the island. Although it is actively involved in religious and other socio-cultural activities, it has

not participated directly in politics as has its counterpart in Pakistan. *Jamaat-e-Islami* has been criticised by members of other groups such as the *Tableeq Jamaat*, discussed below, for being too preoccupied with temporal power and politics and ignoring one of the basic principles of Islam: to bring people closer to God and increase their religious awareness.

### ***Tableeq Jamaat (or the Tableeq movement)***

Founded by a Maulana Ilyas in the 1920s to 1930s in India, the aim of *Tableeq Jamaat* (spelled as *Tablighi Jamaat* by Philip Lewis) has been summarised by Lewis as follows:

The aim of his movement was to embody and commend the *Qur'anic* injunction of *sura* 3:104, 'that there may grow out of you a community (of people) who invite unto all that is good, and enjoin the doing of what is right and forbid the doing of what is wrong'. In pursuit of this aim, Ilyas eschewed all controversial issues and political involvement. (1994a:39)

The belief was that the establishment of an individual's moral and spiritual renewal was the precondition for any genuine Islamic endeavour in the public sphere.

Established in Sri Lanka in 1953, Nuhuman describes this group as more 'conservative' and 'fundamentalist' than the *Jamaat-e-Islami* group (1997:59). They see their role in society as, essentially, one where they should persuade people to get involved in religious activities. Their 'door-to-door revivalist activity' is a striking feature of the group (Lewis, 1994a:39 and 1994b:65). They have a large following ranging from people from the large business community to those involved in manual labour, from the highly educated to those who have no formal education. Their code of conduct is often described by more liberal Muslims as rigid and sectarian and is depicted as 'very fanatic(al) in religious affairs and ... likely to become an endogamous religious sect in the future' (Nuhuman, 1997:59).

During the course of the interviews that I conducted in Sri Lanka, however, some women expressed the view that the *Tableeq* movement was extremely rigid in its interpretation of religious texts. These respondents also stated that some members of the *Tableeq* movement, despite their claims to return to the fundamentals of Islam, continued to practise unIslamic customs such as the groom's acceptance of dowry from the bride's family and their insistence that women should cover their entire bodies including their hands, feet and face. Given these views of women outside the group, the latter also felt that women who married into the group were at a disadvantage because they would have relatively little control of their lives. Although there were no members of this group in my sample, in my past experience of meeting women who have spouses in the group, this lack of control of their own lives has been articulated quite directly. One woman stated that apart from the *hijab*, she wore socks, gloves, and covered her face when she left the home because her husband preferred it, although she was not convinced that this was what she was required to do in Islam. Another woman stated that she played a very small role in the decision-making process in issues relating to family planning and birth control. Of course, these observations are not based on a representative sample of women from the *Tableeq* movement, but they do give an insight into how some women in this group feel about their position as women in a fast-growing, male-dominated movement. In general, followers of the group are very critical of change and modernity, which sometimes leads to conflict in dealing with affairs in everyday life of a country that is experiencing transitions in technology and life styles.

#### ***Jamiathul Ansaris Sunnathil Muhammadiya***

Although this group was founded in 1947, about the same time as the two groups described earlier, it is not as ubiquitous in Sri Lanka as the *Jamaat-e-Islami* or the *Tableeq* movement.

It, however, does have a strong following in certain parts of the country. The founder of the movement, Abdul Hameed Al Bakry, was very much influenced by *Wahhabism* – an approach to Islam that follows the *Hanbali* school of thought and is based on a strict interpretation of the *Qur'an* and *sunna* – and this is reflected in the ideology of the group. Nuhuman regards the *Jamiathul Ansaris* as a distinct religious sect because they have their own mosques and religious institutions and differ in their religious beliefs and practices from the mainstream *Sunni* Muslim population (1997:60). Thus, for example, the *Jamiathul Ansaris* refer to only the *Qur'an* and *sunna* of the Prophet in conducting everyday activities, rejecting all other folk religious practices, such as shrine worship and the celebration of what many *Sunni* Muslims would regard as important dates in the Islamic calendar, such as the date of birth of Prophet Muhammad, and adhere to the strict segregation of the sexes.

The impact of these three groups on Sri Lankan Muslims in enhancing religious consciousness has been immense. Those who are followers of these movements have had to learn (some to a greater degree than others) about Islam, even if it is a very idiosyncratic understanding of the religion, simply because they have chosen to follow the beliefs of the group. Some other Muslims outside the group, whose response to these groups has been lukewarm or even cold, have felt the need to learn more about Islam and go beyond the ritualistic practices of the religion in order to understand where the more 'fundamentalist' groups are 'erring' in their beliefs and practices of the religion.

An interview with a key informant, Professor Ryhana Raheem, who, in 1998, was appointed the first and only female Muslim professor in a Sri Lankan university, highlights another important factor that in the recent past has contributed to consolidate the Muslims of Sri Lanka as one social group. This has been the ethnic conflict between the Sinhalese and the

Tamils, which erupted with riots in 1983. Although the conflict has been primarily between the Sinhalese and Tamils, it has affected all religious and ethnic communities in the country. Professor Raheem describes how the ethnic conflict has intensified the Muslim community's own self-awareness in the past few decades. When Muslim civilians were killed by Tamil terrorists on numerous occasions, particularly in the northern, eastern and north-eastern parts of the country, there was a feeling of unity among the Muslim community as they felt it was 'their' people being killed in the conflict. The ethnic conflict has led to a strengthening and unification of the Muslim community. Castell's general observation of the relationship between the state and Islam, similar in many ways to that of Robert Bellah (1970) who discusses the relation between Islam and nationalism, is very important to understand the manner in which many practising Muslims think about their religious identity. To quote Castells:

For a Muslim, the fundamental attachment is not to the *watan* (homeland), but to the *umma*, or community of believers, all made equal in their submission to Allah. This universal confraternity supersedes the institutions of the nation-state, which is seen as a source of division among believers. (1997:15)

This explains how and why the 'Muslim' identity becomes and remains a significant factor in a description of any ethnic group that practices Islam as its religion. This has been true of the Sri Lankan Muslims. Utilising Merton's role-theory, where he discusses conflicting roles/statuses, it can be stated that in the case of the Muslims of Sri Lanka their religious identity – which is based on their status as Muslims – is an exclusive one. In other words, they can be Moors/Malays *and* Muslims, but not Muslims and some other religious identity simultaneously. This generally holds for all religious identities and is discussed in greater detail in Chapter 7.



In relation to the practice of Islam, *how* Islam is observed varies among Muslim communities and may very well be based on geographical, national and other determinants, but religion nevertheless becomes a very important symbol of identification for many Muslims in the world. This is why it becomes very easy to confuse religious beliefs and practices with other non-religious cultural beliefs and practices to the extent that they interweave and can no longer be separated. The distinction between religious and other cultural beliefs will become clearer if I use my own research as an example. Here, if women in my sample refer to traditions and customs (the practice of dowry, for example) that are not based on *Qur'anic* teachings or the *sunna*, which are the practices and precedents set by Prophet Muhammad, then I classify such customs as 'non-Islamic'. Of course, sometimes, the boundaries between religion and the rest of culture are not clear because of the variety of ways in which religious texts can be interpreted. However, in most cases, I discovered that women in my sample had certain beliefs and followed certain practices because that is what they had always done, and these beliefs were not consistent with their religious affiliation. In fact, some of these beliefs and practices are common to other religious as well as ethnic groups in Sri Lanka. This chapter will emphasise the principal hypothesis that the Muslim woman's social role is restricted more because of other socio-cultural and economic realities than for religion-oriented reasons. In order to do this, I shall focus on the factors that influence the social world of the Colombo Muslim women, which, in turn, affect their attitudes towards and experiences in society.

### **The legacy of patriarchy**

Feminist literature on power relations between the sexes have inevitably had to deal with the subject of patriarchy, which is broadly defined as a system where men oppress women

(Bhopal, 1997:49). However, as stated by Kalwant Bhopal, there have been problems in defining the term *patriarchy* and in explaining its continued existence and ubiquity by liberal, Marxist and radical feminists as well as dual systems theorists, particularly in Western scholarship. While it is important to note that the adherents of these strands of feminism believe in a universal and shared exploitation of women, it is also important to assert that women's experiences are qualitatively different 'due to class, 'race', age, sexuality, religion and language' (Bhopal, 1990:50). Bhopal adds that concepts like *patriarchy* can conceal divisions in society and this must be considered in the use of the term.

When writing about patriarchy therefore, it must be noted that the term *feminist(s)* today refers to a wide range of women with various foci. Thus, feminist scholars may be described as 'Western', 'black', 'Middle-Eastern', 'third-world' and/or 'post-colonial' depending on the stance they take in their scholarship; however, it could be generalised that of the different types of feminists mentioned above, the latter four types have emerged as a reaction to the works of the former type of Western, white feminists who have failed to take into account other factors such as race, class, colonialism and imperialism in their discussion of women's experiences (see, for example, the writings of Lorde, 1983; Williams, 1986; Mohanty, 1992; Dube, 2002). It is by keeping in mind the variety in women's experiences that this section on patriarchy is written.

Lynne Iglitzin, in her work on the patriarchal heritage, makes the following comments:

The patriarchal heritage involves a set of beliefs and attitudes *as well as* [emphasis mine] a body of institutions and practices, each of which has complimentary and interrelated cause-and-effect results upon each other ... One must analyse the major institutions in any society that serve to socialize men and women into conformity with, and acceptance of, patterns of behaviour that reflect as well as reinforce their

beliefs. Such institutions include, but are not limited to, the laws, political system, economy, media, education, religion, and the family, not necessarily in this order of importance. (1986:xiii)

Hence, she states that any generalisations about the nature and degree of the patriarchal heritage in a specific country referred to, either individually or in comparison with others, must consider this range of beliefs and institutions.

Explanations for the origins of patriarchy have been diverse. Radical feminists such as Shulamith Firestone (1974) claim that patriarchy is a consequence of biological differences between men and women, namely men's greater physical strength and women's physical weakness during pregnancy, childbirth and lactation. S. Brownmiller (1976) and Adrienne Rich (1977) are other writers who see the subordination of women rooted in biological reasons: Brownmiller regards the ability of men to rape women as an important factor in women's subordination; Rich sees man's role in reproduction as a crucial factor that leads men to seek control over women. Irene Frieze et al state that the different social roles played by men and women are clarified by biology as well as the way in which the sexes are socialised.

At one end of the spectrum, writers like Freud argue that 'anatomy is destiny'. In other words, biological differences between males and females result in 'inevitable differences in adult temperament and personality' (Frieze et al, 1978:71). While more recent literature on biology and sex roles have focused on hormones, genes and developmental rates as important factors, Frieze et al claim that biological factors continue to be key determinants of sex differences. At the other end of the spectrum are those theorists who regard men and women to be very similar in all aspects, save their reproductive functions. Here, different sex roles

are seen as a consequence of socialisation. Given the complexity of issues concerning sex differences, Frieze et al state that most scientific explanations do not have a simplistic view of the determinants of sex differences. In other words, they do not see differences between the sexes as due exclusively to either biological or socialisation factors. They regard human behaviour to be influenced by both innate and external factors. The debate, however, lies in the *degree* of importance placed on each of these factors.

With reference to the socialisation process, Iglitzin states that the patriarchal model with its set of beliefs is the very essence of this process (1986:xv). To cite very briefly the components of this model, Iglitzin states that, firstly, women are 'apolitical': their growth and development as women is based on the security of their homes, while the rigours of politics and the public life are borne by men. According to Iglitzin, one consequence of this has been that the formulation of laws has been the responsibility of men. Subsequently, men have benefited from these laws. The devising of the Muslim Family Law of Sri Lanka is a case in point; changing certain aspects of this law that are not equal in their treatment of women has been difficult given the central role played by Muslim men in this area of the Sri Lankan legal system.

A second element of the patriarchal model is the sexual division of labour, which is based on the biological differences between males and females. The 'serving' and 'helping' roles of women in the home or workplace are considered most suited to women while men dominate in the areas of financial and political power. This was evident among many of the Colombo Muslim women who were interviewed, where the 'roles' of men and women were distinctly public and private respectively.

This aspect of a woman's role is closely connected to the third element of the model; a woman's central identity as a daughter, wife or mother, while men are regarded as breadwinners. Given these circumstances, a woman is, generally, considered to be 'deficient' by her community if she has no significant male relationship in her life.

Finally, Iglitzin describes women as 'childlike' according to the model. Subsequently, they are dependent upon men not only for their physical and emotional sustenance but also to ensure their good character and moral righteousness within and without the home.

The four elements of the patriarchal model do not apply to *all* societies or social groups in the same form or to the same degree. However, the components of the model can be applied to most societies to a greater or lesser degree. In the case of the experience of the middle-class Sri Lankan Muslim woman, all these elements of the model are evident in some form or another, but there are, at the same time, variations to the model, particularly with women's increased participation in the public sphere that are emphasised in Chapter 5.

### **Women in Sri Lanka: a brief overview**

In her article on *Marriage, Motherhood and Employment* (1990), Malsiri Dias describes the role(s) of women in Sri Lanka. She states that it is an accepted fact that men are the breadwinners in families but the wife's role, depending on her capacity to be in paid employment, is to do her domestic work as well as provide for the family's sustenance (1990:219). This supplementary income earned by the wife has become essential in a country which is experiencing increasing consumerism and inflationary trends. Dias makes a significant comment on the woman's ability to earn; she states: '[h]er earning capacity also

functions as compensation for the dowry that the woman's family is obliged to give at marriage' (1990:219). Although this may be true of the Sinhalese and Tamil communities, this has not been the case with the Muslim community. In the past, a woman's ability to earn an independent income was never seen as a substitute for a dowry in the middle and upper classes of the Muslim community. This is because women were not expected to do any work outside the home. However, as Chapter 6 will indicate, some of the women's statements reflect the view that an educated woman, who is capable of earning an independent income, is more valuable than a dowry.

Dias makes a further point about women's roles in Sri Lanka. She states that a woman's success in accommodating and balancing her different roles is contingent on economic as well as cultural factors (1990:216). A woman in the lower rungs of the socio-economic ladder may be restricted in terms of reconciling her roles due to poverty. However, those in the middle-income groups may face a conflict when performing a dual role because social and cultural norms pronounce that a woman's place is in the home, and that her first priority should be her family.

Even in the field of politics, the way that women are expected to present themselves is different to that of men:

In Sri Lanka, where much of the nationalist rhetoric was, and continues to be phrased in terms of a Motherland and a mother tongue, the idealisation of womanhood signified through the construction of the 'respectable lady', the repository of tradition and domesticity, is based on a valourisation of motherhood: as the creator and protector of the home, as the chaste and industrious wife and as the iconic representation of the nation. (de Alwis, 1995:139)

Here, Malathi de Alwis emphasises a very significant feature that has predominated Sri Lankan politics in the past: middle-class Sinhalese Buddhist nationalists who regarded themselves as 'heirs' of the nation attempted to define and control the lives of women by assigning them to the 'domestic' sphere. Similarly, in her study of Tamil nationalism in Sri Lanka, Sitralega Maunaguru discusses nationalism as a 'gendered project' where 'women' are constructed in a manner subordinate to that of men (1995). The different constructions of 'woman' by male nationalist leaders during the different stages of the ethnic conflict reflect the traditional patriarchal relations of power.

In a discussion of patriarchy in general, some of the most important criteria that could be utilised to examine the level of female subordination are some of the factors mentioned by Sirima Kiribamune and Vidyamali Samarasinghe (1990). They state that relative to other low-income countries in general, and South Asian countries in particular, women in Sri Lanka have a better socio-economic status. The indicators mentioned below are some of the tools used by Kiribamune and Samarasinghe to measure socio-economic conditions of Sri Lankan women, and, for comparative purposes, I have provided the corresponding statistics for women in England, where available. The fertility rate for England was obtained from the website of the Office for National Statistics, UK, while age of marriage and life expectancy for women in England were obtained from *Population Trends* (2002) and *Birth Statistics* (1989) respectively.

Sri Lankan women have enjoyed adult franchise since 1931 (1928 in Britain), the rate of increase in adult female literacy has been consistent at 82.4 per cent in 1981 (the adult female literacy rate for this period in Britain is unavailable), the fertility rate had declined from 5.04 per thousand in 1963 to 3.2 in 1984 (1.75 in England in 1984), the age of marriage for women

had increased from 23.5 years to 24.4 in 1981 (27.5 in England in 1985), and, finally, life expectancy for women in 1981 was 70.2 while it was 66.1 for men (77 for women and 71.1 for men in England in 1981). While these figures reflect the current realities in the lives of Sri Lankan women, statistics and other literature relating to the education and employment of Muslim women in Sri Lanka do not depict a growth similar to that of women in other ethnic origins. While the literacy rate was at a satisfactory 75.5 per cent for Muslim women in 1981, it was nonetheless lower than the overall literacy rate for women in Sri Lanka. Furthermore, of the total number of Muslim students who entered university in 1990/1991, only 32 per cent were female (Nuhuman, 1997:67). Jezima Ismail (1990,1997) discusses the problems facing the female Muslim child in secondary education and Chandra Gunawardena (1990) dwells on the under representation of Muslim women in tertiary education particularly in the natural sciences and other technical courses. He states:

The feature of low participation of women in science and technical courses is not restricted to the Muslim community and the general Sri Lankan culture seems to reinforce sex-role stereotyping on girls of all communities. Seclusion and extreme protection accorded to women would have exacerbated this trend further in the Muslim community. (1990:104)

Even employment of educated Muslim women is not considered favourably among the more conservative Muslims as well as groups such as the *Tableeq* movement (Nuhuman, 1997:65). Today, however, socio-economic factors have led Muslim women into paid employment, making it extremely difficult to prevent women from working outside the home. In this case, religion plays a less influential role in confining the space of women. Here, it is interesting to note how religion is manipulated, or not referred to at all as the case may be, in the control of women.



Whatever the reasons used to justify female employment, it is often the males who decide on the futures of their sisters, wives or daughters. In the past ten to fifteen years, a large proportion of Muslim girls have entered a diverse range of occupations in the public and private sector. Even the results of my research indicate that although most of the interviewees in the Colombo sample were unemployed, those with female children were permitting or willing to permit their female children to work outside the home. However, they did place restrictions on the *types* of employment that they would allow their daughters to follow. The results obtained from the research will be discussed in more detail in Chapter 5. To understand the social milieu of the Muslim woman, the following comments by Nuhuman are quite useful:

It is well known that Sri Lankan Muslim women are heavily dominated by male chauvinistic ideology than are the women of the other communities in this country although the degree of domination varies according to the social class of women.

A great majority of religious-conscious Muslim men believe that they are custodians of their women, and according to their ideology they have religious sanction for their belief. No religiously sensitive Muslim male accepts the concept of the equality of women. To them it is un-Islamic. This ideology of male supremacy leads to subordination of women and the suppression of their identity and the development of their individual personality to a considerable extent.

In many ethnically conscious societies, the subordinated women become one of the symbols of ethnic identity, and the male dominated cultural ideology is imposed upon them and they are expected to behave according to this cultural ideology. Sri Lankan Muslim women too represent this situation. They have to accept female segregation and subordination to gain a respectable place in their social system. (1997:66)

Nuhuman's description of 'religiously sensitive Muslim males' is not applicable to all Muslim men. There are religiously sensitive Muslim men who believe in the equality of men and

women in that all men and women are equal as individuals, but differ biologically and in the roles they play in society. At the same time, there are also Muslim men who believe that men and women are equal in every respect, except that they differ biologically. In general, however, Nuhuman's observations have been evident in the course of my research. One of the more interesting patterns to emerge has been the way in which the socio-economic status of the woman has affected her level of independence. In Sri Lanka, women in the lower socio-economic strata have fewer opportunities to further their education, but economic necessity compels them to work outside the home. One outcome of this has been the migration of a large proportion of Muslim women as housemaids to the Middle-East since 1975. Those women in the upper strata of the socio-economic pyramid are usually permitted to continue their education up to the completion of their Ordinary Level examination or Advanced Level examination, which are similar to the British Ordinary and Advanced Level examinations. Paid employment, particularly outside the home, is not common. As my research focuses on women from a middle-class socio-economic background, the results reflect a very diverse range of views, beliefs and opinions about male-female relationships as well as women's role(s) in the private and public spheres. It is evident that many women are not certain about the extent of women's independence and male domination. Furthermore, my research also revealed an uncertainty among the women about what religion says about their roles as women, and what the general culture and patriarchy have socialised them into believing about religion's views on women.

When Nuhuman explains that no religiously conscious Muslim man considers himself to be equal to a woman, he is quite perceptive in his assessment of the views of a majority of Sri Lankan Muslim men. As my research highlights, many women seem to believe this too. This leads to the question of what exactly does religion, in this case Islam, have to say about the

equality/inequality of the sexes? Whatever the Muslim people believe in is based, supposedly, on religious scripture and other texts. As such, what they consider to be the relationship between men and women is based on what they have inherited and been taught as 'normal' or the only correct interpretation of texts, some of which have been in existence for over 1400 years.

### **Women and Islam: the popular interpretation**

Even the staunchest proponents of liberalism cannot deny that the male is created with more muscular strength than the female, that biologically speaking he is more 'aggressive', that his mind is more outwardly inclined, and that he is freer from cyclical and physiological effects, and that the female is created with an innate predisposition for childbirth. It serves society's best interests if sex roles are assigned in accordance with natural aptitude and characteristics, and this is precisely what Islam does ... The duty of parents ... is to give their daughters training from an early age to be prepared for marriage and childbirth. (Doi, 1989:03)

This excerpt was taken from a text published in the late 1980s and is a view that many Muslim males as well as females have of the role of women. While it is believed that a woman's role is primarily limited to the domestic sphere, with time, it has also been construed that men's greater physical strength and role of provider makes him superior to women. If we are then to base our argument on the premise that men are superior to women, it becomes very easy to establish practices that treat females as if they are indeed inferior to males. The inequitable nature of the Muslim Family Law in Sri Lanka (discussed in the next chapter of this thesis), the practice of dowry and the relative unimportance of *mahr*, or dower, and the unequal opportunities available to men and women are outcomes of this view that men are superior to women and the unequal power relations that exist between men and women.

Many female Muslim writers have attempted to understand how *Qur'anic* verses and the *sunna* of the Prophet have been misconstrued in the past as well as in the present to suggest that one sex is superior to the other. Some of their findings are relevant for understanding gender inequality among Sri Lankan Muslims.

In any discussion of the equality/inequality of the sexes in Islam, the *Qur'an* is referred to as the primary source of Islamic principles and beliefs. Those who believe that both males and females are equal in the sight of God cite *sura* (chapter) 23, verse 35, which clearly asks *both* sexes to adhere to God's laws:

Muslim men and Muslim women, believing men and believing women, obedient men and obedient women, truthful men and truthful women, steadfast men and steadfast women, humble men and humble women, men and women who give alms, men who fast and women who fast, men and women who guard their modesty, men and women who remember God much, for them God has prepared a mighty reward. (The Holy *Qur'an*, *sura* 23: verse 35)

Writers such as Ghada Karmi (1996) and Afaf Lutfi Marsot (1996) also refer to other verses relating to inheritance, punishment, and modesty, where *both* sexes are addressed equally. This would imply that *both* sexes are responsible for their actions and have equally important roles to play in society. This would also mean that if one sex was superior to the other, mentally and emotionally, then the way in which rewards and punishments are administered after death should also vary according to the hierarchy of the species, based on their level of intelligence, ability to reason and so on. While the verse cited above is clearly an indication of the equality of the sexes, those Muslims who advocate the policy of inequality often quote verse 34 of *sura* 4:

Men are in charge of [are guardians of/are superior to/have authority over] women ... because God has endowed one with more [because God has preferred some of them over others] ... and because they spend of their means ... Therefore the righteous women are obeisant, guarding in secret that which God has guarded. As to those from whom you fear rebellion, admonish them and banish them to separate beds, and beat them. Then if they obey you, seek not a way against them... (Stowasser, 1998:33)

Furthermore, verse 223 of the same chapter states:

Your women are a tillage for you; so come unto your tillage when and how you wish, but do some good act for your souls. (Karmi, 1997:75)

With particular reference to verse 34, Barbara Stowasser (1998) enumerates explanations ranging from classical to contemporary exegeses. The classical explanations of woman's subordination to man by authorities are based on the view that men's innate abilities and acquired qualities are superior to that of women. Furthermore, they also believe that since men maintain and give women a *mahr*, women should be grateful, obedient and dutiful.

Contemporary interpretations of the verse have a tendency to focus on the two textual levels of the *Qur'an* as a whole. Stowasser describes these as 'the historically and culturally contextualized "prior text" and the wider "megatext" of essential or culturally universal relevance' (1998:39). Writers such as Asghar Ali Engineer (1996) and Karmi (1997) share this contemporary interpretation of the position of women. To quote Engineer,

... the *Qur'an* does speak of man having a slight edge and social superiority over women. This ... must be seen in its proper social context. The social structure in the Prophet's time was not such as to admit complete sexual equality. One cannot take a purely theological view in such matters. One has to adopt a socio-theological view. Even a revealed scripture comprises both the contextual and the normative. No scripture, in order to be effective, can totally ignore the context. (1996:45)

Even the manner in which verse 34, mentioned above, is interpreted by Engineer is less severe in its treatment of women:

Men are the maintainers of women, with what Allah has made some of them excel others and with what they spend out of their wealth. So the good women are obedient, guarding the unseen as Allah has guarded. And (as to) those on whose part you fear desertion, admonish them, and leave them alone in bed and chastise them. So if they obey you, seek not a way against them. (Engineer 1996:46)

Anne Sofie Roald (2001) provides informative accounts of the various interpretations ascribed to some of the above verses by classical and contemporary scholars, as well as some of the written records of the sayings of the Prophet Muhammad and his companions on gender relations. Although I have not highlighted all these interpretations, what the prevalence of these different understandings of the same texts demonstrate are that scholars interpret the same texts in different ways, with some interpretations being more favourable to women than others. Given this situation, it becomes important to be aware of the existence of the variety of ways in which *Qur'anic* verses can be explained.

In their work about Islam, women and patriarchy, writers such as Fatima Mernissi (1991) and Leila Ahmed (1992) address, in depth, the question of what type of society existed in the sixth and seventh centuries before the advent of Islam in Arabia. Karmi summarises the situation in her contribution to *Feminism and Islam* (1996) that although Islam was born into a society that practised two contrasting marriage customs, one matrilineal and the other patrilineal, society in general was moving from one with matriarchal features to a purely patriarchal one. Islam is therefore seen as an important instrument of change in Arabian society, a society that was making a transition to one dominated by patriarchal values. According to Karmi, therefore, the *Qur'an* reinforces and legitimises patriarchy through a set of legal sanctions as well as general guidelines that set man at the head of the family and at the head of social activities (1996:79).

Certain aspects of Karmi's description of Arab society reiterate the present trend in Sri Lankan Muslim families. For instance, my research indicates the patriarchal system is perpetuated through the family as in Arab communities. As in most families in Sri Lanka, the Muslim one is patriarchal and hierarchical in nature with the older males having a degree of power and authority over the younger members of the family and the females. The father, as in Arab families or even some western nuclear families in contemporary society, holds a position of authority above that of the mother.

To return to the variety of explanations of the *Qur'anic* verses referred to by Stowasser, my research on middle-class Colombo Muslim women reflects, to a great extent, the views held by 'Islamists', such as Sayyid Qutb, who interpret *sura* 4, verse 34, with a combination of traditionalism and modernism. According to Qutb, gender equality in the Western feminist sense would create chaos in society and the culture of Muslims. This view is emphasised by my interviewees. Many believe that equity lies in specific emotional, physical and psychological characteristics with which each sex has been endowed. A woman's role lies primarily in motherhood while a man's obligation lies in directing, protecting and providing for the family; he is the 'guardian' of the family. The views of the respondents reflect Sayyid Qutb's understanding of *sura* 4, verse 34 that equity of the sexes means that women are more sensitive and gentle with an 'unconscious positive reaction' to the demands of children, while men have been endowed with 'hardness, sternness, and the use of consciousness and thought before moving and reacting' (Stowasser, 1998:38). This is very much reminiscent of the idea that differences between men and women are based on biological factors rather than socially produced ones. However, most women interviewed by me see their roles as mothers and as homemakers as extremely important, and their responses often highlight the view that they would prefer the role of homemaker to that of breadwinner. Their active role within the home means that they are very much involved in any decision-making process within the home.

They are influential and have the power to assert their views when it deals with matters concerning the home and children.

The concept that women are 'secondary' to men is not something unique to the way that many Sri Lankan Muslims think. Tilaka Metthananda's account of early nineteenth century Sri Lanka describes society at the time as one where the subservience of women was generally accepted. Even from a religious point of view, the religion being Buddhism in this case:

[A] woman was considered inferior to man by the doctrine of Karma and rebirth, one of the fundamental tenets of Buddhism, giving the subordination of women a religious sanction. (1990:45)

The Hindu religious views on pollution encouraged the treatment of woman as unclean for biological reasons. On the other hand, a woman's value as a social being was generally recognised. This was due to the high status assigned to motherhood in eastern religious thought (1990:45). However, present day Sri Lankan society has changed to the extent that many women quite actively participate in higher education, in the labour force and politics. The discrepancy lies in the proportion of Muslim women being represented in these various fields of activity; while women of other communities are much more active in their involvement in education and paid employment, most Muslim women are still tentative in their approach to women's independence. As the results of my research indicate, Islam is not the reason why many of the women whom I interviewed are apprehensive about women being in paid employment or women opting for marriage rather than pursuing their education. In fact, only one respondent refers to religion in this context. The apprehension is more the result of growing up in a close-knit community that, in the past, had regarded women's role as exclusively limited to the domestic sphere. Furthermore, some women in the middle strata of the social ladder had been subject to female segregation or *purdah* until a few decades ago. This form of segregation was seen as important to guard a woman's honour.



One of the principal reasons for the level of gender asymmetry among the Muslims of Sri Lanka, is perhaps the community's preoccupation, in the past as well as in the present, with Islam as it is practised in the Arab world. Many Muslims would regard the *ulema* or the scholars of Islam in these countries to be the most learned people to answer questions relating to Islam. However, as Carol Riphenburg observes in her study of gender relations in Oman, '(the *ulema*) are a closely knit, all-male, more or less selected coterie of learned men who claim the authority to say what God means. They made a mistake about women centuries ago, and continue to make the same mistake today' (1998:164). This convention of interpreting the *Qur'an* and *hadith*, a report or tradition of Prophet Muhammad or some other authority, on behalf of the rest of the community by a male-dominated group of people is very much the case in Sri Lanka. This is what makes changing the way people think a very difficult task. Practices that are beneficial to a woman's independence, such as promoting her education or the use of marriage contracts, are not openly encouraged, while those that are disadvantageous to women and even non-Islamic, such as the acceptance of dowry by the groom, are ignored, glossed over and even included in the Muslim Personal Law of Sri Lanka. By restricting women's participation in and access to the public sphere, Muslim men have succeeded in maintaining the existing power relations between males and females where men dominate in the public sphere and women dominate, quite often, in the private.

Overall, the relationship between Islam and women in Sri Lanka has been such that in most cases women have practised Islam in the way they have been asked to by their parents, other relations and teachers of the religion. There has been little opportunity for women to question what they have been taught or to re-examine their role in society. Arabic not being the native tongue of the Sri Lankan Muslim has also meant that there has been a tendency to accept traditional interpretations of religious texts as the only accurate expositions of religious

literature and beliefs. The Islam that most Muslims learn as children is very ritualistic; they are taught how to read the *Qur'an* in Arabic although they do not understand the text, and since the five daily prayers comprise prayers from the *Qur'an*, again, there is little understanding of the content of the prayers. To complicate matters further, practices such as the commemoration of the Prophet's date of birth, prayers and shrines offered to saints, circumcision of female children, religious gatherings to celebrate young girls attaining puberty and naming ceremonies of babies are considered to be a part of the religion, when they are practices that the Muslims have inherited from other countries and other communities. In the case of the women interviewed by me, although Islam is considered to be extremely important to all of the respondents, the boundary between religion and non-Islamic culture is always unclear in their responses to questions. Given that their own knowledge about what Islam says about women's issues is not extensive, it is very difficult for them to change Muslim men's attitudes and views about what is and is not a reflection of the spirit of Islam.

The final part of this chapter will focus on another important factor that influences the Muslim woman's role in the community: her socio-economic status. My research indicates that this has been a significant variable in influencing the views of women towards female education, employment and level of emancipation.

### **The economic background of Colombo Muslims**

All available literature on early Muslims of Sri Lanka identifies this community as one that specialised in trading. As writers such as K. Indrapala (1986), Sirima Kiribamune (1986) Lorna Dewaraja (1990) and Dennis McGilvray (1999) have discovered, with the advent of

Islam in the seventh century, Persia was conquered by the Arabs, and, subsequently, the Persian Gulf was under Arab control. Dewaraja states that in the ninth and tenth centuries, Persians, Arabs, Abyssinians and other Arabic speaking Muslims monopolised overseas trade from Baghdad to China, and, with the birth of Islam, 'a new dynamism' was injected into Arab commercial activities even though Arabs have been recognised as traders in Asia since the early years of the Christian era. Dewaraja explains the reason for this dynamism by noting that Islam accords merchants and those involved in commercial activities with a high social status (1990:01).

In his discussion of the participation of Muslims in the export sector in the period between 1800 and 1915, Ameer Ali (1986) describes the important contribution that they made to the economic development of Sri Lanka. In fact, it was the fear of Muslim economic dominance that was the root of the Sinhalese-Muslim racial attacks of 1915. Even in the case of the Memons and Borahs, these groups are described primarily as 'trading communities' that arrived in Sri Lanka in search of more lucrative prospects (Moosajee, 1986). These observations made by different writers of the Muslims' involvement in commerce and trade contribute to shed some light on the socio-economic status of the Muslims.

However, describing the *entire* Muslim community as traders is a 'myth' that was created in the colonial period by writers such as Denham (Ismail, 1995). Later on, the southern Muslim élite represented the entire community in its own image as a trading community: 'The logic behind this is a combination of the patriarchal (male dominance), the economic (class interest), and the political (hegemony)' (1995:77). Statistics issued by the Central Bank of Sri Lanka for 1973 state that only 28 per cent of the Muslim workforce was engaged in trade while 35 per cent were involved in agriculture during that period. The eastern Muslims' (comprising

approximately one third of the total Muslim population) involvement in agricultural activities is often downplayed in the identitarian discourse concerning the Muslims. The result of this is that the entire Muslim community continues to be regarded as a 'trading community'.

Dewaraja's general comment about the high social status of traders in Islam is an accurate one because Islam does consider trading to be a noble profession, provided, of course, that the goods and services that are being traded are *halal*, or lawful, according to Islam. This probably answers the question of why many Sri Lankans, Muslims and others, continue to regard this minority group as one whose primary role and influence has been in business even though the situation today has changed and continues to change. In the past, the Muslim élite did not recognise a need to pursue a school education because they hoped that they could become successful in business, especially if a parent, sibling or other relative had already established the business. An institutional education was not an attractive alternative to earning a substantial income and living a comfortable life. This contributes to an explanation of why women's education is still underplayed in the community in general because, until recently, most males in the community did not regard formal education beyond a certain level as important for a successful career in business or otherwise.

#### *Income distribution among the Muslims of Sri Lanka*

S. W. R. de A. Samarasinghe and Fazal Davood state that although statistics of 1981 indicate that there is a large concentration of Muslims in Amparai in the eastern province (41 per cent), Trincomalee (29.1 per cent), Mannar (28.1 per cent) and Batticaloa (24 per cent), these four areas of the country constitute only one third of the total Muslim population. The remaining two thirds are dispersed in the country with a greater concentration in the western coastal districts of Colombo, Kalutara, Puttalam and Kandy (1986:257). According to them, the

Muslim community is far more urbanised than the Sinhalese and Tamil communities and this is related to their preference for trade. However as explained earlier, the Muslim's preference for trade is a debatable issue. Given their backwardness in the field of education in the past, they have found it difficult to compete in areas such as commerce and banking, service and government sector (Junaid, 1990:65). This may be a reason for the stress on a profession rather than trade in the middle-class urban community.

As part of my research was conducted in Colombo, it is quite important to examine any data available on the socio-economic status of the Muslims as this factor is also imperative to understand the social world of the women included in this research project. Siripala's analysis of the percentile distribution of income in 1981 indicates that the highest 40 per cent of the urban Muslim population share 70 per cent of the urban income (1990:82). If these figures are related to Colombo, since Colombo is considered to be an urban area, it could be hypothesised that approximately 40 per cent of the Muslim population are the recipients of 70 per cent of the urban income even in this zone. Unfortunately, there are no precise statistics to refer to at this stage of the study.

I was keen to focus on 'middle-class' Muslim women because they belong to this more influential 40 per cent of the urban Colombo population. By 'influential' is meant the Muslim community's ability to influence as well as to participate in their own organisations and activities and also be able to represent the community on any political and social issues. It is also in this section of the Colombo Muslims that one can identify those individuals pursuing professional careers in fields such as law, accountancy, medicine and so on. This means that income is not the only criterion that is considered when defining the term 'socio-economic status'. Other factors such as occupation, the families to which the respondents belong and also the fact that they are members of women's organisations which are considered as

'middle-class' by various informants are equally important and useful to determine the socio-economic status of the respondents.

One of the features of the middle, upper-middle and upper classes is the prevalence of the dowry system. The pressure by those belonging to these social groups to give a dowry to the groom is far greater than the tensions felt by those members who are in the lower strata of the community's social scale. In most cases where the groom is educated, dowry is what the bride and her family have to pay to be worthy of an educated man, who will, subsequently, maintain his wife and child(ren). This situation is not unfamiliar to many of the respondents. Since it is not a practice unique to the Muslims of Sri Lanka, many Sinhalese and Tamil families endure this problem as well.

Finally, my research suggests that Muslim women from a 'middle-class' background have a tendency to be involved in very specific types of employment. Many women are homemakers and a majority of those who are employed are in the teaching profession. Such a strict adherence to certain types of professions is something evident even in other communities, but not as much as it is in the Muslim community. Many Sinhalese and Tamil women from the middle classes also find employment in companies and firms, but this is not common among the Muslims interviewed by me. However, it must be reiterated that even among the Muslims, the situation is changing. As economic realities make it more difficult to survive on the income of one person in the family, it has become imperative for women to find other paid employment outside the home. The current trend among the Muslims is similar. Many young Muslim women, who a few decades ago would never have been permitted to work outside the home, are now in paid employment.

## **Conclusion**

As with any other community, the social world of the Muslims of Sri Lanka is not unchanging. Similarly, ethnicity and ethnic identity is not static and the changes in identity are often based on conscious modifications of group behaviour (Rutledge, 1985:48). As has been discussed, the experiences of Muslim women, in particular, have been changing in the past few decades, sometimes for the better and sometimes for the worse depending on what a person's views are on women's emancipation and patriarchal gender relations. For example, some women consider having to go out to work as a disadvantage to women because they have to leave the comforts of their homes to earn a living and bear the burden of becoming a breadwinner. Others, on the other hand, believe that paid employment is very important for women's emancipation because it gives them independence. In the past, their identity as Muslims meant that women were recognised as quiet, subservient and not very well educated. This in turn affected their experiences in society as well as the way in which they were perceived by society. As women in the Muslim community become more independent, educated and enter paid employment, their identity as women in the Muslim community also changes. Just as their identity transforms itself, it also causes changes to their social world and their experiences of and in that world. Of course, a higher education or the opportunity to be in paid employment is not necessarily a path to emancipation, freedom or even a better life. Some women prefer to be at home rather than be burdened with financial matters and the problems of the outside world. This is their preference and sometimes their choice in life. Not all women can make these choices for themselves and one of the central aims of this research is to study the extent to which women do or do not have this freedom of choice.

This chapter has examined the birth and development of a Muslim community in Sri Lanka and has aimed to place the women who are the focus of my study within the religious, social and economic environment in which they live. Issues concerning identity-building among the Muslims of Sri Lanka have been explored in order to understand how the religious identity of Sri Lankan Moors and Malays has become crucial in distinguishing them from other communities in the country. One significant outcome of studying religious identity among Muslims has been the discovery that religious identity for the Sri Lankan Muslims is an exclusive one; no other religious identity can co-exist with a Muslim identity. This observation is made clearer and is developed further in Chapter 7, which discusses the multiple identities of Muslims of Sri Lankan origin in Britain.



## **Chapter 3**

### **Gender inequality and the Muslim Law of Sri Lanka**

The centre of gravity of legal development lies not in legislation, nor in juristic science, nor in judicial science but in society itself. (Ehrlich, 1962)

#### **Introduction**

An important factor in understanding the position of Muslim women of Sri Lanka is the variety of sources of control in their lives. In other words, who or what, if anyone or anything, provides them with a framework within which to live their lives, and how is social order established among the Muslim community of Sri Lanka? Although the General Law, based on Roman-Dutch Law, is applicable to the vast majority of all the different faiths and ethnic communities in Sri Lanka, certain personal laws are applicable to people belonging to a particular faith or ethnic origin. Subsequently, the Kandyan Law is relevant to the Kandyans, Tesawalamai is applicable to the Malabar inhabitants of North Sri Lanka and the Muslim Law is pertinent to the Muslims of Sri Lanka. These are 'customary laws' because their genesis is based essentially on ethical grounds. With time, however, they have been recognised by the state and imposed upon a particular social group by its tribunals and its various administrative bodies, although, initially, they were not enforced as part of the state law (Timasheff, 1939:310). Here, it is imperative to recognise that rules of customary law do lose their strength and legitimacy if they do not continue to be upheld, and more importantly, supported by the social group. Given the fact that all Sri Lankan Muslims are governed by the Muslim Law, principally in regard to issues dealing with marriage, divorce, maintenance and inheritance, this law becomes a major source of social control and social order for the Muslim

community of Sri Lanka. The Muslim law is a vital source of religious legitimation that helps to maintain existing social arrangements.

Much of the sociological literature on law deals with these issues of law as a system that ensures social control and order. As pointed out by Alun Hunt,

Sociology of Law does not concern itself primarily with the internal characteristics of the legal system but focuses on the relationship between law and other significant structural elements of social systems. (1978:114)

Using this description of the concerns of the sociology of law, I shall focus on the relationships between law, power, authority and gender relations among the Muslims of Sri Lanka. However, in order to make a clearer analysis of these relationships, I shall also discuss the internal characteristics of Islamic Law or *Shari'ah*, in general, and the Muslim Law of Sri Lanka, which is derived, in most parts, from this broader Islamic Law.

This chapter aims to focus on a number of issues. To begin with, it will examine existing literature relating to the sociology of law in order to understand the concept of 'law' and its functions in society as mentioned above. Next, it will provide an overview of the evolution of what many Muslims accept as 'Islamic Law' in order to emphasise, firstly, the diversity of opinions among the different schools of Islamic law on various legal issues, and, secondly, the influence of patriarchy in the formulation and interpretation of these laws. This will be followed by an examination of the development of the Muslim Family Law of Sri Lanka, followed by an analysis of various individual laws relating to marriage, divorce and maintenance within this broader category of the Muslim Law of Sri Lanka. The reason for this analysis is to investigate how the Muslim law is enforced; who has authority over whom

and how this authority is justified; how patriarchal values influence the law-making process; and the impact of this law on female Sri Lankan Muslims. Finally, I shall focus on how changes can be made to laws based on Islamic sources, as suggested by various scholars, and the problems associated with bringing about such change. This chapter re-emphasises the idea that even though women's experiences and circumstances have changed since the Muslim marriage and divorce laws of Sri Lanka were originally developed, these have not been reflected in all spheres of women's life; the inconsistencies between tradition and modernity are very much apparent here.

### **Sociological definitions and functions of law**

For early sociologists like Auguste Comte, the sociological study of law was not of great importance or interest because law was treated as arbitrary and disruptive rather than promoting organic development. Furthermore, the early stages of sociology were concerned with primitive society, and, as a result, 'custom', rather than law, was the subject of study. Comte believed that as society advanced, laws would reduce; and he was not unique in holding this view. Karl Marx's view on the subject a few decades later was similar to that of Comte's in that Marx believed that once a classless society was established, law, which is a characteristic of the bourgeoisie, would perish.

Roman Tomasic (1985) suggests that Marxist analyses of law have passed through three broad stages. The first of these stages was a reaction to the conventional consensus view of law with Marxist theorists rejecting the law's repressive aspects. The second phase attempted to highlight the class element of law, stressing the intent of the law and the ways in which it operates to reinforce and strengthen capitalist and social relations. The third phase sought to

understand the relationship between 'the form of law' and the 'the specific effects of law' (1985:12). It is the third phase of the Marxist perspective on law that is important for the purposes of this study. Even though Marx's early writings took a very favourable view of law and this is evident in the statement: 'A statute book is a people's bible of freedom', his later writings have a very different and negative view of legal doctrine and institutions (Cotterrell, 1984:113).

Marxist approaches to law are important for the current study of the Sri Lankan Muslim Family Law because, unlike the theories propounded by other classical theorists such as Émile Durkheim and Max Weber, Marxist perspectives accentuate the coercive and repressive nature of law. Furthermore, Marxist approaches to law also emphasise the difference between law as it appears, and law as it is; that is, the degree to which law under the regime of capitalism responds to particular interests of the dominant class rather than the interests of all people. 'Bourgeois legality', or the orientation of law towards bourgeois interests and concerns, is a phrase that expresses this phenomenon. According to this instrumental Marxist perspective, law is a 'reflex' of economic relations and conditions; law is a tool of the state and the ruling class. Brian Burtch further elaborates on this point to claim that according to instrumental Marxism, the state, which includes its legal elements, serves to satiate the interests of the ruling class rather than the interests of those in *all* classes. A study of the history of the Sri Lankan Muslim Family Law illustrates this point of who has power to decide what is practised as law. Zackariya and Shanmugaratnam discuss the manner in which the Muslim Personal Law was introduced through the Mohammedan Marriage and Registration Ordinance in the late 1880s by the British, the colonial state at the time, to regulate the customs of the Muslims, so that the Muslim community's ability to control its affairs could be minimised if not denied. This move to establish a personal law also saw the

genesis of 'a covert homogenising program' by the Muslim élite, who were determined to regulate traditions and customs practised by the community, principally on the basis of religion (1997:13). In this case, the 'ruling class' were the British followed by the Muslim élite, who were to decide what was best for the entire community.

The instrumental Marxist approach implies that the state has very little autonomy in implementing policies, and is committed to helping the bourgeoisie to accumulate surplus value and to strengthen their dominant position over the working class (Burtch, 1992:35). However, Tomasic points out that this critical conception has been modified to explain the fact that the dominant class(es) are sometimes fragmented and cannot always manipulate the legal institutions and, consequently, such institutions do enjoy some autonomy (1985:14).

The idea that law acts as a 'mystifying force' is also a useful concept for my research because it stresses the ideological function of law, where it appears to be equal in its relations with all citizens while promoting the interest of a few. These broader views expressed in the Marxist perspective are important to understand authority and power relations between different groups in society: in this case, the interests of men versus those of women. Although Marx, like many other classical theorists, is blind to gender inequalities, his views on the relations between power, control, law and social institutions have been adopted by feminist writers to explain gender inequality in society.

Weber's work can also contribute to an understanding of the relationship between law and society. He was the first of the prominent figures in modern sociology to seek to provide an extensive and complete sociological treatment of law (1978:102). In his analysis of domination, Weber highlights law as a major source of coercion, and the prevalence of a

rational legal order is an important characteristic of his study of modern capitalist society. Weber defines law as an 'order which is externally guaranteed by the probability that coercion (physical or psychological), to bring about conformity or arrange violation, will be applied by a 'staff' of people holding themselves specially ready for that purpose' (Hunt, 1978:103). Here again, the role of the Muslim élite in defining and regulating the Muslim law in Sri Lanka in the late eighteenth century and early nineteenth century is of significance, because they acted as the 'staff' that ensured that the laws were adhered to.

Weber's explanation of the way in which law evolves from custom to convention and thence to law helps to explain the development of Muslim Personal Law in Sri Lanka, so far as understanding the manner in which customs were incorporated into the Muslim Family Law. This is discussed in greater detail later on in this chapter. However, it cannot demonstrate the manner in which certain practices were recognised as 'divine' rather than mere 'customs'. Given the acceptance of the divine origin of the laws by the Muslims in Sri Lanka and in other parts of the world, the development of law from custom and convention becomes much more complex than how Weber describes it in his writings.

In his discussion of domination and authority, Weber deals with the Islamic system of justice in a little more detail. He uses the example of the *qazi* system of justice in Islam, a system that is also practised in Sri Lanka, to explain traditional authority, which is one of the three main forms of domination. Here, 'extremely formalistic' interpretations of sacred traditions and conventions are said to have governed decisions (Burtch, 1992:30). However, *qazi*-based justice is also said to have been commonly related to charismatic forms of justice, where authority is linked with '*personal* qualities of leadership, not with the highly co-ordinated, impersonal character of rational legal domination' (Burtch, 1992:31). Nevertheless, both

charismatic and traditional authority are based on personal authority; in the former, the personal relation between leader and subject is foremost, and in the latter the function of obedience owed to a particular figure of authority is personal and, at the same time, ingrained in the past legitimacy of that role (Hunt, 1978:114-115). Legal domination, on the other hand, can be distinguished from the other two types mentioned above by the fact that the origin of its legitimacy is *impersonal*; obedience is owed to the established, impersonal, legal order.

Today, however, the Islamic law(s) practised in the world are not just based on traditional and charismatic authority, as expressed by Weber. In Sri Lanka, for instance, obedience is owed much more to 'the law' rather than to the leader. Nevertheless, this obedience to the law is also, to a great extent, based on obedience to traditional authority, which in this case also includes long-established rules of a sacred tradition.

Another classical theorist whose work on sociology of law and religion is of considerable importance for understanding modern debates on legal domination, social control and social justice is Émile Durkheim. Like Marx and Weber, Durkheim is interested in explaining relationships between law, the economy, society and politics, and, like Weber, Durkheim is concerned with religious influences in social life. Particularly useful to the current research on Muslim Women and the Family Law of Sri Lanka, is Durkheim's concept of 'mechanical solidarity'. In a society based on mechanical solidarity, religion and law work together and are often undifferentiated in order to protect the 'collective conscience', which holds together the social fabric and suppresses deviant behaviour. A similar situation prevails in Sri Lanka, where the 'customised' Muslim Personal Law is still applicable to the Muslim population of the country. Religion-based laws that are sometimes mixed with non-religious customs and traditions continue to be practised, and, even though the country has a secular state law, the

Muslims continue to practice their own laws that act as part of the collective conscience. However, Durkheim's view of the religious system becoming less important as a regulatory mechanism as 'modernised' societies develop, and as societies move from mechanical to organic solidarity, is not evident in the context of Sri Lankan Muslims.

The classical theories discussed above that deal with the subjects of law, society and religion are important to understand the relationship between various social phenomena and social institutions. However, these theories are not always comprehensive in that they ignore the variable of gender and do not recognise fundamental differences in the experiences of men and women. It is this crucial void in theory that many feminist writers have attempted to replenish in the recent past.

#### *A feminist critique of law and society*

It is important to recognise that law is a product of social forces (Friedman, 1997:2). This means that it is very difficult for the makers of laws to be objective and neutral and often reinforces the interests of particular groups in society. In the past, and even today, these interests have been primarily male, and legal systems throughout the world have treated women as subordinate to men; 'not only because the vast majority of law-makers have been male, but also because men have been dominant over women' (1997:2).

As claimed by Carol Smart, the concept 'law' is *not* a body of rules or knowledge that is unchanging and uniform in its intent, theory and practice; this means that concepts such as the 'unity' and 'singularity' of law do not exist in reality. To quote Smart:

... I reject this notion of the unity of law because law operates in conflicting principles and contradictory effects at every level from High Court judgements to



administrative law...[T]he collectivity to which the label law is applied presents us with the appearance of unity and singularity. Hence law constitutes a plurality of principles, knowledges, and events, yet it claims a unity through the common usage of the term 'law' ... It is important to acknowledge that the usage of the term 'law' operates as a claim to power in that it embodies a claim to a superior and unified field of knowledge which concedes little to other competing discourses which by comparison fail to provide such a unified appearance. (1989:04)

In her reference to 'power' and the law, Smart alludes to the work of Michel Foucault who states that certain discourses maintain that they speak the truth and, subsequently, exercise power in a society that values and appreciates this understanding of truth (Smart, 1989:09).

Foucault describes this as follows:

Each society has its regime of truth ... that is, the type of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned, the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true. (Foucault in Hunt and Wickham, 1994:11)

In present societies, what is recognised as 'true' and 'acceptable' is a system that recognises women's subordination as natural. What is particularly pertinent to the current research on the Muslim Family Law of Sri Lanka are Kathleen O'Donovan's (1985) comments on the influence of law on society. She states that law is not just external and institutional, but it is also internalised by people. When this happens, people accept laws as necessary in the way they appear and the values they may express. O'Donovan adds that law acts as 'ideology', which is the symbolic connotation of a particular legal principle or rule. This view of the importance of law helps to explain why the present social/gender order continues to be acknowledged as 'fair', 'normal' and unchangeable by many of those subordinate within that

order. At this point, it is important to note that while Western feminist studies of law, custom, culture and social institutions have been examined in great detail in the past few decades, histories of third-world women's involvement with feminist issues have been a relatively recent interest among scholars.

For analytical purposes, Mohanty describes 'third-world women' as an 'imagined community':

"Imagined" not because it is not 'real' but because it suggests potential alliances and collaborations across divisive boundaries, and "community" because in spite of internal hierarchies within third world contexts, it nevertheless suggests a significant, deep commitment to what Benedict Anderson, in referring to the idea of the nation, calls "horizontal comradeship". (1991:6)

What was stated in Chapter 2 must be reiterated here that, just as 'Western' and 'white women' cannot be described as a homogenous group (Friedman, 1997:2), 'third-world women' also do not constitute a single, cognate entity. Affinities and division based on class, religion, sexuality, ethnicity, history and so on are all internal to the above categories. It is with an understanding of these divisions and differences that the scholarship of Middle-Eastern feminists such as Fatima Mernissi, Evelyne Accad and Yvonne Yazbeck Haddad can be best appreciated. As discussed in an earlier chapter, they focus on sexuality and Islam in discussions of male domination and women's subordination.

Although some Middle-Eastern feminists may dispute this view (see, for example, Leila Ahmed, 1992), it is generally believed that before the advent of Islam in Arabia, most women under the customary tribal law had no legal status (Coulson and Hinchcliffe, 1978:37). They were often sold into marriage by their parents or guardians for a price paid to the bride's

guardians; the husband could have as many wives as he wished to have and could terminate his marriage(s) at will, and women had little or no property or succession rights. A significant comment made by Noel Coulson and Doreen Hinchcliffe with regard to the status and rights of Muslim women in the early years of the history of Islam is that at the inception of Muslim jurisprudence, or at least at the beginning of the *Sunni* school of jurisprudence, the principle that was adhered to was that the prevalent social practices should continue unless they were overridden by Islamic injunctions and/or decrees. Consequently the standards, criteria and practices of pre-Islamic customary law infiltrated the Islamic legal system and exercised a dominant influence in the latter's development. Where the legal rules on the status of women were explicitly mentioned or discussed in the *Qur'an*, they were observed, but when such specificities were not made in the *Qur'an*, the tendency was to interpret certain provisions in the light of the existing, familiar standards of the tribal law. This coincides with Michelle Rosaldo's view that everywhere men exercised some authority over women, they have a culturally legitimated right to her insubordination and acquiescence. However, this does not mean that she is incapable of exerting pressures on the social life of the group, but rather that a woman may have power while the authority of men is culturally legitimated (1974:21).

The reason for examining some of the literature on the social function of law is to illustrate the significant impact law has on social and gender relations and the effect that these relations may/may not have on law. To summarise the theories and approaches emphasised so far that have been of relevance to my own research, firstly, Marxist theorists regard law as coercive and repressive while it serves the interests of the élite. Law acts as a 'mystifying force' because it appears to be equal in its treatment of all citizens while promoting the interests of a few. Weber also regards law as coercive but combines the two areas of religion and law to explain domination and authority in society. The aspect of Durkheim's writing that is

pertinent to my study is his view of law as preserving the collective conscience and suppressing 'deviant' behaviour. While the work of the classical theorists mentioned above is important to understand the function(s) of law, they do not address the impact of law specifically on women. This is the point where feminist scholarship fills a void in the sociology of law, as they focus on the relationship between power, law and female subordination, while some of the writings of third-world and Middle-Eastern feminists strive to highlight, even more specifically, the position of women living under *Muslim* laws, and the impact this has on *Muslim* women's status and power, which is of extreme relevance to the current research.

### **A history of Islamic law**

The word *Shari'ah*, according to Doi, is an Arabic word denoting 'a path to be followed' or literally 'the way to a waterhole' (1984:03). Further, it is considered to be a path revealed by God through His Messenger, Muhammad, and Muslims are required to endeavour to implement the rules prescribed by God and no one else: 'We make for you a law, so follow it, and not the fancies of those who have no knowledge' (The Holy *Qur'an*, *sura* 65, verse 18). Laws that are based on divine sources can be distinguished from legal systems based on human reasoning due to the following characteristics identified by Coulson. First, divine law is unalterable and rigid, comprising norms of an absolute and eternal validity, which are not susceptible to modification by any legislative authority. Second, the *Shari'ah* with its divine origins denotes a constancy and universality to all those who constitute the Muslim world as opposed to the variety of legal systems based on human reason, which often respond to local circumstances and needs (1964:05). However, Raga' El-Nimr's comments on the nature of Islamic law are extremely relevant to this discussion. She rightly states that the *nature* of law

is differently regarded by people; some think of it as divine revelations, and others as socially grounded; some as positive others as super-natural; some as immutable, and others as adaptive. According to El-Nimr, these debates are the result of the use of the ambiguous terms '*Shari'ah*' and '*fiqh*'. Thus, while *Shari'ah* is the essence of moral judgement of actions of individuals as good or bad and can only be from God, *fiqh* denotes 'intelligence' or 'knowledge' and alludes to a human understanding of that law, and hence, refers to Islamic jurisprudence (1996:88). This contributes to an understanding of why Islamic law is at times regarded as divine by some, and as socially grounded by others. It also explains why there is no homogeneity in its practice in the world.

Before the advent of Islam in the Middle East, society was divided into tribes that consisted of individual groups of blood relatives who descended from a common ancestor. Each tribe was constrained by unwritten rules and regulations that developed with the growth of the tribe itself (Coulson, 1964:10). It would be correct to state that the laws of the tribes were based on established customary practices. Once Islam had been established in Medina in 622 A.D., these tribes acknowledged Muhammad as the Prophet of God, and once the *Qur'an* was accepted as the Word of God, *Qur'anic* revelations slowly began to take precedence over tribal customs in many aspects. The *Qur'an*, which is the primary source of Islamic law, consists of broad and general statements and recommendations that focus on the aims and aspirations of a Muslim society and is basically 'the base formulation of the Islamic religious ethic' (Coulson, 1964:11). While the *Qur'an* is the foundation of Islamic legislation, of its six hundred verses only approximately eighty deal with legal issues in the strictest sense of the term. However, although the *Qur'an* is not exhaustive in its description of legal issues in every sphere of life, it does give detailed accounts of the position of women, particularly with regards to their status in marriage and divorce. Even though writers such as Ahmed (1992:42)

and Karmi (1996:76) assert that women may have had more independence and freedom before the advent of Islam, other literature on the subject indicates that for a majority of women in Mecca and Medina, it was Islam that gave them some social significance and rights in a community governed by patriarchal values. What becomes important to note at this stage are the comments of Coulson (1964:16) and Engineer (1992:26), who point out that some of the basic structures of the laws that existed in pre-Islamic Arabia were left unchanged while the legal details were altered. With the issue of marriage for example, the woman, under certain customary laws, was sold by her father or guardian to the husband-to-be. The *Qur'an*, however, commanded that the *mahr* or dower should be paid to the wife alone, thus bestowing upon women a legal competence they did not possess earlier. If the wife-to-be, for instance, was not satisfied with the dower that she was being offered, then she could decline the offer of marriage. This gave her the power to decide if she wanted to enter into marriage or not. But as it becomes evident, the *Qur'an* did not abolish the payment of the dower completely.

The growth of an Islamic legal system from *Qur'anic* propositions commenced with the *ad hoc* solutions and regulations offered by Prophet Muhammad. It is believed that the Prophet lived his entire life according to the teachings of the *Qur'an* and hence, if all the events in his life and his teachings, as well as the practices of some of the early companions of the Prophet, are collected, these traditions, otherwise known as *hadith*, act as an exegesis of the *Qur'an* (Doi, 1984:47). The *sunna* (literally refers to the 'beaten path' but commonly means a saying related to a person, either through hearing or witnessing the event) of the Prophet or the practices that were recommended and confirmed as the correct ones by the Prophet and are the precedents that he set, are regarded as the second primary source of Islamic law. Hence,

the traditions of the Prophet are used to supplement the *Qur'an* as a source of Islamic law and tradition.

A systematic science of *hadith* developed as soon as a century after the spread of Islam, and it was a science that verified the narrators of the traditions of the Prophet, concerning itself particularly with the authenticity of 'who reported (the tradition) and from whom and what was the character of the reporter both in public and... private life' (Doi, 1984:51). Therefore, a tradition essentially consists of two parts; first, is the text itself or *matn* and second is the chain of transmitters or *isnad* of the text (1984:52). Doi also explains that certain criteria are applicable to the selection of the *hadith*.

Important to this analysis of the *hadith* is that in less than two centuries after the death of the Prophet there were already 596,725 false *hadith* in circulation (Mernissi, 1991:45). This raises the question of how many false *hadith* are actually in use today. Abdur Rahman Doi's description of the selection of authentic *hadith* also creates further problems. Even if it is established that those among the chain of transmitters were of 'excellent character, truthful ... [with] good retentive memor[ies] and higher qualities of head and heart' (1984:55), there are issues that have to be considered in relation to the *matn*. For example, Doi states that the *hadith* should not 'go against the dictates or reasons or laws of nature and common experience' (1984:55). This can be problematic particularly because someone has to decide what the laws of nature actually are, and what is meant by the concept of 'common experience'. As society is evolving constantly, the 'common experience' also changes. Female infanticide, for instance, was a common practice in pre-Islamic Arabia, but, after the advent of Islam, it was rejected as unIslamic. Generally, there were many guidelines and laws pertaining to women that changed their position for the better. Such issues have to be taken

into serious consideration when reviewing the Islamic position on women and their social roles.

Apart from the two primary sources of the *Qur'an* and *sunna* discussed above, the *Shari'ah* is based further on two secondary sources known as the *ijma* (consensus of opinions) and *qiyas* (analogical deduction). Doi describes *ijma* as 'the consensus of opinion of the companions of the Prophet (known as *Sahabah*) and the agreement reached on the decisions taken by the learned 'Muftis' or the Jurists on various Islamic matters' (1984:64). Such an agreement is normally considered binding only if there has been consultation and the use of juristic reason (*ijtihad*). *Qiyas* refers to juristic reasoning by analogy and must be based on the *Qur'an*, *sunna* and *ijma*. The four sources of Islamic law were propounded by Ash-Shafi (767-820 A.D.), who was the founder of one of the four *Sunni* schools of law and he made a great contribution to Islamic jurisprudence by consolidating already existing concepts and practices in a systematic scheme.

Coulson states that since the fifteenth century only these four schools of law, which are the Shafi, Hanafi, Maliki and the Hanbali of the *Sunni* division of Muslims, have survived and these four schools or *madhahib* had been placed under the authority of *ijma* in Islamic legal philosophy (1964:86). Each of these schools, with time, based its individual legal doctrine on a set of canonical literature produced by, or ascribed to, its founders (Hallaq, 1997:209). Although Doi claims that 'one will never come across any difference of opinions as far as the basic principles of Islam are concerned [and that] the differences mainly centre around the *furnat* (tiny branches) of theology rather than the *usul* (fundamental principles) of beliefs' (1984:84), it is in these minor differences that one can observe varying decisions on women taken by the four schools. For example, under the Hanafi school of law, a wife may obtain a



judicial annulment of her marriage only if her husband is totally incapable of consummating the marriage. The marriage could also be dissolved if the wife claims putative widowhood: if her husband had become a missing person and ninety years had passed since his date of birth. Apart from this, she may get a divorce only by mutual agreement with her husband. The other three schools, on the other hand, with particular reference to the Malikis, are far more liberal, where a wife could initiate divorce proceedings for reasons such as a husband's cruelty, his inability/refusal to maintain her, his desertion and so on (Coulson, 1964:185). A further example is the marriage contract. While according to the Hanbali law a wife can specify her conditions of marriage as long as such stipulations are not expressly forbidden in Islam and contrary to the Islamic institution of marriage, such a contract remains valid, and her husband has to abide by the conditions specified in it. However, the Hanafi, Maliki and Shafi schools maintain that the effects of a contractual relationship have been determined already in terms of the rights and obligations which arise within the institution of marriage, and, as such, are not subject to change or variation at the will of the parties concerned (Coulson, 1964:189). A table illustrating the differences of opinions among the four schools of law in matters relating to marriage and divorce has been included in the following page, to highlight the points made above.

**Table 2: A comparison of the rulings by the four *Sunni* schools of law on matters relating to marriage and divorce**

	<i>Hanafi</i>	<i>Hanbali</i>	<i>Maliki</i>	<i>Shafi</i>
<b>Place of origin</b>	Kufa	Baghdad	Medina	Cairo
<b>Countries where practised</b>	Turkey, Iraq, Syria, the Balkan countries, Cyprus, India, Pakistan.  Official Status: Jordan, Sudan, Israel, Egypt, Libya.	Saudi Arabia, Oman  Relatively few followers of this school of law.	Egypt, Sudan, Eritrea, Somali, Libya, Tunisia, Algeria, Morocco, Central and West Africa, Northern Nigeria, Eastern coastal territories of Arabia, bordering on the Gulf.	South Arabia, Egypt, Indian coastline, Arab trade routes in East Africa and southeast Asia (Countries in southeast Asia include Malaysia, Singapore, Indonesia, Philippines and Sri Lanka.)
<b>Minimum age of marriage and consent of the bride</b>	A person can contract marriage as soon as s/he has attained the age of puberty.		An adult virgin has no right to contract herself in marriage. A guardian can contract his daughter into marriage, without her formal (e.g. written) consent, after she has attained puberty.	
<b>Permission of the guardian</b>	Permission of the guardian is not necessary.		Permission of the guardian is necessary unless she is a divorcee or a widow.	
<b><i>Mahr</i> (Dower paid to the husband to the wife)</b>	One of the legal effects of marriage. The amount must be specified on the contract by the parties concerned or by the law.			
<b>Polygamy</b>	A Muslim man can marry up to four wives at any one time, without obtaining the permission of his other wife/wives.  It is the husband's responsibility to treat his wives equitably. Legally, he is not required to demonstrate that he is indeed treating his wives equitably.			
<b>Divorce by the husband</b>	Divorce can be effected without the agreement of the wife.			

	<i>Hanafi</i>	<i>Hanbali</i>	<i>Maliki</i>	<i>Shafi</i>
<b>Divorce by the wife</b>	<p>Consensual divorce (agreement by both parties) is permitted.</p> <p>A woman can obtain judicial separation only if the husband is incapable of consummating the marriage.</p>	<p>A woman can obtain judicial separation if the husband</p> <ol style="list-style-type: none"> <li>has any mental or physical defects;</li> <li>fails to maintain her;</li> <li>deserts her for more than six months without just cause; and</li> <li>fails to comply with any one of the conditions in the marriage contract.</li> </ol>	<p>The court can order a divorce without the agreement of the husband on certain occasions.</p> <p>A woman can obtain judicial separation if the husband</p> <ol style="list-style-type: none"> <li>has any mental or physical defects;</li> <li>fails to maintain her;</li> <li>deserts her for more than twelve months for whatever reason; and</li> <li>ill-treats her.</li> </ol> <p>This is the only classical school that permits the wife to divorce her husband on grounds of cruelty or ill treatment by the latter.</p>	<p>Consensual divorce (agreement by both parties) is permitted.</p> <p>Judicial separation can be obtained by the wife if the husband</p> <ol style="list-style-type: none"> <li>is incapable of consummating the marriage;</li> <li>suffers from insanity, leprosy or venereal disease; and</li> <li>refuses to maintain his wife.</li> </ol>
<b>Marriage contract</b>	<p>Only conditions that reinforce the rigid scheme of the marital relationship are valid in the contract.</p>	<p>Endorses the principle of individual freedom to oversee the contract. The conditions, however, must be valid and <i>halal</i> in the eyes of Muslim law.</p>	<p>The ruling on this is the same as in the Hanafi school.</p>	<p>The ruling on this is the same as in the Hanafi school.</p>

As these examples clearly indicate, the stance taken by the schools of law differs on issues relating to Muslim women. When dealing with differences of opinion among the four schools, Muslim scholars often quote the following saying of the Prophet: 'Difference of opinion (*Ikhtilaf*) in my Ummah [or *umma*] is (a form of) blessing' (Doi, 1984:86). However, Coulson points out that during the formative period of the *Shari'ah* the schools were 'hostile' and 'competing systems' as a natural outcome of their circumstances of origin (1964:86). Hence, the founders of the four *madhahib* based their perspective(s) on the *Qur'anic* teachings and the *sunna* within the context of their own understandings of the world around them. Social reality was based on patriarchal values and this was often reflected in the laws pertaining to men and women in all four *madhahib*, although some to a greater extent than others and in the different spheres of law. For example, Medinan society which saw the birth of the Maliki school was patrilineal and, hence, female relatives were denied inheritance, while in Kufa, which witnessed the birth of the Hanafi *madhahab*, or school of law, women had more freedom and, as a consequence of this, they, like those adherents of the Shafi and Hanbali schools, were eligible for inheritance. To quote Coulson, 'In short, the *Qur'an* was interpreted by both schools in the light of existing social circumstances' (1964:48-49).

The above explanation of Islamic Law emphasises the view that although the *Qur'an* and the *sunna* are essential sources in the formulation of Islamic legislation, they are also fundamental to the understanding of the Islamic ethic, in this case, in relation to the status of the women. It is therefore imperative that when the *Qur'an* and *sunna* are interpreted, they should be placed and analysed in their social and historical contexts rather than

providing a superficial and literal interpretation of the Islamic texts that contain material relevant to formulate a 'code of conduct' or an Islamic law. It must be stated that those who are given or those who undertake the task of analysing and interpreting Islamic injunctions have done so and will continue to do so, while, at the same time, being influenced by their own experiences of social life. Hence, Islamic law is not wholly 'divine' as many believed it to be; it is also largely based on human, particularly male, subjectivity, interpretation and judgement. This is discussed in greater detail in the next section of this chapter on the history of the Muslim Personal Law of Sri Lanka. Furthermore, there are several correct understandings of what constitutes Islamic Law. In fact, the variety in which these laws are interpreted in different parts of the world today is a clear indication that Islamic Law is something that differs from society to society. To reiterate a point made in the Introduction about globalization and religious outreach as observed by Beckford, religions 'are rooted in particular places, institutions and self-identified communities', thus even if 'the emerging global circumstance may call for a universalistic form of religious expression...the available resources are irremediably particularistic' (2000:181). Relating this to Islam, this is not only evident when examining Muslim laws, but also in other aspects of religious belief and practice among Muslims as is highlighted in throughout this thesis.

### **The Muslim Personal Law of Sri Lanka**

In the 8<sup>th</sup> century, Arab traders brought the Muslim law into Sri Lanka (Jameel, 1990:149). These laws were accepted by the Sinhala kings, and the Muslims of the

country were permitted to have their affairs administered by their own religious laws. With the subsequent arrival of the Portuguese and Dutch in the 16th and 17th centuries respectively, the Muslim community were often forced to comply with the leaders who decided which laws should be included in the broader 'Muslim Law' and which should be excluded. This situation was eventually rectified when the Dutch Governor Faulk introduced the 'Shafie Code' No 8 of 1770. The Muslim community of Sri Lanka accepted this code, as the teachings of Imam Shafie were already familiar to many of the Muslims in the island.

In 1806, during the period of British colonisation of Sri Lanka, the former introduced the Mohammedan Code, which comprised 104 sections; sections 1-63 dealt with Intestate Succession and sections 64-104 dealt with marriage and divorce. As the majority of Sri Lankan Muslims follow the teachings of Imam Shafi, the fundamental sources of the Law are the Holy *Qur'an*, the *sunna*, *ijma*, and *qiyas*; the last source constitutes 'the vast body of deductive reasoning' from the first three sources mentioned (Jameel, 1990:150). The Muslim Law based on the Shafi school of thought governs not all Muslims in Sri Lanka. While the Borahs are exempt from following the Muslim law of Sri Lanka, most Malays and Muslims of Moor origin are bound by it. Since the Borahs belong to the *Shia* faction of Muslims, the laws of the *Sunnis* do not govern them. The *Shia* movement emerged as a political faction in the mid 7th century as a result of disputes over issues on political sovereignty in the Islamic theocratic state and on the nature of political leadership (Coulson, 1984:103; Murad, 1997; Ahmed, 1999:43-44). Although there are numerous

Muslim sects in the world today, *Sunnis* account for approximately 90 per cent and *Shias* for about 10 per cent of the total Muslim world population (Ahmed, 1999:43).

During the early period of British rule of Sri Lanka, the British judges were not familiar with the existing Muslim law of the country. Consequently, they had often to rely on the views of the Muslim elders and Alims who acted as Assessors or gave evidence as experts on Islamic Law or the *Shari'ah* in the secular courts. As mentioned earlier in this chapter, the laws were interpreted and translated (and designed where necessary) by the British and the minority Muslim élite, on behalf of the entire community of Muslims in the country. There were no English translations of the *Shari'ah* available during this period, and the only literature available on the subject was obtained from India and it was under the title of 'Mohammedan Law' rather than Islamic law. However, even in India there were no books written in English on the Islamic Law in its uncorrupted form, so much so that the version of Islamic Law that was prevalent in British India was termed the Anglo-Mohammedan Law. Even today, it is a law with its foundations in Muslim law with a combination of local custom and legislation. A similar situation prevails in Sri Lanka. Here again local custom and legislation have been combined to create a law that governs a majority of the Muslims in the island.

In a discussion of the colonial encounter in British India and its impact on Islamic law, Michael Anderson describes how Muslims of different sects were subsumed into the broad category of 'Muslims' (1996:21). The situation was very similar in Sri Lanka and the British rulers were not concerned with identifying the different groups of Muslims,

such as the Ceylon Moors, Malays, Borahs and Memons, when the laws were designed. This was only the beginning of the problem. As in India, the Muslims in Sri Lanka also encountered other complications. To quote Anderson:

... a difference to indigenous family laws marked colonial administration, and as a general policy, it was never set aside. And yet, despite the effectiveness of this policy, it contained the latent contradictions of a non-Muslim government administering a Muslim law which threw up repeated instances of misunderstanding and simplification ... In their search for effective and inexpensive modalities of rule, the British came to rely upon the devices of translation, textbook, and codification to adapt indigenous arrangements to the dictates of colonial control. Given the constraints of language, financing, and a limited tradition of scholarship, colonial administrators developed a legal system that could secure the allegiance of indigenous élites and collect revenue. In these circumstances, it is not surprising that colonial judges looked less for accuracy than for certainty and uniformity. (1996:23-24)

The inequities in the Muslim Law of Sri Lanka in its treatment of women can be seen as part of the reinforcement of patriarchy. The inaccuracies in the law created as a consequence of the practices of colonial policy makers and administrators, such as those mentioned by Anderson, would be seen by Post-colonial and Third World feminist writers as typical of imperialism:

... some of the effects of colonial policies and regulations are the re-empowering of landholding groups, the granting of property rights to men [as in the practice of *kai-kooli* in Sri Lanka discussed later in this chapter], the exclusion of women from ownership and the “freezing” of patriarchal practices of marriage, succession, and adoption into laws. The cumulative effect of these particular institutions of colonial rule is thus, at least partially, an aggravation of existing inequalities as well as the creation of “new” ones. (Mohanty, 1991:19)



According to the Muslim Law of inheritance and succession in Sri Lanka, a Muslim woman, irrespective of her marital status, has the right to own property and dispose of it as she wishes. Similarly, married women governed by the Kandyan law also have separate property rights, whereby they can own and manage their own properties. However, colonialism did affect the property ownership rights of women belonging to other ethnic and religious groups in the country. For example, the law of Tesawalamai was formulated according to the practices of the Tamils when they were in a matriarchal stage of society (Tambiah, 2000). H. W. Tambiah argues that this personal code, as it exists today, has been 'mutilated' and 'altered' by the Dutch and the Portuguese (2000:25). One change that took place was that during British rule, a provision from the 1876 General law statute infiltrated the Tesawalamai Code in the early twentieth century, which prescribed that men had marital power over their wives (Goonesekera, 1990:67). The concept of the husband's marital power over his wife was applicable to all Sri Lankans who were not governed by a personal law until 1923, when it was changed. It was only at this point that the British colonial administration introduced reforms to the General Law and all women, apart from the Kandyans and Muslims, were regarded as 'feme-soles'. Among other things, this gave a woman the right to own, maintain and dispose of her individual property independent of her husband's involvement.

The Muslim courts of justice strictly follow the law of each individual *madhahab*. Subsequently, although Muslim scholars such as Doi proclaim the 'unity in diversity' maxim with regards to the variety of legal stipulations in the four schools, the law of only

one *madhahab* can apply to a single individual. Since it is believed that the majority of the Muslims belong to the Shafi school in Sri Lanka, it is the law of this school that is practised. Due to this, it has been extremely difficult to incorporate any laws favourable to women from other schools of law. Muslim women of Sri Lanka do not always enjoy the rights prescribed in the *Qur'an*, and Saleem Marsoof identifies the following reasons for this: first, is that *Qur'anic* values and norms have been weakened with time by the Muslim male elders, teachers in communities and textbook writers in the process of juristic development; second, has been the infiltration of non-Islamic customs into the law which have been established as part of the Muslim Law of Sri Lanka; third, has been the practice of this law without careful consideration of the *Shari'ah*; fourth, the law has been developed by the courts and tribunals not taking into account the spirit in which the *Qur'an* was revealed (1990:163). Furthermore, while other countries that practice the *Shari'ah* have reviewed (at least relative to Sri Lanka) their laws, revisions of the law in Sri Lanka itself have been virtually non-existent.

People involved in the law-making and law-revising process have treated the Sri Lankan Muslim Law as if it is wholly divine, and therefore unalterable. In reality, however, many of the laws pertaining to marriage and divorce that are inequitable in their treatment of women, do not have their origins in any divine source. As one marriage registrar stated during the course of my interview with him, these laws are not changed because people in a position to change the laws, namely the Muslim élite, do not wish to upset the existing order of things. Therefore, even if some of these laws are not based on religious decrees, the non-religious and often patriarchal traditions on which they are based will

continue to be upheld. Ordinary people, on the other hand, will continue to regard these laws as 'Islamic' and divine.

The next part of this chapter will focus on laws that are particularly discriminatory towards women. The fact that there is variety among the different schools of law in addressing the same issue is a clear indication that there is no single interpretation of religious texts. The first area of law to be discussed will be the minimum age of marriage for Muslim males and females.

### ***Minimum age of marriage***

The Sri Lankan Muslim Marriage and Divorce Act No.13 of 1951 does not specify a minimum age of marriage for either males or females. However, Marsoof notes that Section 23 disallows the registration of any marriage contracted by a 'Muslim girl who has not attained the age of 12 years' (1990:164). This implies that the minimum age of marriage is 12 years for girls, although there is no minimum age mentioned for males. With reference to the *Shari'ah*, although neither the *Qur'an* nor the *sunna* have specified a minimum age of marriage, countries such as Pakistan, whose laws are based on the *Shari'ah*, have stipulated the minimum ages at 16 years and 18 years for females and males respectively (Women, Law and Society: An Action Manual for NGOs, 1996:33). Apart from Kuwait, where the minimum age of marriage is 15 years for girls and 17 years for boys, a minimum age has never been introduced in the rest of the Muslim countries in the Gulf region (Fakhro, 1996:259) and in most of the other Muslim nations the minimum age varies from 15 years (Yemen) to 20 years (Libya/Tunisia) for boys, and

from 12 years (Philippines/Tanzania) to 20 (Libya) for girls (Women's Learning Partnership, 2001). The non-specification of a minimum age of marriage in the Muslim law of Sri Lanka permits and accommodates the practice of parents giving their children in marriage at a very young age, even though it may occur less frequently today than it did a few decades ago.

Even an examination of some of the criteria that apply to a 'valid marriage', cited by M. S. Jaldeen, indicates that women who are permitted to get married according to the Sri Lankan Muslim Law have more conditions to adhere to than men:

Such a [marriage] contract is valid provided it is entered into between persons capable of being contracted in marriage a) in the case of males who have attained puberty and is of sound mind; b) i) in the case of females belonging to the Shafi sect whether she has reached the age of puberty or the age of majority if she is a virgin; or a woman who has had sexual intercourse i.e. not a virgin. (1990:12)

The specific reference to virgins and non-virgins, apart from being redundant in the details of the law also highlight another factor; it emphasises the importance of concepts such as 'virginity' among women, while such concepts are not considered to be relevant to males. However, in its description of women belonging to the Hanafi sect in Sri Lanka, as in the case of males, it is simply stated that such a female should have reached the age of puberty. The issue of virginity is not mentioned in this case but this could be simply because in comparison to the number of adherents of the Shafi school of law, the proportion of followers of the Hanafi school are relatively few. Hence, the need to

elaborate the law and jurisprudence of the Hanafi school of law may not be considered to be crucial in Sri Lanka.

During the course of my interviews, many women cited the example of Aishah, one of the wives of Prophet Muhammad, as a reason why many Muslim women marry early in life. The popular belief is that Aishah was six years old when the marriage ceremony between herself and the Prophet took place, and nine years old when she entered his home as his wife. Given this tradition, many women felt that it was 'understandable' why Muslims gave their daughters in marriage early in life. However, Ruqaiyyah Maqsood, whose findings indicate that the main narrators of this *hadith* or tradition were unreliable, explores this aspect of Aishah's life in great detail. Furthermore, from the dates available of important events like her birth, her sister's birth, the year Muhammad was called to the Prophethood and so on, Aishah's age at entering the home of the Prophet is calculated by Maqsood to be 19 rather than 9 (Maqsood, 1996). This raises the question of how many other such traditions pertaining to women could be inaccurately recorded by historians over time and influenced religion-based laws. Although it may appear to be a minor error on the part of the narrators of the *hadith* and historians, many people still conduct the affairs of their lives based on important religious figures such as the Prophet and his family. This makes it essential to check and re-check the accuracy of claims made by writers especially if such claims are the basis for laws.

### *Consent of the bride*

According to the Shafi *madhahab*, a marriage is considered invalid if the bride's guardian or *wali* is not present to give permission to his ward for the marriage ceremony to take place at the time and venue at which the contract is entered into. However, the *qazi* (a special judge in a Muslim court of law) himself can decide to authorise the marriage even without the presence of the *wali*. He may do this if the *wali* 'unreasonably refuses' or withholds his consent to the marriage of the Shafi woman (Jaldeen, 1990:11). Here again, even if the woman is an adult, she is forced to communicate her consent (if she has given it) through her guardian; if her guardian disapproves of her partner then she is forced to rely on the male *qazi* to find her guardian's refusal to her marriage 'unreasonable' before she can be married. Even if an adult Shafi woman had been in a previous marriage, a *wali* still has to act on her behalf but, in this case, as her agent rather than as her guardian. Doi explains that the Shafi and the Maliki schools base their arguments for the need of a guardian for the female in order to conduct a valid marriage on the following sayings of the Prophet: 'Any woman who got married without the permission of her guardian, her marriage would be considered to be null and void' and 'A man cannot be married by a woman and a woman cannot be married by herself' (1984:141). On the other hand, the *Qur'an* itself does not make any specific reference to the necessity to obtain the permission of a male guardian of the bride during the marriage ceremony, for such a union to be valid.

Furthermore, the law according to the Shafi *madhahab* as well as the other *madhahib* exclude all female relations of the bride from acting as her guardian. Females, together

with males who have not reached puberty, those of unsound mind, and non-Muslims, are considered to be unsuitable to act as *walis*.

Again, the position taken on the need of a guardian differs to those women who follow the Hanafi school of law. Here, the *wali* is only a guardian of minors who have not reached puberty. An adult female is capable, on her own, to enter into a valid contract of marriage and even if she does have a *wali* to act on her behalf, it is assumed that he is acting on the power granted to him by her.

According to the *Shari'ah*, a further condition required for a valid marriage is the offer and acceptance of marriage by the parties arranged to be united in matrimony. To coincide with this requirement, the Act of 1951 of the Sri Lankan Muslim Law stipulated that a Muslim marriage is invalid under the Shafi law unless the *wali* communicates the bride's consent to the marriage. However, the Act does not make any provisions to guarantee that her consent has, in fact, been obtained. Firstly, at no point before the marriage or during the marriage ceremony does the *qazi* approach the bride and ask her if she has indeed agreed to the marriage. Secondly, before the registration of the marriage the Registrar is required to obtain declarations from the bride's guardian and the bridegroom which reflect the two parties' approval of the marriage (Marsoof, 1990:168). In the case of the Shafi marriage, the bride signs such a declaration in the absence of her father or paternal grandfather. Thirdly, there are no provisions in the law requiring the bride's signature on the marriage register. Subsequently, the *qazi* has no evidence that the bride has indeed given her consent to the marriage; consent to the marriage by *both*

parties being important for a valid marriage. As pointed out by Marsoof, the Divorce Register maintained by the *qazi* requires the wife's signature if the divorce is to be legally accepted according to the Sri Lankan Muslim Law (1990:169). If the law is to be consistent, then it should make provisions for the marriage register *as well as* the bride to sign the declaration before the registration of the marriage, during the marriage ceremony.

### ***The 'mahr' and the 'kaikooli'***

The *Shari'ah* prescribes the *mahr* or the dower money as an essential part of the Islamic marriage. The dower or *mahr* is given by the husband to his wife, and is different to the 'dowry', which is given by the wife or her family to the husband. This dower, in cash or other terms, has to be determined before the solemnisation of the marriage, and is exclusively for the wife to dispose of in any way she wishes (provided that it is within the guidelines of Islam), and she also has the right to decide on the amount. As stated by Engineer, although in the pre-Islamic tribal communities the dower was essentially a bride-price, Islam elevated it from this to a token of love and respect for the wife (1992:111). As the *Qur'an* does not specify an amount for the *mahr*, the wife has the right to claim as much as she desires, as little as she desires, or to remit the entire *mahr*. While this may be the case according to the *Qur'an* and the *sunna*, the Sri Lankan Muslim woman has no control over the amount of *mahr* she receives, because the *mahr* in Sri Lanka is seen as a mere formality in the marriage ceremony where the woman, as was illustrated earlier on, plays no role at all.



Almost similar to the *mahr* offered by the bridegroom to the bride is the *kaikooli* or the dowry, which is defined according to the Act of 1951, Section 97, as:

... any sum of money paid, or other movable property given, or any sum of money or other movable property promised to be paid or given, to a bridegroom for the use of the bride, before or at any time of the marriage by a relative of the bride or by any other person ...[The dowry] cannot be withheld [by the husband] on the ground that it has been spent for the sustenance of the marriage. (Jaldeen, 1990:87-88).

Although the concept of *kaikooli* is recognised in Muslim marriages - sometimes more recognised than the *mahr* - it is a term that is alien to Islamic Law. Jaldeen identifies it as a custom that arrived from the Malabar coast of India (1990:83). The situation in Sri Lanka with regards to dowry echoes the situation in India, where S. L. Hooja (1969) demonstrates the way in which religion, in this case Hinduism, and non-religious customs such as the practice of dowry, have coalesced to bring about a system that has threatened the independence of women. The implications of such a practice are not very different for the Sri Lankan Muslim woman.

The amount of *kaikooli* is usually not mentioned because the amount is often too exorbitant to mention in comparison to the *mahr*, and it is not an Islamic practice and as such the *Qur'an*, the *sunna* or any school of law, does not endorse it. As mentioned earlier, according to Islam, a woman is entitled to own and control all of her property without the aid of anyone. Hence, the practice of transferring the woman's wealth to be used or tended by the husband is foreign to Islam. One of the reasons why such a practice is born, grows, and continues to live is because Muslim women in the past have

not voiced their disapproval of such a transaction in open. Instead, they sometimes exacerbate the problem by claiming that such a practice is 'good' and 'necessary' for the well being of the newly married couple. Even the male Muslim elders and those in charge of reviewing the Muslim law of Sri Lanka, all of whom have claimed to persevere towards the preservation of Islam, have ignored and continue to ignore the practice of dowry and its infiltration into the Muslim Personal Law. As in most Islamic countries, what is strikingly obvious is that practices that are favourable to men are upheld but those that give women independence are undermined, albeit Islamic principles and laws clearly may offer women certain rights.

### ***Polygamy***

And if you fear that you cannot do justice to orphans, marry such women as seem good to you, two, or three, or four; but if you fear you may not be able to deal justly, then (marry) only one ... This is more proper that you may not do justice. (The Holy *Qur'an*, sura 4, verse 3)

On the basis of this *Qur'anic* verse, all four schools of law permit polygamy. However, in relation to this subject, Engineer quotes Maulana Muhammad Ali as follows:

This passage [quoted above] *permits polygamy under certain circumstances; it does not enjoin it, nor even permits it unconditionally* [emphasis in the original] (1996:155).

The verse quoted above from the *Qur'an* appears in the chapter titled *Sura Nisa* or 'Chapter on Women' and it specifically deals with justice to women. Maulana

Muhammad Ali points out that the first verse of this chapter stresses the importance of mutual respect in relationships as all humans have a common ancestor. Hence, it emphasises the equality of all humans, males and females. The idea of respect for individuals continues in the second verse, as the *Qur'an* makes specific reference to the care of orphans and the treatment of such orphans with justice. If orphans cannot be treated with fairness then, in the third verse of this chapter, the *Qur'an* states that men may marry the widows, whose children will subsequently become their own (Engineer, 1996:156). It is accepted that this chapter was revealed after the Battle of Uhud in 622 A.D., where a substantial number of Muslim men died resulting in the number of women exceeding that of men. Many widows were left in charge of children, and these women inevitably would have had to find ways and means of providing for themselves and their children. Hence this *Qur'anic* verse was meant to improve the position of women and orphans. Marriage of men with female orphans was also sanctioned to avoid the problems mentioned above (El-Nimr, 1996:100; Engineer, 1996:156). Polygamy was not meant to be treated lightly. The verse on polygamy quoted earlier clearly insists that if a man cannot deal *justly* with all his wives then he should marry *only* one. Further, the *Qur'an* adds: 'You are not able to be fair and just as between women even if it is your ardent desire' (*sura* 4, verse 129), implying that equal treatment of his wives by a husband is an impossibility because such equal treatment applies not only to the maintenance of the wives but also to the rights, duties and obligations of the husband towards his wives. It is on these grounds that the Tunisian Law of Personal Status of 1957 prohibited polygamy. Reformers claimed that under modern social and economic conditions a husband would not be able to treat his wives impartially, and, subsequently,

the moral warning in the *Qur'an* was transformed into a legal injunction to make polygamy illegal (Coulson, 1964:210).

According to the Muslim law of Sri Lanka, the only prerequisite for a man who intends to contract more than one marriage is that he gives at least thirty days notice to the *qazi* in the area in which he resides of his intention to remarry. Further notice should also be given to the *qazi* (s) for the area(s) in which his present wife (or wives) reside(s) and to the *qazi* for the area in which the woman he wishes to marry resides. The Law requires the notice given by the husband to contain the names and the addresses of the person giving the notice and those of the wife or wives, and that of the intended wife. In turn, the *qazi*'s duty is to display a copy of such a notice at the mosque in the area and in some conspicuous place at each address specified in the notice. Marsoof states that apart from giving such a notice to the *qazi*, the man does not have to obtain the consent of the wife or wives for subsequent marriages nor does he have to obtain the approval of the *qazi* (1990:170). If a man contracts a fifth marriage, such a marriage is not void but 'irregular', even though the *Qur'an* has clearly limited the maximum number of wives to four (Jaldeen, 1990:17). In the case of polygamy in Sri Lanka, the law's involvement is minimal; the *qazi* does not intervene to examine if the man intending to remarry has the ability and resources to maintain more than one wife, or if accurate information about his previous wife (or wives) has indeed been offered. The law leaves it to the conscience of the (male) individual to treat his wives equitably. The term *equitable* is not synonymous with *equal*, which means 'in the same way'. By the term *equitable* is implied *fair* or *just*, which allows a husband to make arbitrary decisions about the treatment of his wives.

This defies the entire purpose of having a law that is common to a community of people; because, if a law is to be universal, or at least applicable to a certain community of people, and impartial, then it cannot leave it to each and every individual in the community to whom the law applies to interpret and decide on the nature of justice and how it should be delivered. Again, what becomes apparent is the legal system's extreme partiality towards men.

In countries such as Pakistan, the first wife may obtain a dissolution of marriage if the husband does not obtain permission from an arbitration council, and in Iran, a wife who does not consent to a subsequent marriage of the husband can petition for divorce (Coulson and Hinchcliffe, 1978:40). Najla Hamadeh's comments on the Islamic Law in general is pertinent to the situation in Sri Lanka:

The status that Islamic family law assigns to women and the deterioration of this status with the passage of time, encourages the suspicion that those who pose as representatives of the schools of law ... often chose to overlook the morally egalitarian and sensibly moderate spirit of the sources of Islamic law, namely the *Qur'an* and Sunna. They appear to espouse the cause of patriarchal power by magnifying the advantages that these sources confer on men while ignoring the advantages and rights the same sources bestow [spelling as in the original text] on women. (1996:331)

These discriminatory laws practised in Sri Lanka are not limited to laws based on marriage alone. Just as men have more power in contracting a marriage, they also have more power in dissolving it in comparison to the situation of women. The examination of the divorce laws illustrates this point very clearly. Again, based on the Shafi code,

relative to men, the laws reduce the rights of women to divorce, and, as Smart states, a reduction of rights undeniably 'equate(s) with a loss of power or protection' (1989:143).

### **The Muslim divorce laws**

Divorce or a dissolution of marriage can be instigated by either the husband or wife, or both, in seven ways according to the Shafi school of law. However, the *qazi* courts of Sri Lanka have made two of these methods obsolete in the Sri Lankan Muslim Law, and, today, five main methods of divorce are recognised as valid. Hence, divorce may take place by pronouncement of *talaq* (repudiation) by the husband, by a charge made by a Muslim husband that his wife has committed adultery (referred to as *lian* in Arabic), by mutual consent of the parties (referred to as *khul* or *mubarat*), by annulment due to any physical defect of either spouse, and finally, through Court instigation where there has been an irregularity, such as one or both of the spouses being a minor when the marriage was conducted (Jaldeen, 1990:36-37). Of the different forms of divorce mentioned above, divorce by *talaq* - the dissolution of marriage due to the insistence of the wife - and divorce by mutual consent of the parties will be discussed in detail in the following section, as these are the most common forms of divorce in Sri Lanka.

#### ***Divorce by the husband: talaq***

A husband can unilaterally initiate divorce proceedings by making a pronouncement to the effect that the marriage is dissolved without providing any reasons to the *qazi* courts. The procedure that is followed is that the husband pronounces two *talaqs* in the course of

two months (during the consecutive menstrual periods of the wife where no sexual intercourse has taken place) and both these pronouncements are revocable. However, on the third pronouncement of *talaq*, the divorce is irrevocable and the dissolution of the marriage becomes complete. In this form of divorce the wife has little control over the divorce procedures because until the final *talaq* is pronounced, it is the husband who has the power to either reconcile with his wife or divorce her. This type of divorce is known as *talaq-al-hasan*.

Anyone who fails to register a divorce is guilty of an offence in accordance with the Ordinance, but nevertheless, such a divorce still is valid under the Muslim Law of Sri Lanka. Related to this, if a divorce is performed in a manner different to the provisions set out in the Ordinance, again, such a divorce is valid under the Muslim Law. In other words, to quote Jaldeen, 'where a divorce is valid under the Muslim law, its non-registration under the provisions of the Ordinance does not make it invalid' (1990:41). Hence, there have been many instances of abuse of this type of divorce and again, it is the woman who is in a disadvantaged position, as she is made totally reliant on the vagaries of her husband and the *qazi* courts.

### ***Divorce by khul***

In this form of divorce, dissolution of marriage takes place at the instigation of the wife, who can be released from marriage after giving her husband a consideration. This consideration, payable by the wife to her husband, is usually the equivalent of the *mahr* she received by her husband. Dissolution of the marriage in this case may be made

through an order of the court. Jaldeen illustrates the difference between *khul* and *mubarat*; in the latter, both parties, due to mutual hostility, solicit the dissolution of marriage, and, under these circumstances, the wife does not have to make any payments to the husband. As explained earlier, in the case of *khul*, the wife initiates divorce proceedings and, consequently, she has to give a consideration to her husband (1990:52-53). The effect of both *khul* and *mubarat* is that of an irrevocable divorce. Revocation is possible only if the other partner has not accepted the proposal of divorce. Although the Muslim law of Sri Lanka recognises divorce by mutual consent of the parties (*mubarat*), in the absence of such an agreement, a husband has greater rights of divorce than the wife.

Doi states that according to the broader Islamic Law, *khul* must be demanded by the wife only in 'extreme circumstances' (1984:194; 1989:98). Such circumstances in relation to the husband include habitual ill treatment of the wife, non-fulfilment of the terms of the marriage contract, insanity, incurable incompetence, leaving the home without making provisions for the maintenance of the wife and, finally, any such similar causes which in the opinion of the *qazi* justify a divorce (1984:195). In reference to a *hadith* of the Prophet, Doi quotes: 'Of all things that have been permitted, divorce is the most hated by Allah' (1984:169; 1989:84). If this is the case, the question that arises is why, in the case of divorce initiated by a husband, is the dissolution of the marriage made so very convenient for a man, while it is made much more difficult for a wife if she initiates the divorce proceedings? Why, in the *talaq* form of divorce, is a man not required, by law, to give a valid reason for wanting a divorce, whereas when a woman institutes proceedings



for divorce it should be due to some 'extreme circumstance' that a *qazi* must thoroughly investigate before granting her a divorce?

Doi conveniently finds one explanation for the inconsistencies in the law mentioned above: a woman's physiological and psychological 'impairment' during menstruation. He states that, during this period, women are likely to make rash decisions, divorce being one of them (1989:95). It could be stated that inequalities based on biological differences are not sufficient to explain inconsistencies and discrimination in laws that are supposed to serve the interests of males and females. The saying of the Prophet quoted above, undoubtedly implies that all divorce, whether it is initiated by males *or* females, is hated by God and not just those instigated by women. If this is the case, then the unilateral right to divorce by men has to be re-examined, and the *qazi* has to play a more active role in these types of divorce as well to ensure that women are not exploited due to incongruities in the law. This is highlighted in Marsoof's article when he states that a wife faces greater suffering when her husband withholds her right to divorce than when he irresponsibly exercises his right to divorce. This is because, according to the Shafi code, a wife is not entitled to a *khul* divorce in spite of the fact that the *Qur'an* and the *sunna* of the Prophet clearly demonstrate that this is possible.

In order to avoid the problems Sri Lankan Muslim women may face in divorce, Marsoof states that at the time of marriage every Muslim woman in her marriage deed can reserve the right to divorce her husband unilaterally if certain conditions specified by *her* are not fulfilled. This is called *tawfid-e-talaq* or a delegation of divorce (1990:176). Of course,

this right may be conditional or unconditional and has to be agreed upon by the husband before the marriage, as in any other contract. This provision in the Sri Lankan Muslim Law is extremely important to the woman because it gives her the opportunity to pronounce her own repudiation of marriage. Despite the fact that the law has made such provisions for women, they are not highlighted among the Muslim community, and many women are ignorant of the existence of such laws. Furthermore, incorporating the broader Hanbali concept of the marriage contract into the Muslim Law of Sri Lanka would give the woman much more freedom. Here, the wife and the husband can 'regulate the incidents of their marital relationship by the stipulation of conditions in the marriage contract itself' (Coulson, 1964:189). Where marriages are arranged, if the conditions of marriage in a contract are defined, then it would be easier for a wife or husband to observe any conditions in the contract, but the fact that the Shafi woman does not even see her marriage certificate indicates how much the laws have to be reviewed before further changes can take place. The first step towards revising the Muslim Personal Law would be to acknowledge the fact that there are issues that need to be reviewed, and this is something that has to be recognised and accepted by the men *and* women in the community before any progress can be made to adopt fairer and more equitable laws. As my research indicated, the fact that many women are not aware of the laws that govern them and, furthermore, if they are aware of the laws, that they accept them as indisputable, makes the task of changing any law even more challenging.

## **Modern Muslim communities and their response to the traditional schools of law**

Many Muslim countries have adopted the method of selecting ideas from the variety of juristic opinions, as opposed to accepting the laws of one school, and this is known as *takhayyur* (1964:240). The literal meaning of *takhayyur* is 'choice'. This concept stands in direct opposition to *taqlid*, which refers to the strict adherence to the school of law into which one is born. Since all the *Sunni* schools of law are considered to be correct in their interpretation of the *Qur'an* and *sunna*, many countries that practice the *Shari'ah* have chosen to borrow ideas from the different schools of law. If all the schools of law are in agreement over a certain issue, on the other hand, then changing the law can be difficult. Wael Hallaq raises a very important issue in his discussion of amalgamated doctrine. Such an amalgamation of parts of different legal doctrines to produce a new doctrine has a serious methodological problem, according to him:

For such an amalgamated doctrine would rest on a variety of lines of reasoning that are not necessarily compatible, and the rationale for the ruling in a case would be lost in the midst of the often contradictory lines of reasoning. The ramifications of this arbitrary device are grave, since further elaboration of the law on the basis of amalgamated cases can create problems of inconsistency in legal reasoning and hence in the legal system. (Hallaq, 1997:209)

This would mean that the legal thinking and inference behind the various rulings in Muslim law would not be based on a single, consistent legal reasoning. Hallaq sees the solution to these problems in taking a contextual approach to legal language and legal interpretation. With reference to the work of the Egyptian jurist, Ashmawi, Hallaq asserts that 'religious thought is thoroughly human, and, being so connected to society, can never be isolated from the particular reality and history of that society' (1997:232).

Muslim scholars such as Doi imply that a reinterpretation of the *Qur'an* and *sunna* in light of the changes that have taken place in modern societies is a sign of secularisation and that they should be discouraged (1989:459). But, nowhere in the *Qur'an* or the traditions has it been stated that the doors of *ijtihad*, or the exercise of human reason to ascertain an Islamic law, had to close after the law had been studied by the four main schools. However, scholars like Roald do not believe that the 'gates of *ijtihad*' ever closed, but that new *ijtihads* stopped replacing old ones (2001:99). Some classical theorists argue that Islamic laws are meant for all times and as such they cannot be changed. But, it should be recognised that the laws can also be seen as relative because the primary sources on which Islamic laws are based are flexible enough to be reinterpreted to suit changing circumstances without transforming the sources' content.

## **Conclusion**

The aim of this chapter was to explore and highlight the level of social control, particularly of women, that the laws of a country may have on its people. Muslim laws

were the focus of this chapter, as certain aspects of them are practised among the Muslims of Sri Lanka. This amalgamation of religion and law is an interesting one because religious laws possess a sanctity that other laws do not have, and effectuating changes in them is often difficult and time-consuming.

The main purpose of focusing on the Muslim marriage and divorce laws of Sri Lanka was to accentuate the discriminatory nature of the laws towards women, especially since these laws are widely accepted by the Muslim community. As the next chapter will illustrate, many women are unaware of the inequalities within the Muslim law of the country and not many women are actively involved in changing the existing inequalities in the Muslim Personal Law of Sri Lanka. The laws, as I have illustrated, do not protect women from child marriages, even if such marriages are infrequent, and do not give women equal powers of initiating marriage and/or divorce. Women's requests for a re-assessment of the laws have received a lukewarm response in the past, and proposals made by various women's groups to amend the Muslim Marriage and Divorce Act of Sri Lanka have not been conducive to bringing about change. Most often, the committees that are appointed to inquire into proposed amendments to the Act comprise men (the most recent committee appointed in 1990 consisted of thirteen men and two women), and this in itself discriminates against women.

As Hallaq suggests, rather than changing sections of the law as and when it suits the needs of people, a complete reassessment of Muslim laws may be the solution to discriminatory legal rulings. Although this task may not be the easiest to accomplish, it

certainly would induce people to approach the area of Muslim law with a fresh perspective.

## Chapter 4

### Religiosity and religious commitment among Sri Lankan Muslim women

#### Introduction

Throughout the thesis I have striven to emphasise the significance of religion to the communities under study by highlighting, in particular, the effect that religion has on women. In this chapter, the focus is on adherents' commitment to their religion. The first part of this chapter is, therefore, devoted to explaining concepts of Islamic belief and observance of religious rituals and their relation to terms such as *religiosity* and *religious commitment* as in the works of Charles Glock, Rodney Stark and William Bainbridge. By concentrating on religiosity in this section of the chapter, the areas of whether the concept of *secularisation* can be applied to the Muslim women who have been researched, and how religiosity among these women can be examined in terms of some of the fundamental beliefs and practices of Islam have been addressed.

In the second part of the chapter, respondents' levels of religious commitment are examined by going a step further and focusing on their knowledge and understanding of gender issues in Islam. This section is in some ways a continuation of the issues presented in the previous chapter in that it focuses on those aspects of the Muslim Family Law that are particularly unfavourable to women, but with special attention given to Muslim women's level of awareness of these laws and their attitudes towards them. This was more successfully achieved by analysing the Colombo sample's awareness of certain

aspects of the Muslim Family Law of Sri Lanka, since it is quite specific and is applicable to the Muslims in Sri Lanka. Although questions relating to the Muslim Family Law of Sri Lanka were asked of the women residing in Britain, their lack of awareness of the relationship between Islam and law in Sri Lanka made it impossible to include their views on this area. However, I shall demonstrate that although most of the women living in Britain observe the ritualistic aspects of religion just as diligently as those women in the Colombo sample, the former's Islamic knowledge, especially that relating to women, is more limited.

#### **Religiosity and religious commitment: problems with definitions and evaluations**

The need to explore *religiosity* or *religiousness* (I use the terms interchangeably) among the Muslim women who were being studied emerged as a result of the debate in the sociology of religion about *secularisation* (see, for example, Berger, 1973; Martin, 1978; Wilson, 1982; Stark and Bainbridge, 1985; Gellner, 1992; Wallis and Bruce, 1992; Dobbelaere, 1993; Davie, 1994; Stark and Iannacone, 1994; Bruce, 1996) and also because of the interest in finding out if there was any correlation between an individual's religious commitment and her/his religious awareness and knowledge. While being aware of the difficulties associated with evaluating a person's level of religiosity, I was keen at least to attempt an assessment of this factor among the respondents. Here, the subject of *secularisation* became relevant because almost all the literature on this topic was related to the level of decline of religion in relation to Christianity. In fact, according to Ernest Gellner,



... to say that secularization prevails in Islam is not contentious. It is simply false. Islam is as strong now as it was a century ago. In some ways, it is much stronger'.  
(Gellner, 1992:5)

Therefore, it became imperative to make an attempt in my research to devote some time and space to study the impact, if any, of secularisation on Muslim women and their level of religiosity.

When reading literature on *secularisation* and *religiosity*, as with other terms discussed in this study, one of the key problems that had to be dealt with was the issue of definitions, as providing stipulative definitions of the terms was particularly challenging. *Secularisation* in particular had been dealt with by many writers and it was obvious that the impact of religion on people in contemporary society may have increased, decreased or remained stable depending on the definition of *secularisation* provided by writers.

If various definitions of *secularisation* are related to Islam for example, then it is easy to see how this problem arises. For example, if *secularisation* is defined as a 'decline' in 'religious faith and observance' in 'scientific-industrial society' (Gellner, 1992:4), then there is not much evidence of it among the women in my samples; in fact, religious faith and observance among the Sri Lankan Muslim women being researched may have increased. On the other hand, if *secularisation* is defined as 'the process by which sectors of society and culture are removed from the domination of religious institutions and symbols' (Berger, 1973:113), then there is some evidence of secularisation in

countries that are predominantly Muslim, since religious institutions and symbols do not/no longer always control all aspects of the political, economic or social spheres. Even among the women in my research, there were a number of women with high levels of religious faith and observance, who were ambivalent towards the *Shari'ah* governing *all* of their lives. This then begs the question: are these women influenced by secularisation? Related to the latter explanation, if the definition of *secularisation* is extended further to include 'the individuation or privatization of religion' where 'on the *societal level* (italics in original text) '[r]eligion has lost its presidency over other institutions'' (Dobbelaere, 1993:23 and 24), then, in my sample of Muslims and among Muslims in general, there is evidence of a 'privatisation' of religion but religion has not necessarily lost its 'presidency over other institutions'. Therefore, on a 'societal level' Islamic institutions still continue to wield their influence on people. The Islam-based legal system applicable to Sri Lankan Muslims, discussed in the previous chapter, is one example.

Mentioned above are some of the ways in which *secularisation* has been defined and explained by scholars in the fields of religion and sociology. Given the problems that may arise if a working definition of this term is not provided in my thesis, Gellner's definition of the word is used, whereby *secularisation* is a decline in religious faith and observance in contemporary society. This definition was preferred to some of the others recounted above for two reasons; first, because the use of Gellner's definition made it easier to explain the concept of *religiosity* as it applied to this thesis, and second, since the focus of this research is a comparison between *individuals in societies* rather than a

comparison between societies, it was easier to determine if secularisation had influenced the level of religious faith and observance among the people in my study, rather than on society in general.

The use of the terms *religious* or *level of religiosity* went beyond an individual's 'acceptance of a level of reality beyond the observable world to science, to which are ascribed meanings and purposes completing and transcending those of the purely human realm' (Martin, 1978:12), since this was the basic level of religious belief of *all* the women with whom I spoke. Subsequently, the definition of *religiosity* used in this thesis was based largely on Stark and Glock's (1968:14-16), and later Stark and Bainbridge's (1985:9-10) description of the term *religiousness*, which consists of the following five dimensions:

- *Belief*: every religion has some theological tenets that adherents have to accept;
- *Practice*: these are acts of worship and devotion and can be divided further into
  - a. *ritual*: formal sets of rites and religious acts, and
  - b. *devotion*: informal acts of worship;
- *Knowledge*: adherents should have some information and understanding of the tenets of their faith, its rituals, scriptures and traditions;
- *Experience*: involves some communication with a supernatural agency; and
- *Consequence*: the effect and influence of the above four dimensions in the everyday lives of believers.

In this thesis, however, religiosity among Muslim women is analysed mainly in terms of belief, practice and knowledge particularly because these three dimensions are very closely connected. Religiosity in terms of religious experience was not explored,

principally to limit the scope of an already wide area of study, but religiousness in relation to consequence, particularly Islam's influence on women, was examined towards the latter part of this chapter.

### **Assessing religiosity among Muslims**

Traditionally, the essence of Islam has been encompassed in the 'five pillars' and even in contemporary Muslim societies and communities these five pillars of Islam continue to be adhered to by Muslims all over the world, to a greater or lesser degree. These five pillars of Islam provide a starting point, at least when considering the observance of rituals in Islam, for assessing levels of religious commitment among Muslims. Furthermore, since the definition of Islam means 'Submission to God', it is generally believed that Muslims should strive towards living their lives according to the Word of God, which is the *Qur'an*, and the exemplary life of the Prophet. Based on these sources, the five pillars, therefore, are the fundamental supports that sustain and reinforce the entire structure of Islam. In the following section of this chapter, I shall discuss the issues of religiosity and religious commitment among Sri Lankan Muslims, first, in relation to the five pillars of Islam, and next, in terms of other beliefs and practices that I felt were useful indicators of religious dedication. These five pillars of Islam highlight the first two dimensions of religiousness, mentioned by Stark and Glock (1968), which are belief and practice.

### ***Declaration of faith (shahaadah): the first pillar***

The basic prerequisite for identifying oneself as a Muslim involves affirming that ‘there is no God but God, and that Muhammad is the messenger of God’. This is the fundamental religious belief of all followers of Islam. While conversion to Islam from another faith involves the recitation of these words of the *shahaadah* together with believing them, it is also repeated as an essential part of the five daily Muslim prayers.

Although a question on respondents’ belief in the unity and oneness of God was included in the first draft of the interview schedule, it soon became apparent in my pilot study that, as expected, all the women with whom I spoke thought it a very strange question to be asked by someone from the Muslim community. As far as the respondents in the pilot study were concerned, belief in the Prophet Muhammad and the oneness of God was the foundation upon which Islam is built and if this is not accepted as true, then one cannot be classified as ‘Muslim’. Given the reactions received from the women who were included in the pilot study, the decision was made to leave out this direct question on the *shahaadah*. However, from the responses received on other aspects of religious commitment, it was obvious, with just two exceptions, that almost all the women included in this research believed in the ‘truth’ of the *shahaadah*.

### ***The five daily prayers (salat): the second pillar***

For *Sunni* Muslims, turning to God five times a day in invocation and supplication during specific periods of time is a requirement in Islam that is incumbent upon every Muslim male and female, usually above the age of seven (Hamid, 1989:47 and 77). These

compulsory prayers are performed according to a prescribed form, and recitation of parts of the *Qur'an* during various stages of the prayer is essential. *Shia* Muslims acknowledge the five daily prayers, but according to their understanding of Islam, they are permitted to perform these prayers at three separate times and not necessarily at five separate times.

Since a majority of the female respondents in Sri Lanka were either housewives or teachers by profession, the five daily prayers could most often be easily performed as they had the facilities to pray. However, for those who were in full-time employment outside the home, performing some of the prayers, especially those that should be done during early and late afternoon, were often missed. Of the forty women interviewed in Sri Lanka, thirty-five stated that they performed the five daily prayers. Four of the five women who did not pray regularly, or did not pray at all, were Malay. However, since the sample of Malay women was quite small, this figure cannot be taken to be representative of all Malay women. The questionnaire results were very similar to those of the interviews with a majority of respondents indicating that either they 'very rarely' missed any of their prayers, or that 'sometimes' they missed some of their prayers. There were just five of the seventy-nine respondents who had stated that they either missed their prayers 'most often' or that they 'hardly ever' found the time to perform their prayers or that they 'never' performed their prayers at all. In the questionnaire results there was not much difference between the responses of the Malays and the Moors, however, the only respondent to indicate that she never prayed was Malay.

Of the thirty women interviewed in Britain, seven (a larger proportion than that in the Colombo sample) did not pray regularly or never prayed at all. Many of these women were young (between twenty and thirty years of age) and comprised an equal proportion of Malays as well as Moors. These figures do not mean that Muslims of Sri Lankan origin in Britain are less religious than those in Colombo, but the larger proportion of non-praying Muslim women in Britain could be attributed to the inclusion of greater number of *younger* women in the British sample. It would seem that since the Colombo sample of women comprised a larger proportion of women over forty-five with adult children, many of them had the time to dedicate their lives to 'religious' activities. It is important to emphasise that just as there were young people in the British sample who did not dedicate much of their time to religious activities such as prayer, there were just as many young people who were Islam conscious - very often even more so than the older women in the Colombo sample.

### ***Fasting (sawm): the third pillar***

Annually, for one lunar month of the Islamic calendar, which is *Ramadhan* - the ninth month of the year, Muslims are required to abstain from all food, drink and sexual relations from dawn to dusk. Just like prayer, fasting is an act of piety and is obligatory on every sane, adult, Muslim, who is healthy and not travelling. Mothers who are breast-feeding their children, menstruating women and women experiencing post-natal bleeding are not required to fast during the month of *Ramadhan*, but should make up any missed fasts after *Ramadhan*. Muhammad Pirzada highlights the importance of fasting in Islam with the following quote of the Prophet:

"A month in which Allah (swt) has prescribed for you fasting and I have prescribed for you the night vigil (prayer of *Taraveeh*). Whoever fasts and stays up at night with conviction and sincerity his sins will leave him clean as the day he was born". (1998:166)

Fasting is, therefore, yet another way of worshiping God and of asking God for forgiveness for any sins that may have been committed in the past.

Andrew Rippin states that fasting has been considered by most Muslims 'as the most important of the ritual duties' (1993:132). Although none of the women whom I interviewed stated this, all the women who prayed did fast; those women who did not pray at all, or did not pray regularly, made an effort to fast during the month of *Ramadhan*. Therefore, in the case of this research experience, it is possible to agree with Rippin's observations that 'even if a person does not comply with the requirement of five prayers a day, observance of the fast is likely' (1993:132). To take a case in point, one of the second-generation Muslim women who was interviewed in London described her need to fast during the month of *Ramadhan* as something of a habit rather than an act based on religious conviction:

I try to fast as much as I can. It's more of a habit, since everyone in my family does it. At the end of the day, I don't see how any of these practices could change whether I'm a good person or bad person on the Day of Judgement or whatever it is at the end. I don't see how it will change who I am.



Unlike the five daily prayers, which many women in particular tend to do in the confines of the home or other private spaces, fasting is an act that is done continuously throughout the day for a month, and it usually involves interaction with other members of the family or friends at some point during each one of those days. Therefore, while the five daily prayers can be a more personal act of religious commitment, fasting - especially when it is time to break fast - can be a more overt demonstration of religious commitment. Therefore, while some may fast for numerous reasons such as to reduce weight, as an act of worship of God, to experience some of the hardship that people in poverty may experience, others may fast because they feel pressurised to do so. The respondent quoted above admitted she does not always fast when she is away from home.

***Charity (zakat): the fourth pillar***

*Zakat* is derived from a word meaning purification and is a compulsory tax on the wealth of every sane, adult Muslim. There are numerous verses in the *Qur'an* and several sayings of the Prophet that refer to *zakat* and other forms of charity. The *Qur'an* states for example:

O ye who believe!  
Give of the good things  
Which ye have (honourably) earned,  
And of the fruits of the earth  
Which We have produced  
For you, and do not even aim  
At getting anything  
Which is bad, in order that  
Out of it you may give away

Something, when ye yourselves

Would not receive it

Except with closed eyes.

(The Holy *Qur'an*, *sura 2*: verse 267)

And the Prophet is reported to have said:

"Whosoever gives alms equal to one date from his Halaal wealth, and Allah only accepts pure and Halaal rites, Allah (swt) takes it in his Hand and develops (cultivates) it..., until it is equal to a mountain". (Pirzada, 1998:183)

The minimum amount of *zakat* that Muslims are required to give as charity is 2.5 per cent of the total value of their personal wealth.

### ***The Haj pilgrimage: the fifth pillar***

The fifth pillar of Islam, which is performing the *Haj* pilgrimage at least once in a lifetime is incumbent upon every sane, adult, Muslim male and female who is capable of doing so, both physically and financially. The main activities of the pilgrimage commence in Makkah, where the *Ka'ba* (a cube-shaped structure described in the *Qur'an* as the first house of worship built for human beings) is situated, but journeys are also made to Mina, Arafat and sometimes to Medina as part of the rituals of the pilgrimage. As Rippin points out, to Muslims, the *Haj* pilgrimage is an event in which the 'power and grandeur of God may be experienced by Muslims, regardless of their origin and social class' (1993:138).

Questions on giving *zakat* or charity or the performance of *Haj* were not included in the interview schedule or in the questionnaire, as it became evident during the pilot study that they were not useful, at least in this instance, indicators of women's religiosity. On the subject of *zakat*, although many women in the pilot study believed in giving *zakat*, they were not very certain of the details of it as it was their husbands who attended to the financial aspects of the marriage. Furthermore, since giving charity, whether in the form of *zakat* or *sadaqah* (charity in general) is an important part of Islam, many women did not distinguish between the two forms of charity and often used the terms interchangeably in conversations with them. Therefore it was sometimes difficult to ascertain if charity they had given was specifically *zakat* or the more general *sadaqah*. Of course, this in itself could be construed as women's lack of commitment to religious decrees and could be translated further as the decline in the *knowledge* dimension of religiousness as it is a lack of awareness, and sometimes understanding, of 'central elements of ... religious culture' (Stark and Bainbridge, 1985:10). However, in the present context, this lack of awareness of issues relating to *zakat* among the women was more an indication of women trusting their husbands to attend to matters, particularly financial ones, outside the home.

Questions on performing the *Haj* pilgrimage were not included in my study for the following reasons. Although all the women in the pilot study were aware of the importance of performing the *Haj* pilgrimage, many of them were keen to go on the pilgrimage only when their family responsibilities had decreased. This often meant that women with unmarried children were quite reluctant to go on pilgrimage even though

they were keen to do so at some later stage in their lives. Therefore, I did not feel that I was in a position to make judgements about the extent of women's familial responsibilities. Furthermore, the *Haj* pilgrimage is compulsory for only those Muslims who have the financial resources to fund such a journey. Here again, it would be impossible to assess respondents' financial positions without obtaining detailed information about their financial assets and liabilities. Due to the first reason enumerated above, and since it was felt that probing into issues relating to women's personal as well as family finances would seriously jeopardise the interviewer/interviewee relationship and reduce the potential to extract what I perceived to be more useful information for this research, it was decided to omit questions relating to the *Haj* pilgrimage.

Pillars two to five are examples of the *ritual* aspect of religious practice as they are 'formal religious acts' (Stark and Glock, 1968:15) that are incumbent upon all Muslims with little or no exceptions. The *devotional* facet of religious practice is discussed below mainly in terms of 'personal acts of worship and contemplation, which are relatively spontaneous, informal and typically private' (1968:15).

### **Devotional practices: some criteria for assessment**

#### ***Additional prayers to God***

A question posed to the interviewees, but not included in the questionnaire in order to limit the number of questions, was one that asked the respondent if she recited or performed any additional prayers apart from the five obligatory daily ones. The response

was overwhelmingly in the affirmative, with a majority of women performing extra prayers in gratitude to God, during times of death, illness and other forms of hardship, as well as at times of important decision-making, such as choosing a marriage partner or purchasing a house. Only about a quarter of the women made any reference to performing prayers that are recommended in Islam, but are non-obligatory, before and after the five daily prayers and between them.

### *Recitation of the Qur'an*

**Table 3: Questionnaire responses to 'How often do you recite the Qur'an?'**

Sample	'Daily' / 'More than Once a Week' (%)	'Once in six months' (%)	'Never read the Qur'an'
Colombo - Interviews (n=40)	72.5	-	5
Colombo - Questionnaire (n=79)	71	2.5	2.5
Britain/London (n=30)	60	-	7

Reciting the Arabic text of the *Qur'an* was done by 97.5 per cent of women in the Colombo sample and just over 93 per cent of the women in the British sample; but, a more important part of this question was *how often* they read *Qur'anic* texts. The above table illustrates that a majority of women recited the *Qur'an* more than once a week. However, in the interviews many women claimed that they only recited certain specific chapters or verses of chapters (such as *Sura Yasin*, *Sura Bakarah* and *Sura Ka'af*) rather than reading the whole *Qur'an* in a systematic manner, from beginning to end. A few

respondents stated that at certain times of the year, such as during *Ramadhan* or the death anniversary of a close relative, they would recite the *Qur'an* as a whole in its Arabic text.

The questionnaire responses were very similar to the ones received from the interviews. Of the seventy-nine women who filled in the questionnaires, a majority either read the *Qur'an* daily (41 per cent) or weekly/more than once a week (30 per cent). All four respondents who had indicated that they never read the *Qur'an* or read it once in about six months were Malay. Similarly, the only two women in the Colombo sample who said that they never read the *Qur'an* were Malay. However, in the British sample, an equal number of Malays and Moors (one of each) did not read the *Qur'an*.

#### ***Reading the translation of the Qur'an***

Reading the translation of the *Qur'an* was included as a separate question to the one mentioned above as the former entails more concentration, and is sometimes even more time-consuming than reading the *Qur'an* in Arabic. Reciting the *Qur'an* in Arabic is more of a ritual, as a majority of Sri Lankan Muslims do not understand Arabic. The general practice among parents is to teach their children to read the *Qur'an*, but this does not mean that they are taught to understand the Arabic language. Learning to recite the *Qur'an* in Arabic is particularly important as the five daily prayers, for instance, are performed in Arabic. Therefore, people who are interested in learning what the *Qur'an* actually says will have to make the added effort of reading a translation of it.

**Table 4: Responses to ‘How often do you read the translation of the *Qur’an* when you recite the *Qur’an*?’**

Sample	Always (%)	‘Never’ / ‘Once in six months’ (%)
Colombo – Interviews (n=39*)	13	51
Colombo – Questionnaire (n=79)	10	35
Britain/London (n=29*)	7	45

\* The *n* figure has been reduced by one, as one respondent in each one of these samples could understand Arabic.

Of the forty women interviewed in Colombo, only 13 per cent always read the *Qur’an* with its translation. There was just one respondent who did not need to use a translation regularly, as she could understand Arabic ‘to a great extent’. Even among those in the British sample, although all could recite the *Qur’an* in Arabic and one could understand the Arabic text ‘to a great extent’, there were only two respondents (7 per cent) who always read the *Qur’an* with an English translation. The questionnaire responses reflected a similar situation. Only 10 per cent of women had indicated that they read the translation daily, even though, as highlighted earlier, 41 per cent had registered that they recited the Arabic text of the *Qur’an* daily. Furthermore, 35 per cent of the women had recorded that they either never read the translation or that they read it once in six months. Therefore, although the number of women who recited the Arabic text was quite high, the proportion of women who read the original text of the *Qur’an* with a translation, in a language they understood, was relatively low.

### *Wearing the 'Islamic dress'*

The 'Islamic dress' is often described as the *hijab* (literally meaning 'curtain' or 'veil') and comprises a head-scarf and loose garments that cover the entire body excluding the hands. (For a comprehensive account on the different types of female Islamic dress and the Arabic terminology used to describe them see Anne Sofie-Roald, 2001). Questions on wearing the *hijab* were not included in the questionnaire and the original interview schedule, as many Muslim women whom I encountered during the pilot study and previous research into this area were critical of the view that wearing Islamic dress, particularly the head-scarf, was indicative of a woman's religiosity. Needless to say, the women who were opposed to judging religiosity by attire were those who did not wear the *hijab*. Alternatively, I also encountered women (in *hijab*) who were curious to find out why I had *not* asked them about wearing the *hijab* as part of their religious commitment. In fact, one woman, who had filled in the questionnaire, had commented that a question on wearing the *hijab* should have been included in the questionnaire. Since the questionnaires were circulated before the interviews were conducted, during the interviews I had the opportunity to ask women who did wear the *hijab* the reasons for wearing it and ascertain if wearing the *hijab* was an indication of increased religiosity among women.

As in my research in Melbourne, Australia (Mubarak, 1996), women in Colombo and in London wore the *hijab* for one or several of the following reasons: because the religion recommends (or compels, depending on the interpretation of religious texts) it; to be



modest; to assert their identity as Muslims; to avoid the dictates of Western fashion and because it is a form of *ibadat* or worship of God. However, the questions that were crucial to an understanding of the relationship between wearing the *hijab* and religiosity were: 'Are women who wear the *hijab* more Islam conscious and religious than those who do not?' and 'Are women who adopt the *hijab* in countries where Islam is a minority religion more likely to do so out of personal conviction rather than from pressures from outside, such as family or the law?'

Of the forty women who were interviewed in Colombo, only four wore the headscarf regularly. The number of respondents wearing the *hijab* in the London sample of thirty amounted to nine. The reason for the greater proportion of women wearing the *hijab* in the Sri Lankan Muslim community in London could be because the women identified to be interviewed in Britain were from the two principal Sri Lankan Muslim organisations that strive to cater to all the needs of that community in Britain. In Colombo, however, since the sample was chosen from several long-established Muslim women's organisations that focus on social and community events and projects rather than from the more loosely formed groups of women, especially those that conduct Islamic classes for women, it is possible that many of the more 'traditional' or 'conservative' Muslim women were not included in the Colombo sample. Hence, the chances of women, who do frequent the activities of the smaller groups, and who, incidentally, are more likely to wear the *hijab*, being incorporated in the sample would have been limited. However, aware of this problem in Colombo, I endeavoured to have informal conversations with women in *hijab* whenever the opportunity arose during my time in Colombo.

In answer to my question of whether women who wear the *hijab* are more Islam conscious and religious than those who do not, my tentative finding was that there was no significant difference in religiosity between the two types of women. However, it is more likely that women who strive towards specific 'Islamic causes' and 'Islamic activities', such as working towards establishing an Islamic state or organising Islamic lectures and conferences are those that wear the *hijab*. Therefore, it could be summarised that while not all women who wear the *hijab* are more religious, pious or devout than their non-*hijab* wearing Muslim sisters, it is likely that causes considered to be 'Islamic' - like the ones mentioned earlier - will be more diligently observed by women who wear the *hijab*.

A further result of the exploration into the reasons why women have adopted the headscarf in primarily non-Islamic countries such as Sri Lanka, Britain and Australia is that *all* the women who were interviewed had made the decision to wear the *hijab* out of their own free will for one or many of the reasons mentioned earlier. This, however, does not mean that this is a universal situation. There were a few occasions when I did encounter women who had worn the *hijab* on their husbands' insistence rather than out of personal conviction, but such cases were relatively few in number. Among my interviewees, many women who had female children were quite keen to see their children in *hijab* after the latter had reached puberty. Therefore, most often, young, unmarried, female children of women in *hijab* did not have the choice of making the decision of whether they wanted to wear the head-scarf, or not, unlike their mothers. Women who had adopted the *hijab* felt that it was their religious duty to insist that their daughters wear the Islamic dress

because, in their views, that was what the religion had prescribed for Muslim women who had reached puberty. However, this also does not mean that the *hijab* was forced on daughters by their mothers; very often, children wore the *hijab* because they were socialised into wearing it by their parents at an early age.

In other words, wearing the *hijab* is, sometimes, a useful indicator of the level of commitment a woman has towards Islam, especially in countries where such a practice is uncommon. This is mainly because women, in such countries, are often not compelled to wear the *hijab* but do so because they feel that it is Islamic and an important aspect of the practice of Islam. Whether or not women who wear the *hijab* in such situations are more religious is not easy to judge or evaluate.

### ***Importance of Islam***

One final aspect of religious faith, which is significant to a discussion of religiosity, was how important Islam was in the lives of Muslim women. The findings of scholars such as Karel Dobbelaere (1993), whose research into church affiliation and involvement in Europe, particularly among Catholics and Protestants, suggest that

(...) the number of non-affiliated people has grown in Europe and that more and more people, even if they still consider themselves to belong to a church, have doubts about traditional beliefs and do not practise regularly. (1993:23)

Comparing these results to those that I obtained from my research, there was no doubt of the important role Islam played in the lives of the women in my two samples. Although,

in a majority of cases, Islam was rarely mentioned during the interviews before the subject of religion was introduced in the interviews, once the topic was raised, its role in the lives of the women was made clear. There were just two women, in Colombo and London, to whom Islam had no significance. To the rest of the women, religion was the single, most important 'source of guidance' in life. This, in a sense, contradicts Bryan Wilson's (1976) view that social control is no longer based on moral or religious values, but on impersonal techniques. For a majority of women, which includes women living in Britain, Islam is a major source of individual and social control, especially since the teachings of Islam are considered to be timeless.

Apart from the two women mentioned above, the views that the other respondents had of Islam were reminiscent of what Jacobson discovered in her study of Pakistani Muslim youth, where many of whom she interviewed regarded Islam as a 'religion of conduct and social action' (1998:106-107). However, unlike Jacobson, it is difficult to conclude that this 'behavioural perspective on Islam' maintained by many respondents in my own research lacked a serious interest in theological issues, such as the nature of God, the relationship between God and human beings and the development of the *Shari'ah*. This is because it was often felt that the questions posed to women, however open-ended they were in some cases, did not necessarily facilitate responses from a theological perspective.

## **Awareness of the Muslim Family Law in Sri Lanka as an extension of the 'knowledge' dimension of religiousness**

It may be argued that extending the dimension of knowledge to include an understanding of legal issues among 'ordinary' people is not a useful means of evaluating their religiousness. However, since the Muslim Family Law of Sri Lanka is based on Islam, it was felt that anyone who had an interest in Islam would make some effort towards learning about the family laws relating to the religion, especially since many of these laws were in practice in the country in which they lived, and were, consequently, relevant to them. Therefore, to me it seemed that knowledge of Islamic Laws was, in some sense, an indicator of a person's religiosity, although knowledge of the laws *alone* was not sufficient to determine a person's level of religiosity or religious commitment. Since seeking Islamic knowledge is incumbent upon every Muslim female/male, it was considered important to devote a part of this research to discover Muslim women's level of Islamic knowledge, especially as the questions posed to them were related to issues that governed their lives, rather than issues that were irrelevant or obsolete.

The questions about the Sri Lankan Muslim Family Law were asked from those respondents residing in Colombo and not posed to the women residing in Britain, since Islamic laws relating to marriage and divorce are not legally recognised in Britain. However, women interviewed in Britain were asked about their knowledge of Muslim marriage and divorce laws in general and their views on establishing a Muslim Personal

Law (like in Sri Lanka) in Britain, since their attitudes towards the establishment of Muslim laws could also be considered to be a sign of religious commitment.

### *Minimum age of marriage*

One of the first questions posed to respondents about the Muslim marriage and divorce Laws of Sri Lanka was: 'What is the legal minimum age of marriage according to the Muslim Law of Sri Lanka?'. While three respondents out of forty correctly stated that there was no minimum age of marriage in the Muslim Law, the overwhelming response received was '(I) don't know'. However, when respondents were asked to hazard a guess, many of them said that it was probably sixteen for a female and eighteen for a male. Almost all the respondents who subsequently asked what the answer was to the original question of the minimum age of marriage were surprised that the law had not specified an age and that girls (and boys) could be given in marriage at an age as early as twelve. Even the responses to the questionnaire reflected this lack of awareness of the minimum age of marriage according to the Muslim Family Law in Sri Lanka. Of the total number of women (seventy-nine) who filled out the questionnaire, there was just one respondent who had written 'none' as her response, and another who had written down 'twelve' as the minimum age. All the other respondents were either 'unsure of the law', had not answered the question at all, or had provided an incorrect answer. As mentioned in the section on 'minimum age of marriage' in the previous chapter, many women felt that a minimum age was not mentioned in the Law due to the belief that Aishah - one of the Prophet's wives - was given in marriage by her father at a relatively young age of six. (Aishah's age at marriage was discussed in greater detail in Chapter 3). However, none

of the respondents held the view that any age below sixteen would be a suitable age for marriage for a girl. Even one of the women who had been fourteen when she had been given in marriage by her parents claimed that, although she had led a happy married life, she nevertheless felt that it was too young an age to be married.

An interesting response from more than half the women who were interviewed in Colombo was that they were more concerned with *men* getting married early in life rather than women. Many women felt that a man had to be over the age of at least twenty-three to be married due to a variety of reasons, some of which are quoted below:

- a. Twenty-seven years is a good age [for marriage] for a man. Then a man is more mature and secure.
- b. At twenty-one, a man is like a boy...
- c. Women mature faster than men. So, a man has to be about twenty-five years [to get married]. An older man may also be a little more secure [financially].

For a majority of women, therefore, the minimum age of marriage for a man had to be higher than that of a woman since they believed that men matured at a slower pace than women, and since men had to be financially secure to maintain a family. One respondent even mentioned the sexual stamina of a man, and the toll that childbirth has on a woman as reasons for the importance of a wide age gap between a woman and man in marriage:

A man, after he reaches about forty, wants a lot of sex. It wanes off after a while, but anyway the woman has to have a lot of vigour. Also, once a woman has a

baby, ten years of her life are gone. That's why a big age gap between the husband and wife is very important.

Given all the reasons mentioned above, it is not surprising to find, especially among the older respondents in the Colombo sample, an age difference of at least five years between themselves and their husbands. Some women felt that a ten to fifteen year age difference between a wife and husband would be essential for a successful marriage. However, it was apparent that the younger women in this sample preferred a smaller age gap (although the smallest age gap mentioned was four years) between the wife and husband indicating a change in the views of the younger generation of women. Not a single woman however, stated that the age of a woman/man should not matter in marriage.

The overall response received from the women in the Colombo sample was that not all females as well as males reach puberty and mature at the same age. Therefore, in that sense, not specifying a minimum age of marriage in the Law is justifiable. However, the problem in this, as observed by the respondents, lay in the ability of people to abuse the Law and use the flexibility of the Law to their own convenience. Many respondents were able to think of at least one relative who had been married at the age of sixteen or below. Although early marriage (before eighteen years) is less common among middle-class Colombo Muslims, it is not uncommon among Muslims in the lower strata of the socio-economic ladder and those living outside Colombo, irrespective of their socio-economic status (MWRAF, 1999:57). Very few women who were interviewed alluded to reasons related to religion for prescribing changes to the minimum age of marriage in the Muslim



Law, however, one respondent did point out that since the *Qur'an* was silent on this subject, there should be little problem in revising the Law.

### ***Consent of the bride***

Respondents were unanimous in their view that the consent of the woman should be obtained before parents/guardians finalised any marriage. Only one third of the interviewees were keen to see the girl sign her own marriage certificate as proof that she had indeed agreed to the marriage; most of the others felt that if a woman had given her verbal consent to the marriage, then there was 'no harm' in her father/guardian signing the marriage certificate on her behalf. Furthermore, many women felt that since according to the Muslim Law in Sri Lanka a girl had to be given in marriage by her father or guardian whose consent was recorded on the marriage certificate, it was best to continue to uphold the tradition:

I think there is nothing wrong with the parent or guardian signing [the marriage certificate] on her [bride's] behalf because it's he who is giving her away. After all, it's the parent who has gone through so much to arrange the marriage anyway, so I see no reason why he should not sign it.

Therefore, although there is a definite change in the way women think about obtaining a woman's consent to marriage, more as a result of an increase in Islamic understanding, they are not as enthusiastic about reflecting this change in attitude in the legal field. However, given the fact that there were some women in the sample who were keen to see a change in the Muslim Law, particularly in relation to the Shafi code, there is some

indication that not all women share the view that women should play less of a role in a registration of marriage.

### ***Polygamy***

The area of Islamic Law that respondents were most vocal about was polygamy and its significance to Muslims. Almost all of the women with whom this issue was discussed were aware that a Muslim man had been given the right to marry a maximum of four wives in the *Qur'an*, but many women believed that this was a *conditional* right. In other words, respondents felt that a man's right to enter a polygamous marriage was valid only if certain social situations prevailed, such as war, the consequence of which would be a decrease in men and an increase in women. Even with the example of war, many women felt that the Prophet Muhammad could not be compared with any other man, and that he practised polygamy in a period where the circumstances dictated the practice:

Islam allows it (polygamy), but it only allows it for certain reasons. It came into being during the war. Many women had lost their husbands and they had nobody to fend for them...so the Prophet married them. Otherwise it would have been illegal to look after a woman (without marriage) as she would have become his mistress. Another thing is that the wives should be looked after [treated] equally. Anyway, our men can't look after one wife, so how can they look after four women equally?

The latter section of the quotation above raises another point that was mentioned quite often by respondents: the issue of the *equitable* treatment of women. Many women assumed that a man was required to treat his wives *equally* rather than *equitably*, the latter word having a very different connotation to the former (as mentioned in the

previous chapter). However, even with the issue of treating wives *equitably*, respondents felt that men would find it very difficult to have more than one wife given the high cost of living and the negative attitude Muslims in general have of polygamy.

Another example, cited by a majority of the respondents, where a man may take a second wife is if the first wife is barren; in such a situation, many women felt that it was justified if a husband remarried. However, whatever the reason used to justify the continuation of the practice of polygamy, with the exception of three women, all the other respondents disliked the idea of their husbands (or future husbands) remarrying. Many women preferred divorce to 'sharing' their husbands with another woman. It is important to clarify here that none of the women interviewed were a part of a polygamous marriage.

One of the most interesting findings during my discussions on polygamy with women was the proportion of women who believed that a husband had to obtain the permission of his first wife/wives to remarry. Almost all the women believed that the other wife/wives had to be informed of a husband's decision to remarry and this was reflected in the questionnaire results below.

**Table 5: Questionnaire responses to ‘Do you think that the Muslim Law of Sri Lanka requires a man entering a second, third or fourth marriage to obtain the permission of his other wife/wives?’**

<b>Responses</b>	<b>Number of women</b>	<b>%</b>
Yes	44	56
No	15	19
Unsure of the law	15	19
Unavailable	5	6
<b>Total</b>	<b>79</b>	<b>100</b>

As the above figures illustrate, a majority of the women (56 per cent) believed that a man is required to get the permission of his current wife/wives to remarry. Furthermore, in response to a different question on polygamy, a majority of the women (38 per cent) had indicated that they were unsure of how the law treated wives in a polygamous relationship, while a further 30 per cent had recorded that the law does not ensure that the wives of a polygamous man are treated ‘fairly’ and ‘justly’.

It is fair to state that of all the subjects that were introduced to the women in the Colombo sample, the most contentious issue was polygamy. Not many women agreed with the practice and this was not because they were being irreligious, but it was simply because they could not see themselves being happy in a polygamous relationship. From the feedback obtained from women, it seemed the only reason why they agreed with polygamy even *under certain circumstances* was because there was specific mention of it in the *Qur’an*; and since the *Qur’an* is the Word of God to Muslims, many women held

the view that there are some things that only God understands and should not be questioned.

### *Muslim divorce laws*

The areas of Muslim Family Law in Sri Lanka with which respondents were most unfamiliar were the Muslim divorce laws and maintenance of the divorced wife. Of the various forms of divorce mentioned in the Muslim Law of Sri Lanka, the only one familiar to the women who were interviewed was divorce by *talaq*. Many respondents admitted that the Muslim divorce laws in Sri Lanka were favourable to men, as the *talaq* form of divorce gave a man the right to divorce his wife without much difficulty. Although none of the interviewees had had any direct experiences with divorce proceedings in the *qazi* courts (Muslim judicial courts) in Sri Lanka, some women who had attended divorce proceedings of close family members claimed that the woman being divorced had to be represented by her parent/guardian. A woman could not represent herself, or speak on her behalf, in the *qazi* courts. As some respondents pointed out, if a woman is instigating a divorce, the ensuing divorce proceedings can be quite traumatic for her, especially if the husband is unwilling to grant his wife a divorce.

One of the reasons why *qazi* courts may be considered unfair in its treatment of women is because no woman can be appointed as a *qazi* (Muslim judge). The Muslim Law of Sri Lanka, as it stands today, does not allow female judges to be appointed and this ruling is based on the interpretation of certain *Qur'anic* verses and traditions of the Prophet. However, not all countries that have a legal system based on Islam maintain that women

cannot be judges. Sudan, Morocco and Tunisia are examples of countries that have female judges. Given the patriarchal nature of the Sri Lankan Muslim Law, the male *qazi*, in most cases, simply ensures that privileges bestowed upon men by the Muslim Law are upheld. When a number of women mentioned the prevalence of bribery and corruption in the *qazi* courts, I brought this to the attention of a *qazi*, who was an informant in my fieldwork and who had just been appointed as a *qazi* in Colombo. He was very much aware of the persistence of corruption and was open in his criticism of the system as it exists today: ‘ (...) the *qazi* system needs restructuring; even a complete overhaul’. According to him since *qazis* are underpaid and have little infrastructure to support them, they have, quite often, resorted to accept bribes from people who attend the courts. While the role of a *qazi* is that of a judge and advisor, the *qazi*, in theory, is supposed to offer his services as judge and/or advisor for free to the public. However, as my informant advised me, this is rarely the case. Furthermore, he admitted that he had heard that ‘(...) *qazis* tend to take the male side (and that they) tend to support the husband in cases of divorce and maintenance’. This could be because it is men who generally have access to finances, whereas a woman is reliant on an adult male to ensure that she is represented, both financially and physically.

The questionnaire responses to the issues of divorce and maintenance were very similar to the results received from the interviewees, mentioned above. Many respondents were uncertain of the Muslim laws relating to divorce and many women had also incorrectly stated that a Muslim man is required to maintain his divorced wife for an indefinite period of time. Some of the interviewees, however, were aware that a man’s monetary

obligations towards his wife (not his children) ended in divorce, unless she was pregnant by him, in which case he was required to support her until the baby was born. However, as a few respondents pointed out, even though the law may specify that a man is responsible for the maintenance of his children, they may not always make the required or any contributions towards children's maintenance. Therefore, even making contributions towards the maintenance of children can be avoided by a divorced man, if he is able to 'persuade', by word or other means, the *qazi* to support his case.

### *Women's attitudes towards Islamic Law*

One of the principal aims of asking women about the Muslim Law, apart from learning about their degree of religious awareness, was to discover their views on the Law as it existed today. From the observations made above on women's responses to various aspects of the Sri Lankan Muslim Family Law, it was evident that many of the women had little knowledge of the law; that which they knew, they usually did not agree with. This situation prompted me to ask a final question about Muslim Law and that referred to whether they viewed the prevalence of the Muslim Law in Sri Lanka as 'a good thing'. Every single respondent stated that it was 'a good thing' because Muslims are 'different' and, more importantly, because as Muslims they have a religious code that they are required to adopt and follow. As one respondent claimed, '(i)t really makes a distinction between us and others (non-Muslims)'. Some women also stated that it is God's Law and therefore they 'should do everything according to it'. However, although all the women who were interviewed agreed that Muslim Laws should prevail, not everyone agreed on *how* it should be implemented and/or practised:

a. I don't think it's bad to have our own laws, but it should be to a certain extent.

b. To a certain extent the Muslims of Sri Lanka should have their own laws, but they should not be very rigid. Living in a multi-racial country like Sri Lanka, we must be able to move with the majority community. Once our Muslim Laws come in, they say 'don't do this' and 'don't do that' with the *kafirs* (non-believers), which I don't think is the correct thing to do.

c. It's good to have a Muslim Law...if the laws are practised properly... The problem is that they are not practised properly.

Thus, even if all the women who were interviewed appreciated the ability to practise some of the Muslim laws, some of them were concerned that Muslims living in Sri Lanka should be sensitive to the fact that they were living amidst people of other religions and ethnicities.

When conducting fieldwork in Britain, women were always asked what their opinions were on assimilating parts (such as the marriage and divorce laws) of the Islamic Law into the British legal system, as is the case in Sri Lanka. Adopting the *Shari'ah* as a whole was never a question, as it would be impossible to administer it in a predominantly non-Islamic country. Since a majority of the women did not have much knowledge of the *Shari'ah* in general, or the Muslim marriage and divorce laws in particular, they were unsure of how practical such an undertaking would be. Some women were keen to see certain aspects of Islamic Law, such as the ability of a Muslim registrar to be able to conduct a *nikah* (marriage) ceremony and legalise a marriage, in operation in Britain.



There was just one woman of Malay origin, who was appalled by the idea of having to live under any law other than the English one:

I've been brought up under English Law, but to be married and divorced under another law would be absurd. I'm studying English Law now, and to live under a different law would be ridiculous. If someone else wanted to do it, it's fine.

In Britain, I met a Muslim woman of Sri Lankan origin in her late twenties, who was not formally interviewed, who talked to me about the futility of practising only *some* Islamic laws. In her view, the only way a Muslim could truly live according to the *Shari'ah* in totality, rather than in part - was if the *Khilaafah* (Caliphate) was re-established. Since a Caliph's principal task as a 'successor' to the Prophet Muhammad is to ensure the enforcement of *Qur'anic* injunctions (Coulson, 1964:23), he would be required to oversee the implementation of Islamic laws related to *all* spheres of daily life, such as the social, political and economic. This respondent's view, which, as I discovered later on at a conference pertaining to establishing the Caliphate, was shared by a significant number of especially young, university educated Muslims of various nationalities and ethnic origins. Therefore, the aim of young Muslims like the respondent mentioned above, is to strive towards setting up the Caliphate - not in a Western country, but in a country where Islam is the religion of a majority of the population.

The similarities in attitudes towards Islamic Laws between Muslim women in Sri Lanka and those in Britain were numerous. Although a majority of women liked the idea of Muslims having their own laws, they were uncertain of how the *Shari'ah* in its entirety

would work in a non-Islamic country, just as they had doubts about how rigidly the laws would be interpreted and implemented. Both in Sri Lanka and in Britain, I came across several Muslim women who were either not concerned about living under Islamic laws or were extremely keen on living in a country with an Islamic state. However, it was in Britain that I encountered Muslim women of various origins, who were *actively involved* with Muslim men to try and establish an Islamic state or a Caliphate. One reason for this may be that Muslims living in the West feel more threatened by Western culture and values and feel the need to make a greater effort to protect Islam from this danger of the West. Compared to the West, in Sri Lanka, for instance, Muslims have had the freedom to practice their religion to a great extent. Second, Muslims living in Western countries may also be able to 'unite' more easily with each other towards a common cause due to comparatively easy access to the latest, most efficient modes of communication, the latest of which is via the internet. However, as Beckford notes in his discussion of the relation between globalization and religious movements, the global media of communication is just as likely to create friction and conflict as it is to produce harmony within religious communities (2000:183). In the case of Islam, such friction is particularly evident on websites that aim to answer people's questions relating to Islamic rulings on various issues. Third, if the results of my own research were utilised, Muslim women in the West have greater opportunities and fewer restrictions in pursuing a higher education. Entry into higher education could provide women with the impetus to meet more like-minded Muslim women and men on a regular basis, whereby views on religion or any other subject could be exchanged. This may provide one explanation as to why many of the attendees of the Islamic conference mentioned earlier were graduates, or undergraduates.

Finally, although some Muslim women (and men) may regard Western values to be a threat to Islamic beliefs and practices, it is paradoxical that, in many cases, living in the West (rather than in their countries of origin) has given these women independence and opportunities to oppose Western beliefs and embrace Islamic ones.

One final aspect of religiosity that I considered to be an important feature of the knowledge dimension was not just the level of information and understanding that women had of Islam, but also their commitment to learn more about Islam. To study this area further, respondents were asked how much time, if any, they devoted to reading more about Islam and attending Islamic classes, lectures and so on. The results were as follows below.

#### ***Reading books relating to Islam***

The response to the question on how often women in the samples read books pertaining to Islam was very similar to that which related to reading translations of the *Qur'an*. Both in the case of the Colombo sample and the one in London, the popular response to this question was that they read books relating to Islam either once in three months or once in six months. According to the questionnaire results, 9 per cent of respondents never read any books relating to Islam, while 34 per cent read such literature once in three or six months.

### *Attendance of Islamic classes, talks and lectures*

In complete contrast to the overwhelming response to the question of whether women in the samples prayed five times a day, which was 'yes', the response to whether they attended Islamic classes or talks was a majority 'no'. A large proportion of women had never attended any classes or talks pertaining to Islam mainly due to the lack of time and/or because they felt that in classes they may be pressurised to follow beliefs and practices with which they do not agree. As one woman explained:

Sometimes people say, "Don't do this" and "Don't do that", and I say, "Lakum deenukum waliya deen: to you your way, and to me mine". It's the people who have been interested in Islam since recently, who are keen to correct others. People who have been taught religion since they were babies are not so intolerant of others.

Among many of the women whom I encountered, it was very often the younger members - from eighteen to approximately thirty years - of the Sri Lankan Muslim communities in London and in Colombo who were more vocal and assertive about their Islamic beliefs. This sometimes meant that they were less patient with Muslims who were not practising Islam to the extent or in the manner that they were doing it. In general, the older women had a far more relaxed attitude towards different Islamic practices among Muslims.

### **Religiosity: some concluding remarks**

The question of whether religiosity can be assessed arose mainly because Islam was almost always portrayed as a salient, if not the most salient, influence in the lives of the

Muslim women whom I met. This attitude is not something unique to Sri Lankan Muslims, but is prevalent among people from countries where Islam is predominant, just as much as it is among people who live in countries where Islam is a minority religion. Since the women in this study have often described religion as the most important variable in their lives, it was interesting to discover the influence religion had on their lives and how this, in turn, impacted upon their daily lives and actions. At this stage, it is important to add that an assessment of religiosity is very difficult among people who regard religion, Islam and others, as a very personal endeavour. In such situations, religion can be more of a spiritual experience, while rituals and practices prescribed by religious authorities and in religious texts can play a less significant role. Here, the term spirituality rather than religiosity becomes a more appropriate term to define individuals' commitment to religion.

The subject of religion was never introduced at the beginning of the interviews, unless it was specifically brought up or referred to by the women themselves; the aim was to discover how many women would present the subject of Islam themselves. In other words, their need to talk about Islam without it being mentioned by the interviewer was, in itself, an indication of its importance to them. However, there were just seven women, among the seventy who were interviewed, who spoke about Islam before they were officially asked questions on the role of religion in their lives. This does not necessarily mean that Islam was less influential in the lives of the rest of the women. On many occasions it was quite clear that they were keen to provide specific answers to questions, rather than, for example, give long descriptions of their lives. However, leaving the

exceptions aside, the overall picture that emerged of both samples was that religion was a powerful influence on their lives, but there was also an underlying fear of openly questioning beliefs and practices that were accepted as 'normal', even if they were not Islamic, because of 'what the community will think'. Such an attitude was most evident among older interviewees in the Colombo sample and the first generation Muslims of Sri Lankan origin in the British sample.

### *Difficulties in assessing religiosity*

Some of the questions that drove this study to explore the religiosity among the respondents were: Can people's commitment to religion or their devoutness be evaluated? What tools or criteria can be used to assess religiosity? Are these tools/criteria universal? What are the problems associated with evaluating religiosity and religious commitment?

If 'religiosity' was defined as the level of an individual's religious faith and observance of religious ritual, as well as her/his level of religious commitment, especially in terms of seeking Islamic knowledge, then it was very difficult to evaluate the level of an individual's religious faith or belief in Islam and what it upholds. In other words, it was not possible to *quantify* religious faith. However, it was possible to identify some individuals as having 'more', 'less' or 'similar' faith in religion and what it upholds than other individuals. Furthermore, it was also possible to assess the observance of religious rituals in as far as *what* rituals were practised *when*, and *how often*. People's levels of

religiosity could also be evaluated according to the *amount of time* they spent on learning about Islam and *how much* they already knew about it.

The tools and criteria that were used to assess religiosity in this study cannot always be used to determine religiosity among people of other faiths, just as the tools used to examine religious commitment in other faiths cannot always be used to evaluate religiosity among Muslims. For example, while church attendance may be a useful indicator of religious commitment among Christian women, mosque attendance is not necessarily a marker of religious commitment among Muslim women, as attending the mosque for prayers is not compulsory for Muslim women. Similarly, while praying five times a day may be a tool to examine religiosity among Muslims, it is certainly not obligatory for people of other faiths. Needless to say, therefore, the criteria used to assess religiosity in this study are not universal in that they cannot be applied to other religions and cannot always be applied to other Muslims within Islam, such as, say, the *Shias*.

For the women in my study, their level of religiosity could be assessed to a certain extent on a scale with the following criteria:

1. Belief in one God
2. Fasting in the month of *Ramadhan*
3. Praying five times a day
4. Doing other, extra non-obligatory prayers
5. Reading the *Qur'an* daily in Arabic (for those who have learned to read Arabic)
6. Reading literature relating to Islam at least once a fortnight
7. Reading a translation of the *Qur'an* daily or more than once a week
8. Regular (once a week) attendance of Islamic meetings and gatherings

It was discovered, for example, that if a woman fulfilled criterion 8, then it is possible for her to be practising criteria 1 to 7. Having stated this, it is also possible that someone wanting to learn more about Islam could be fulfilling criterion 8 without adhering to any of the other criterion. However, such a situation is more likely in the case of a non-Muslim's interest in Islam and was not apparent among the samples of women in this sample. Continuing with the criteria above, it could be stated that a woman who prays five times a day (criteria 3) would not necessarily be adhering to criteria 4 to 8, although she is most likely to fast during *Ramadhan* and believe in one God.

Attempting to assess religiosity was a challenging task. The scale above, as a result of this endeavour, can be criticised for numerous reasons. To begin with, it has not devoted much space to assessing women's levels of faith and belief in Islam and its decrees. This is solely because of the constraint of time and the research was covering several areas in the lives of the women. Furthermore, it is possible that there are women who do not fit the religiosity criteria enumerated above, or women whose levels of religious commitment do not follow on from criterion 1 to 2 and so on. There are other criteria that have not been included in the scale, or mentioned, that are useful to evaluate religious commitment, namely religious practices mentioned in the *Qur'an* and *sunna* (sayings and traditions of the Prophet) that are recommended but non-obligatory. However, in my analysis of the religious faith and practices of the two samples of women, it was quite clear that there were regularities in the relationship between the levels of practice of



religion and commitment to it among women in both samples, and this is what I have attempted to enumerate in the scale above.

## **Conclusion**

The aim of this chapter has been to illustrate the influence of Islam on the lives of women and the extent to which it is practised. Although Islam is described as 'providing guidance in life' by a majority of respondents, it is not adhered to or practised to the same extent by everyone. There was a degree of homogeneity in the levels of religious commitment and practice among the older women both in London and in Colombo. This could be because this first generation of Sri Lankan Muslims living in Britain had, in most cases, spent a large part of their lives, particularly as children and young adults, in Sri Lanka. Therefore, their religious upbringing would have been similar to that of women from a comparable age group interviewed in Sri Lanka.

The most diversity in the level of religious commitment and practice was among second-generation Muslims of Sri Lankan origin living in Britain. It is here that I discovered women who belonged to all levels of the religiosity spectrum: there were some women to whom Islam had little or no significance at one end, there were others who would sacrifice many things, if not everything, in their lives for Islam at the other end, with the largest group of women being in the middle of the spectrum. This does not mean that such diversity is not apparent in Sri Lanka, but simply that it is not as obvious and does not manifest itself in the same ways as it does in Britain. Given that the population of Sri

Lankan Muslims in Britain is not very large, it is easier to identify these differences once the members of what can loosely be classified as a 'Sri Lankan Muslim community' – even if they are geographically dispersed - have been accessed. It is not surprising that in Britain, for example, where children are taught at a very early age to voice their opinions and be individualistic, young Muslim women of Sri Lankan origin, who have grown up in Britain and been through the British primary and secondary education system, have little trouble in saying exactly what they feel, even if it means stating that Islam has no significance in their lives and they think that some of its practices are out-of-date and out-of-touch with reality, or that it is the most important thing in their lives. Although the situation in Sri Lanka is changing, people, whether young or old, are still reluctant to criticise or speak against religious practices and beliefs openly. Furthermore, Britain is a far more multi-ethnic and multi-religious country than Sri Lanka. People living in Britain, especially in a city like London, are exposed to far more diversity, even within a single religion, than people living in Sri Lanka. Therefore, at least theoretically, people expect more tolerance when expressing a view that is not shared by others. Reasons such as these can, perhaps, help one understand why there is a greater diversity in opinions among second-generation Muslims of Sri Lankan origin in Britain compared with Muslim women of a similar age in Sri Lanka.

The most significant difference between the Muslims living in Britain and those living in Sri Lanka was the increased 'privatisation', among the former group, of religion in that religion was seen more as a relationship between the individual and God rather than the individual, society and God. This privatisation of religion could, again, be a result of

living in a country of ethnic and religious diversity. It is a way of practising one's faith while, at the same time, respecting the beliefs of others. Another reason could be that, compared with Sri Lanka, there are less opportunities to 'publicise' one's religious beliefs in Britain. In Sri Lanka, for example, the most important festivals of the four major faiths of Buddhism, Hinduism, Islam and Christianity are public holidays for all people in the country. Therefore, there is public recognition of what, in Britain, would be relatively private religious celebrations apart from holidays relating to Christian celebrations. A further example is that in state and partly state-funded schools of any denomination in Sri Lanka, religious education is most often made available to students of the four major faiths. Subsequently, a Muslim student can learn about Islam in a Catholic school, just as much as a Buddhist student can learn about Buddhism in a Muslim school. The government, school authorities and parents acknowledge the importance of religious education, and some effort is made to reflect this in the school curriculum. Some respondents in Britain, however, remarked that they were compelled to study Christianity and had no opportunity to study Islam in primary and secondary schools, even though they were Muslim. Compared with Sri Lanka, therefore, although Britain is theoretically tolerant of other religions, it is slow to encourage and accommodate public displays of religious practice, which can help to understand the increased privatisation of religion.

The practice of Islamic prayers and other rituals, in both samples of women, was seen then as a private act. This is because mosque attendance was not regarded as compulsory or even recommended for women in Islam. Religiosity, in this sense, was very high

among women in Colombo and in London. Even wearing the *hijab* in a non-Muslim country is symbolic of the individual's relationship with God; in other words, it was a way of externalising an internal commitment to God rather than to the State, society or community. However, the desire to learn more about the religion, and the devotion of more time towards this aspect of religious commitment, were, in general, less apparent among both communities of Sri Lankan Muslim women. The lack of time due to women's increased involvement in paid employment and respondents' general satisfaction with accomplishing the compulsory rituals in Islam were the principal reasons for women not taking the next step towards spending more time to study their religion. Overall, then, Islam was recognised as a significant aspect of women's life, thus contributing to reinstate the view that religion was often the most important marker of identity of women in the samples.

## Chapter 5

### The impact of education and employment on Sri Lankan Muslim women

#### Introduction

Mass access to academic education has often been regarded as fundamental to creating an egalitarian society. It has been described as a significant method of creating equal opportunities for people and as providing them with a means for advancement, whether socially, materially or intellectually. Thus,

Without education, and especially without *equal* educational experiences or skills and qualifications, men and women alike of certain classes and social groups have over the years been condemned to inferior lives in their personal development... (Byrne, 1987:24)

In the past, feminist literature on gender and education has broadly followed three distinct feminist approaches: liberal, radical and Marxist. In general, liberal feminists maintain that women can have equal opportunities only if sex-role stereotyping is eliminated. This may be achieved through education, whereby people's conventional attitudes could be changed (Friedan, 1963). For radical feminists, since women's oppression is caused by patriarchy (Firestone, 1979), and education in a patriarchal society transmits the dominant male ideology, schooling itself is a way of disempowering women (Spender, 1982). Women's liberation, according to them, can only take place through a social revolution. As with radical feminist interpretations of the education system, Marxist feminists focus more on power structures rather than on attitudes (Thomas, 1990). To

Marxist feminists, the oppression of women is connected to the class system (Macdonald, 1980) and education and the institutions that impart it are seen as important tools in maintaining capitalist as well as patriarchal relations (Barratt, 1984). Much of the contemporary feminist writings on women's education and employment draw from all these approaches and the general consensus among these writers is that there is gender inequality in the fields of education and employment, both in the experiences of men and women and the opportunities available to them.

The principal aim of this chapter is to examine the experiences of the two samples of Sri Lankan Muslim women in the fields of education and employment. Initially, I shall look at female education and employment patterns in Sri Lanka and provide a brief comparison of female education and employment trends in Britain and Sri Lanka. The next section will deal more specifically with female education and employment among the Muslims of Sri Lanka. This will contribute to an increased understanding of, at least to a certain extent, the results obtained from my own research in Sri Lanka as well as in Britain. The final section of this chapter will focus on the results of the research I conducted in Colombo and in London. It will examine the education and employment histories of the respondents and discuss how their educational attainments have or have not affected their employment experiences. Here, I shall also concentrate on the factors that influenced these women's decisions to continue or discontinue their education and explore respondents' attitudes towards tertiary and religious education. The importance of part-time work in the lives of many respondents, particularly with reference to employment which respondents considered as 'suitable' for women, and the role of child-

rearing and domestic work in the lives of the women in the two samples will be discussed as an essential part of the women's employment histories. As in the case of the following chapters, an important aspect of the discussion of the results of this research is to note the similarities and the differences in the views and experiences of Sri Lankan Muslim women in Colombo and in London. Most importantly, it addresses the changing function of religion; in the past, religion was used by Muslims to stress the importance of marriage and family life for women while in present times religion is also used to justify the value of education for women. This chapter highlights how essential religion can be to bring about and justify changes in followers' attitudes, especially when the surrounding social, economic and political environment is in transition.

### **Education and employment patterns of Sri Lankan women**

#### ***Education***

Among the economically developing countries in the world, Sri Lanka recorded a relatively high female literacy rate of 82.8 per cent in 1981 (Jayaweera, 1990:103). In fact, the literacy rate for females in urban areas was as high as 91 per cent according to the Census of 1981. The principal reason for this high rate of female literacy has been the high priority attributed to educational development by policy makers in the post-independence era of Sri Lanka. Politicians believed that social and economic inequalities in the country could be reduced if educational opportunities together with food subsidies, health services and other welfare measures were made focal points of government policies. Tilaka Metthananda (1990) highlights several measures taken by the successive

governments of Sri Lanka, which have contributed to making education easily accessible to both male and female children and adults. The following steps, taken at various stages in post-1948 Sri Lanka, have been particularly significant in encouraging education among males and females in the country: the establishment of a system of free education in the period 1944-1955; the introduction of co-educational secondary schools together with a system of scholarships for children considered to be bright yet unable to fund their education; and the use of national languages as media of instruction (although this exacerbated tensions that existed between the Sinhalese and Tamils). Metthananda also cites other examples such as the establishment of the University of Ceylon in 1942, which was open to both sexes, and the increase of local universities in 1959 as important factors that encouraged women into the field of education (1990:69). It must also be stated, however, even though universal education has been an emphasis in social policies, there have been disparities in participation rates between males and females, between children and youth from low income and high income groups, and those from the urban and rural areas of the country, as has been highlighted by writers such as Swarna Jayaweera (1990, 1999).

An important observation made by Jayaweera is the significantly higher participation rate of girls than boys in senior secondary school education (1990:100). The principal reason for this lies in the constraints, cultural and structural, that restrict female secondary school children's opportunities in paid employment. Therefore, the higher participation rate of female children in secondary school education is, in reality, a harbinger of the problems that exist when women attempt to enter paid employment. With regards to



women in tertiary education, the figures available from the period 1942 to 1997 indicate a steadily increasing number of women in tertiary education. The proportion of women students has increased from 10.1 per cent in 1942 to 43.6 per cent in 1984 (Jayaweera, 1990:101) and 48.02 percent in 1995/1996 (University Grants Commission, 1997:51). However, while there has been a comparatively high enrolment in the academic streams of arts, commerce, dentistry and law in 1995/1996, there has been low enrolment in the streams of engineering and physical sciences.

This difference in choice of subjects and career options between men and women is not something unique to Sri Lanka. In a study of gender and curriculum choice in Britain, Teresa Grafton et al discovered that the curriculum and career choices of men and women were closely related to sexual divisions in the home and in the labour market (1987:120). The literature on education experiences of Asian (specifically Indian, Pakistani and Bangladeshi) and Afro-Caribbean women living in Britain is very similar to the general literature on gender and education/employment. However, Asian and Afro-Caribbean women, especially those identified as belonging to the working class, apart from dealing with gender discrimination, have also the additional problem of dealing with racism (Weiner, 1985, Amos and Parmar, 1987; Haw, 1998). As British people of Sri Lankan origin are hardly ever included in studies of Asian communities in Britain due to the relative smallness of the community, my research highlights some significant similarities and differences between the broader British Asian communities and the Sri Lankan Muslims residing in Britain, almost as much as it accentuates the similarities and/or

dissimilarities of the experiences between Sri Lankan Muslims in London and in Colombo.

### ***Employment***

The part of the population that has been most susceptible to unemployment in Sri Lanka has been women, particularly those with a secondary or university education. Since the mid- 1960s, unemployment rates have been rising, as the economy has been unable to assimilate all school leavers and university graduates. According to Jayaweera's study of education and employment of Sri Lankan women and female children, disparities between the rates of unemployment between males and females in Sri Lanka have been very wide since the late 1960s to the 1990s, but according to the Central Bank of Sri Lanka, female unemployment rates have fallen from 23.4 per cent in 1990 to 12.6 per cent in the third quarter of 1999 (1999:112). The Central Bank Report attributes this decline in female unemployment rates to the rapid growth of certain sectors of the economy, such as manufacturing, finance, communications, retail trade and personal services, in the past decade. However, although unemployment rates for women have declined, the rate of unemployment for men has still been lower (7.4 per cent in the third quarter of 1999) than that of women.

The principal reason for women being at a more disadvantaged position than men in issues relating to employment is because women are constrained by stereotypical views of gender roles. One result of this has been that training programmes for women have often been limited to 'feminine' areas of work and this has contributed to restrict the

employment of women in other, less traditional jobs. Jayaweera asserts that the gender gap is widest in vocational education and the availability of vocational training facilities and enrolment patterns of women have been influenced by the conjectures relating to gender roles, namely the view of the 'domestic' woman, the supplementary earner status of the woman and the cultural demarcation of the labour market into 'masculine' and 'feminine' areas of work (1990:108). This has meant that women have dominated certain service sector oriented employment, such as nursing, teaching, social work, accountancy and secretarial work. Furthermore, women continue to be channelled into, or they themselves select, courses relating to the service sector, which can be extended further to cover dress-making, home-gardening, clerical and domestic service. These trends in women's education and employment have changed little in present day Sri Lankan society according to Jayaweera, even though the opportunities available to women continue to grow (1999). Nevertheless, for Muslim women from a middle-class socio-economic background, the choices they see as being available to them are even more limited than they are for Sri Lankan women in general and this will be discussed at greater length later in the chapter.

Malsiri Dias states in her introduction to an analysis of *Marriage, Motherhood and Employment* (1990) that the central problem associated with the study of female employment is whether 'market production is compatible with household production, particularly child care' (1990:216). She states that in Sri Lanka a woman's success in combining roles is dependent not only on economic factors but also on cultural attitudes towards women and work, which influence family activities. Therefore, in economically

less affluent families, the mother is less capable of supporting a combination of roles due to poverty. In families in the middle-income groups, conflicts may arise more due to the woman's inability to conform to cultural expectations while fulfilling dual roles. Here, there is, quite often, a complete oversight of her ability to be an equal and an important partner in the process of production. Society tends to favour her ability to perform domestic roles, especially childcare, more than her ability to be economically productive. This is apparent in the responses provided by the women in my research, particularly in the Colombo sample.

To summarise women's position in the workforce in Sri Lanka, it is useful to focus on some of the issues raised by Vidyamali Samarasinghe (1990). She states that women face a dilemma when entering the labour market. The work traditionally assigned to a woman is under-valued and her entry into paid labour is hampered by the nature of such work that is organised in a manner that accommodates men on 'an uninterrupted work schedule' (1990:4). For many women, their ability to bear children and their role in rearing them, comes into direct conflict with a majority of contemporary economic activity. Subsequently, since the work place in many contemporary societies is situated away from home, the woman is forced either to carry the 'double-burden' of homemaker and wage earner or be a homemaker only. This would mean that she is restricted to traditional gender roles where domestic work has not achieved the same status and value as work carried out outside the home. Although there is increasing evidence of men helping out within the home and cases where men perform the role of 'househusband', the latter situation, in particular, is an exception and hardly visible in Sri Lankan society.

Women are, therefore, subject to 'domestication', secondary-earner status rather than equal earner-status, and/or forced to work in a labour market which is culturally demarcated into 'masculine' and feminine' areas of work.

The employment experiences of women in Western countries are not very different from those of women in a country such as Sri Lanka. As Barbara Rogers describes:

Perhaps the most striking feature of Western male ideology is the enormous emphasis on the exclusive role of the biological mother... This is closely linked with the identification of women's place as the domestic sphere, as wives and mothers: the home presented to them is their primary occupation even if they take a second, salaried job outside the home. (1980:20)

In Britain, although there has been a growth of economic activity from the 1950s and women's participation rates in the labour market have increased, the domestic sphere (which includes child rearing) is still regarded as more a woman's domain than a man's. Nevertheless, since the 1950s the female workforce has become representative of all women of working age (16-59 years) whereas before the 1950s, female employment was mainly among unmarried younger women (Hakim, 1996:61). Although the number of women in paid employment has been rising, as in the case in Sri Lanka, literature on gender and the labour market in Britain states that women tend to be located in a limited range of jobs, namely clerical work, semi-skilled factory work, domestic work and work based in the service industry such as nursing, social work and teaching (Dex, 1985; Stewart et al, 1985; Walby, 1985; Hakim, 1996). A majority of the highly paid jobs such as judges, government officers, economists, engineers, managers and so on continue to be

dominated by men (Hakim 1996:155), while women's earnings continue to be lower than men's earnings for the same job in many cases. The most significant difference between women in employment in Sri Lanka and in Britain is the increase in the number of women in part-time work in Britain. While this has meant that more women have entered the labour market in Britain, it also accentuates their status as secondary-earners, while men remain the primary-earners.

The literature on employment among Asian and Afro-Caribbean ethnic groups in Britain suggests that the 'New Commonwealth' immigrants arrived as a 'replacement labour force' (Ward, 1985:202). These workers were replacing the local working population, particularly in manual work in situations where such work was no longer attractive to local labour and/or as local workers sought better jobs elsewhere. The circumstances that led to Asian migration to Britain are discussed in greater detail in Chapter 7 and this section is more an account of the employment status of women from ethnic minorities, particularly those of Asian origin. According to Cynthia Cockburn (1991) and Catherine Hakim (1996), a large number of Asian women in Britain are homeworkers. Both Cockburn and Hakim point out that a substantial number of Muslim women belong to this category of housewives and homeworkers as they are partly subject to 'the dictate(s) of male heads of family, (and)...white racism that renders the outside world a dangerous place for ethnic minorities' (Cockburn, 1991:82). While this comment is applicable to some Muslim women, it certainly does not apply to Muslim women of Sri Lankan origin living in Britain, who were interviewed for this current project. In a majority of cases, the women in the British sample had worked outside their homes and continued to do so

after marriage. This emphasises my point that not all south-Asian communities and certainly not all Muslim communities have the same beliefs and views on women in education and paid employment. Men's views on women's roles and even women's views on women's roles seem to be based largely on their experiences in their country of origin, which in this case is Sri Lanka, as well as on their experiences in their new home country, Britain.

### **Education patterns of Muslim women in Sri Lanka**

#### ***The Islamic concept of 'knowledge' and an Islamic view on female employment***

According to Islam, knowledge is an attribute of God, and from God all knowledge - ultimate and absolute - is derived and human beings have been bestowed with some of this knowledge to elevate them above other creations (Shah, 1998:56). One of the sayings of Prophet Muhammad states that seeking knowledge is mandatory for every Muslim female and male (El-Nimr, 1996:92) and another asserts that knowledge should be pursued 'even to the borders of China' (Shah, 1998:56). El-Nimr maintains that the Prophet not only made this claim about equal educational opportunities, but he also practised it throughout his life. There are many traditions that illustrate the Prophet addressing both men and women in spiritual, social, economic and political matters, as well as traditions where women would freely question him on various matters (Mernissi, 1991, 1996). In fact, the Prophet's own wife, Aishah, is often described as an intelligent and learned woman, whom people often referred to for advice on many matters, including legal and political ones.

As Saeedah Shah describes, although education is incumbent upon all Muslims, since Islamic communities have been predominantly patriarchal, men have often denied women equal access to education. Giving men priority over women in education is described as 'not in conformity with Islamic teachings but a complex interplay of multiple socio-economic factors in the patriarchal structures...' (1998:57). Men's role as breadwinners, women's roles as housewives and unpaid workers and problems associated with educated girls and marriage are examples of socio-economic factors mentioned above. These problems associated with what is perceived as men's and women's roles reintroduce Merton's concept of role-conflict discussed in the Introduction, where people face *role-conflict* and *role-strain* because of the difficulty in negotiating roles associated with a single status or several statuses such as woman, mother, housewife, paid worker and so on. Returning to the issue at hand of education in Islam, the control men have over the interpretation and dissemination of religious knowledge, which is referred to by Shah and discussed by me throughout the thesis, is probably the most crucial factor in explaining Muslim women's under-representation in education in the past. Thus, although Islam prescribes education and knowledge for males and females, the common practice among many Muslims in the past, and even today, has been to deny women the opportunity of gaining knowledge due to numerous constraints; the situation in the previously Taliban controlled Afghanistan is an example of how religion (Islam) can be used to impose a complete ban on women's access to particularly non-Islamic education and subsequently to employment outside the home.



As the next chapter on marriage will illustrate, Islam respects marriage and motherhood. This is probably one reason why many respondents considered marriage and motherhood to be very important for a Muslim woman. However, there is no Islamic edict that forbids women from entering paid employment. As with men, as long as the line of employment is lawful or *halal*, many people would agree that there are no specific religious restrictions on women to be employed outside the home. Although, at least theoretically, this is the case, many women continue to be bound by a belief that marriage and motherhood is the primary and only role for women, which often prevents them from pursuing employment, unless economic reasons compel them to do so. Of course, as more women enter the field of education, the more their views change on the role of women, as will be discussed in the course of this chapter.

#### ***Literacy rates and primary and secondary school education among Sri Lankan Muslims***

Although the literacy rate is not the only indicator of how a country and/or a community is progressing in terms of education, it, nevertheless, is one criterion that can be used, among many others, to ascertain the educational development of a community. The following table illustrates where the Sri Lankan Muslim community stands in relation to the other communities in the country.

**Table 6: Literacy rates in Sri Lanka by ethnic group and sex - 1981**

<b>Ethnic Group</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>	<b>Total Population % Distribution</b>
Sinhalese	91.8	84.9	88.4	73.95
Sri Lankan Tamils	89.4	84.3	86.6	12.7
Indian Tamils	78.6	55.2	66.9	5.52
Sri Lankan Moors	86.7	71.5	79.3	7.05
Burghers and Eurasians	98.2	96.1	97.1	0.26
Malay	93.2	88.9	91.1	0.32
Other	91.2	79.8	86.1	0.2

Sources: Junaid, 1990; Department of Census and Statistics, Colombo, 1999.

According to the figures in the above table, the Moor community has the second lowest rate of literacy, second only to the Indian Tamils. Furthermore, while the literacy rate is comparatively high for Moor males, Moor females in the community have one of the lowest rates of literacy in the country. Again, it must be mentioned that the last Census was carried out almost twenty years ago, and it is possible that the figures today have increased as they have been increasing steadily since 1946. Jayaweera's observation about dropout rates among the various communities in the country can also be used to understand the relatively low literacy rates among the Indian Tamils and the Ceylon Moors. She asserts that the most disadvantaged groups in educational participation are the Indian Tamil plantation families, the Muslims in rural areas of the Eastern province, people residing in slums and shanties and those in other rural areas. Since the proportion of Moors living in the Eastern province of Sri Lanka is quite large, this may account for the low literacy rate for Sri Lankan Moors as a whole.

In her study of primary and secondary school attendance patterns among Muslim school children, Jezima Ismail identifies a high 'wastage rate' among Muslim children at secondary school level; a significant proportion of children of school-going age in the community do not attend school (1990:90). As in the case of the literacy rates, the statistics used by Ismail to reach this conclusion date back to 1981 and it is very likely that primary and secondary school participation rates today have increased substantially, especially in Colombo, given the increase in the number of students sitting for Ordinary Level and Advanced Level examinations and the rise in the number of Islamic international schools. During the course of my research, I had the opportunity to speak to three principals and two deputy principals from various Muslim girls' schools in Colombo. All of these educationists were unanimous in their views that there had been a steady rise in the numbers of female Muslim children at the primary and secondary school level. However, at the same time, they highlighted the 'backwardness' of the Muslim community where issues relating to female education were concerned. Their concern was that parents of Muslim girls still did not encourage their daughters to continue their academic education and the value of education was not stressed enough by parents.

One of the leading Muslim girls' schools in Colombo, the Muslim Ladies' College, provided the following figures as an indication of the increasing interest among the Muslim community in female education since the late 1960s.

**Table 7: Ordinary Level examination participation rates at Muslim Ladies' College, Colombo**

<b>Year</b>	<b>Tamil Language</b>	<b>Sinhala Language</b>	<b>English Language</b>	<b>Total (O-Level)</b>	<b>Total number of students</b>
1949	-	-	1	1	280*
1959	-	-	4	4	750*
1969	N/A**				1040*
1979	51	112	-	163	N/A
1989	52	114	-	166	2000*
1999	104	141	-	244	2990*
2000	90	155	-	245	3115*

\* These figures are approximate.

\*\* Not available.

The above figures were gleaned from the Log Book records and the Ordinary Level and Advanced Level results sheets of Muslim Ladies' College. Unfortunately, there was no consistent system of record-keeping available for analysis, and therefore the figures are valuable for the trends they present in female education rather than for precision in numbers. Further, according to an informant in the school, some of the statistics for the period between late 1960s and late 1980s were missing, making it difficult to give an accurate account of the data. According to the figures above, there has been a steady increase in the girls' participation rate at the Ordinary Level examination since the 1970s, and this trend corresponds with the results of my interviews and questionnaire. An increase is also apparent in the participation rates of girls at the Advanced Level examinations as the following table illustrates:

**Table 8: Advanced Level examination participation rates at Muslim Ladies' College, Colombo**

Year	Tamil Medium	Sinhala Medium	English Medium	Total (A-Level)	Total number of students
1962	-	-	3	3	790*
1975	-	-	4	4	1200*
1985	-	26	4	30	N/A**
1995	48	44	-	92	2550*
2000	52	92	-	142	3115*

\* These figures are approximate.

\*\* Not available.

The figures above record a steady increase in the number of students sitting for their Advanced Level examinations since the 1970s and according to the informants who were interviewed, the *types* of courses that are most popular among girls are arts and commerce. Subsequently, this trend in female students being concentrated more in arts and commerce subjects continues at the university level.

The growth of Islamic international schools, both single sex and co-educational ones, in Colombo in the past ten to fifteen years is indicative of the general rise in interest in education among the Muslim community. In an interview with the Principal of Ilma International, the largest female Islamic international school in Colombo, she discussed the circumstances that led to the establishment of the school:

Most of the good schools in Colombo cater to the needs of their denomination and they are communally biased. As a result, it's difficult for children in our

community to get admission to these schools. Those who were admitted were getting away from Islam. They started worshipping Jesus and so on, which is unIslamic. The other problem is that it's difficult to work in swabasha [Sinhala/Tamil medium of instruction] schools. Some children struggle with the Sinhala language.

The growth in the number of children attending the school since it was established in 1988 is almost ten fold. It launched with one hundred and forty students, and, in 1998, the total number of students registered with the school was almost one thousand five hundred. The principal difference between international schools such as Ilma International and a school such as Muslim Ladies' College is that the former designs its course-work on British schools and prepares its children for London GCSEs and Advanced Level examinations, while the latter prepares its students for local Ordinary and Advanced Level exams. This also means that the language of instruction in international schools is English, while in local schools it has been either Sinhala or Tamil but not English since the mid 1950s, after the nationalist Sri Lankan Freedom Party (SLFP) came in to power and introduced 'Swabasha' – the progressive replacement of English with Sinhala or Tamil as the language of instruction in education (Goonesekere, 2002:7-8).

The concept of 'getting away from Islam' was also highlighted by the Principal of the girls' section of Crescent School International (Pvt.) Ltd., as a reason for founding the school in 1986. Originally, it operated as a nursery school and developed into a primary school in 1992. The two separate branches, in two different locations for boys and girls, were introduced in 1997. When the school first functioned as a nursery, its student

strength was sixty-four. The current Principal of the girl's section was encouraged to form the school by some male members of the *Tableeq* movement, who were not happy with the western-style uniforms and lack of Islamic teaching in some local schools, and the system of co-education that prevailed in international schools in Colombo. However, those members of the *Tableeq* movement, who were active forces at the inception of the school, withdrew from their involvement due to disagreements on how strict the school should be. They would, for example, object to the use of music and photography of people in school activities. Despite these initial problems, the school has grown and, in 1999, it had approximately 325 girls and 100 boys at primary and secondary school level, and 300 children of both sexes in its nursery school.

The primary reason for discussing the histories of the two international schools above is to illustrate the growing interest shown by the more 'conservative' members of the Muslim community in education. However, the participation rates of girls in Ordinary Level and Advanced Level examinations in these schools are low. As the Vice Principal of Crescent International School noted, although there were approximately eighty students in total in Grade 1 in 1999, there were only three students opting to sit for their Ordinary Level exams in the same year. The Ordinary Level and Advanced Level participation rates at Ilma International have been greater and have been growing steadily since 1991 as the table below indicates.

**Table 9: Ordinary Level / Advanced Level examination participation rates at Ilma International Girl’s School, Colombo**

<b>Year</b>	<b>Number of Students (Ordinary Level)</b>	<b>Number of Students (Advanced Level)</b>
1991	6	none
1995	25	7
1996	48	13
2000	68	19

It is important to recognise that not all Muslim children attend Muslim schools. Many Muslim parents send their children to schools of other religious denominations, of which there are several in Colombo alone. The reason for selecting Muslim schools to emphasise the issues and trends relating to the education of Muslim children is that such issues and trends are clearer when studying these schools. Schools of other denominations, for example, will not be able to state whether there has been an increase in the number of Muslim girls in primary and secondary education, as these schools would attempt to limit the number of children from other denominations applying for entrance to them, as is often the case. Furthermore, they may even attach quotas to the numbers of children from other religious denominations that are eligible to study at the school. Given these reasons, I felt it more useful to concentrate on some of the Muslim schools in Colombo, especially those catering to the needs of children from middle and upper class socio-economic backgrounds, as this group is the focus of my study.



### *Tertiary education among Sri Lankan Muslims*

In Chandra Gunawardena's study of higher education participation among Sri Lankan Muslims, he provides a definition of the concept of 'higher education', which is essential to understand the statistics provided by the Ministry of Education in Sri Lanka. He states that in most circumstances the term 'higher education' encompasses all educational institutions that are under the Ministry of Higher Education (1990:99). This includes the universities as well as other educational institutions such as the Institute of Aesthetic Studies, Institute of Indigenous Medicine, Institute of Workers' Education and Technical Colleges. However, he bases his analysis primarily on university education, as statistics based on student ethnic origin and student identity are available only for universities. In my own research, the terms 'tertiary' and 'higher' education were used principally to describe university education, however, the terms were also used to discuss courses leading to a professional qualification, such as accountancy, law and architecture, some of which were not offered by universities.

Gunawardena provides a useful table of figures that illustrates, among other things, the relationship between the percentage of students according to their ethnic affiliations in universities and each ethnic group's proportion of the population from 1945 to 1981 (1990:101). The following table is a condensed version of the original one published by Gunawardena and is included here to emphasise the point that Muslims are underrepresented in university education when compared to the other ethnic groups.

**Table 10: Percentage distribution of university students in Sri Lanka by ethnic origin in the Census years**

<b>Ethnic Group</b>	<b>Pop. In 1946</b>	<b>Uni. Pop. In 1946</b>	<b>Pop. In 1953</b>	<b>Uni. Pop. In 1953</b>	<b>Pop. In 1963</b>	<b>Uni. Pop. In 1963</b>	<b>Pop. In 1971</b>	<b>Uni. Pop. In 1971</b>	<b>Pop. In 1981</b>	<b>Uni. Pop. In 1981 *</b>
<b>Sinhala</b>	69.4	61.7	69.3	60.2	70.8	81.8	72.0	79.4	74.0	73.9
<b>Tamil</b>	22.7	29.4	23.0	33.7	21.7	16.2	20.5	17.8	18.2	21.9
<b>Burgher</b>	0.6	4.9	0.6	3.2	0.6	0.3	0.3	-	**	**
<b>Moor/Malay</b>	5.6	2.8	6.1	1.7	6.6	1.2	7.1	2.2	7.4	3.9
<b>Other</b>	1.7	1.2	1.0	1.2	0.3	0.5	0.1	0.6	0.4	0.3
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

1. Pop. In = The percentage of people from each ethnic group according to the relevant census year
  2. Uni. Pop. In = The percentage of students from each ethnic group in universities according to the relevant census year
- \* Only undergraduate enrolment  
 \*\* Included under 'other'

(Source: Gunawardane, 1990)

The table above clearly demonstrates that from 1945 to 1981, the greatest discrepancy between population percentage and university student percentage has taken place in the case of the Muslims. Gunawardane draws a slightly more favourable picture of the Muslim community's participation rate in university education in 1985/1986. According to the figures provided by the University Grants Commission, the number of Muslim university undergraduate entrants had increased from 3.9 per cent in 1981, to 6.5 per cent

in 1985/86 (Gunawardane, 1990:102), to 8.17 per cent in 1987/88, thus surpassing the ethnic ratio of 7.14 per cent for the first time in history (Junaid, 1990:45). However, in 1995/1996, the percentage of Muslim students had decreased to 5.25 per cent (University Grants Commission, 1997:49). The most popular academic streams for Muslims have been Arts, Management Studies, Commerce, Law and Engineering, while their participation in science-based courses has been negligible. The figures for the numbers of female Muslims at undergraduate level have been less encouraging. Although 6.14 per cent of all female university entrants were Muslim in 1995/96, a majority of these women were concentrated in Arts courses (68.29 per cent), followed by commerce and medicine, with no female Muslim student representation in the physical sciences, dental science and veterinary science (University Grants Commission, 1997:49). The following comments by Gunawardane reiterate the views of Jayaweera (1990) mentioned earlier in this chapter:

The feature of low participation of women in science and technical courses is not restricted to the Muslim community as the general Sri Lankan culture seems to reinforce sex-role stereotyping on girls of all communities. Seclusion and extreme protection accorded to women would have exacerbated this trend further in the Muslim community. (1990:104)

Predictably, the process of subject selection among girls at secondary school level affects women's employment opportunities and females in tertiary education. The differences in the education and employment experiences of the Colombo Muslims and many of the respondents in the British sample are clear indications of how stereotypical views of men's and women's roles are changing, albeit a little slower in Sri Lanka. It is

unfortunate that there is not much statistical information available on the Sri Lankan community in Britain, let alone the Sri Lankan Muslim community in Britain. Sri Lankans are quite often subsumed under the heading of 'Asian - other' and this makes it difficult, if not impossible, to give numerical values to the number of Sri Lankans, males and females, in primary, secondary and tertiary education, and in employment. Despite this, the information obtained from the sample of Sri Lankan Muslims resident in Britain makes it clear that the views of many young Muslim women of Sri Lankan origin, in particular, are very much shaped by Western concepts of equality in education, employment and in every aspect of life.

## Education and employment histories of the respondents

### *The Colombo Sample*

**Table 11: Colombo respondents' highest level of education**

<i>Educational Qualifications</i>	<b>SL Interviews (n=40)</b>		<b>Questionnaires (n=79)</b>		
	<b>Malay</b>	<b>Moor</b>	<b>Malay</b>	<b>Moor</b>	<b>N/A*</b>
Below O/L	-	9	-	7	-
O/L	7	16	3	19	-
A/L	2	4	6	18	1
Undergraduate**	-	-	1	5	-
Graduate	1	-	1	6	1
Postgraduate	-	-	-	1	-
Professional	-	1	-	1	-
P/Equiv.+	-	-	-	1	-
Unavailable	-	-		8	-
<b>Total</b>	<b>10</b>	<b>30</b>	<b>11</b>	<b>66</b>	<b>2</b>

\* comprises women who had not specified their ethnicity.

\*\* represents women who did not complete their undergraduate education.

+ represents women who had completed a course in a polytechnic or equivalent.

The highest level of education for many women was the local Ordinary Level examination qualification. However, as the above table indicates, of the forty women interviewed in Colombo, nine never had the opportunity to do their Ordinary Level exams. The overall trend was that a larger proportion of Malay women than Moor women had done their Advanced Level examination and had gone into paid employment. There was only one woman who had a professional qualification and only one who had

obtained an undergraduate degree. Of these two women, the former was of Moor origin and the latter of Malay. As far as educational qualifications were concerned, the results of the questionnaire provided a more positive picture of Muslim women's formal educational attainments as a larger proportion of women had completed either their Ordinary Level or Advanced Level examinations.

**Table 12: Colombo respondents' current employment patterns**

<i>Current Profession</i>	<b>SL Interviews (n=40)</b>		<b>Questionnaires (n=79)</b>		
	<b>Malay</b>	<b>Moor</b>	<b>Malay</b>	<b>Moor</b>	<b>N/A*</b>
Accountant	-	1	-	-	-
Administrative Work	2	3	3	3	-
Baby sitter	-	-	-	1	
Banking	-	-	-	1	-
Beautician	-	-	-	1	
Company directress	-	-	-	1	-
Education	1	3	3	10	-
Hairdresser	-	-	1	-	
Housewife	5	23	2	30	1
Lawyer	-	-	-	1	-
University lecturer	1	-	-	1	1
Unemployed	1	-	-	-	-
Unavailable	-	-	2	17	-
<b>Total</b>	<b>10</b>	<b>30</b>	<b>11</b>	<b>66</b>	<b>2</b>

\* comprises women who had not specified their ethnicity.

The results obtained from the research conducted in Colombo reflected the general patterns of female employment in Sri Lanka. The table above reveals the current

professions of all the women who were personally interviewed and those to whom questionnaires were supplied. Of the women who were employed, a large proportion was or had been in the teaching profession (or in 'education') and some of the others were involved in secretarial work. Although the table above indicates that there were just four women in 'education', many of the women who were housewives had been in the teaching profession at some stage. The principal reason why teaching was popular among the women was because, compared to other full-time employment, it entailed fewer working hours away from home and, consequently, enabled women to spend more time with their children. Another reason for the popularity of teaching as a career for Muslim women is because it is considered to be a 'noble' and 'honourable' profession. One unmarried young woman described it thus:

Teaching is a very good profession for a woman. It's a noble profession. We are role models to children and it's a way of giving something back to society.

Apart from this, there was only one woman in a professional field of work, which was accountancy, and the respondent who had completed her undergraduate degree was employed as an Assistant Lecturer in Chemistry in a local university. The women who were in the category of 'other' were involved in catering, dressmaking and babysitting - all professions that are traditionally associated with women.

### *The British Sample*

**Table 13: London respondents' highest level of education**

Educational Qualifications	London Interviews (n=30)	
	Malay	Moor
Below O/L	1	-
O/L	5	4
A/L	1	3
Undergraduate	1	2
Graduate	-	7
Postgraduate	-	3
Professional	1	1
Polytechnic or equivalent	-	1
<b>Total</b>	<b>9</b>	<b>21</b>

All thirty women interviewed in London had completed their Ordinary Level or GCSE examinations either in Sri Lanka or in Britain. Many respondents who were below the age of forty had completed their Advanced Level examinations and pursued some form of higher education. Among those who had followed some form of higher education, there were 3 undergraduate students, 7 graduates and 3 women who were pursuing or had completed a post-graduate course in academic education. Unlike the Colombo Sri Lankan Muslim women, the proportion of women in paid employment in Britain was larger and the variety of jobs pursued outside the home by the British sample was greater.



**Table 14: London respondents' current employment patterns**

Current Profession	London Interviews (n=30)	
	Malay	Moor
Accountant	1	1
Administrative work	2	4
Computers	-	2
Doctor	-	1
Economist	-	1
Education	-	5
Housewife	4	1
Management consultant	-	1
Retail	1	1
Secretarial	-	1
University student	1	3
<b>Total</b>	<b>9</b>	<b>21</b>

As the table above illustrates, the employment histories of the women residing in Britain vary from retail assistants to accountants. Even the older respondents who had not pursued any form of higher education had, at some point in their lives in Britain, been in paid employment.

### **Factors that influenced women's education and employment**

#### ***Parental encouragement***

From the interviews conducted, both in Colombo and in London, it was evident that parents' encouragement, or the lack of it, was the most significant factor in the education and employment histories of the respondents. Many respondents in the Colombo sample

stated that although parents had given them encouragement during their primary and secondary school education, once they had completed either their Ordinary Level or Advanced Level examination, and sometimes even prior to obtaining these qualifications, parents had withdrawn them from school. One respondent was particularly vocal about her disappointment at being prevented from continuing her education after her Ordinary Level examinations:

My father used to dominate the household. He made major decisions for us. Our mother was not an educated lady. As a result she could not help us. She thought that whatever my father said was right... they never encouraged us to study. If we had been encouraged to study, we definitely would have studied. We did what our father wanted. He never sat with us and asked us what *we* wanted. He only wanted us to finish our O-Levels and just stay at home and learn to cook. I pity him. He didn't know how to bring us up.

The woman quoted above was born in the early 1960s and her outlook towards education is quite different from the Muslim women who were born in the 1940s and 1950s. Respondents who were born during and before the 1940s and early 1950s mentioned that the idea of completing the Advanced Level examination, let alone tertiary education, was never an issue, as higher education for Muslim women was an alien concept for the Colombo Muslim community. According to some respondents, children would have taken it for granted that once they reached puberty, their schooling days were numbered and this was not something to be questioned. Reaching puberty meant that girls had 'grown up' into women and that they should begin to be prepared for marriage and should be taught skills that would be useful in the home.

As the Deputy Principal of one leading girls' school in Colombo commented, although children realise that they can no longer depend solely on their parents' property and business and that education provides more security, parents have a fear of educating girls.

She states:

This is because it is difficult to find educated boys. Since the system of dowry still prevails, educated boys and their mothers still ask for dowries.

This means that most parents regard education above Ordinary Level and Advanced Level standards to be at the risk of finding a suitable marriage partner for their children. Such a view was prevalent among many of the respondents interviewed in Colombo. The importance of females being married at a young age is also apparent among the Pakistani, Bangladeshi and Indian Muslim communities (Haw, 1998; Jacobson, 1998). Educational attainment beyond a certain level is never as important as marriage for females in many South Asian Muslim communities.

In contrast to the Colombo Sri Lankan Muslims, all the women who were either born in Britain or had pursued most of their secondary schooling and tertiary education in Britain described very different experiences in terms of parental encouragement in education. Some respondents stated that it was their parents' interest in their education that prevented them from returning to Sri Lanka during the early years of their migration to Britain. Their parents had felt that the opportunities and choices available to them would be greater than those that would have been available to them had they returned to Sri

Lanka. Other respondents claimed that parental encouragement bordered on pressure being applied on them to perform well at examinations. As one respondent stated:

I always felt that I was expected to do well. They wanted me to go to Cambridge. I got an offer but because I dropped a grade, I didn't get in. Studies were always important to them (parents) and me. I never thought that I would do anything apart from going to university and then working.

The pressure that some women had from their parents may have stemmed from the fact that parents were spending more of their income and wealth on their children's education in Britain than they would have done in Sri Lanka. This, in turn, was affecting the level of encouragement they offered their children.

One outcome of my research among Sri Lankan Muslims in Britain was discovering the views that many respondents had about what their lives would have been like had they remained in Sri Lanka. Almost all the respondents who had pursued higher education agreed that they might never have continued their education in Sri Lanka, or if they had, they would never have been sent to university but may have followed some other form of further education. Parents' reluctance to send their female offspring to Sri Lankan universities was also evident among the Colombo sample of women. The principal reasons for this phobia of Sri Lankan universities was the excessive 'ragging' or bullying of first-year students by older students, the unavailability of single-sex universities and, between the 1980s and mid 1990s, the increase in the number of years it took to complete an undergraduate course due to university closures caused by the political instability in the country. For many of the younger respondents, living in Britain has meant that

parents have been able to permit them to pursue higher education, without the intense pressure from the wider community to give girls in marriage at a younger age. However, as I shall illustrate in Chapter 6, parents *do* continue to be pressurised by the growing Muslim community here, as well as by the wider family they have left behind to 'settle' their daughters earlier rather than later in life.

The Malay Muslims in both samples were less conservative about women's education than the rest of the Muslims. In the case of all the Malays interviewed, their parents had always provided them with encouragement to continue their education, but many of the respondents never pursued higher education as they were keen to get into paid employment due to economic reasons. Parents permitting their daughters to work outside the home in jobs other than teaching is in itself an indicator of a more liberal attitude among members of the Malay community. Many women from a Moor background spoke of parents not permitting or encouraging them to do certain kinds of jobs, particularly employment that involved working in areas predominated by men – which, in Sri Lanka, covers almost all aspects of paid work. This reluctance to send females to what is perceived as 'men's areas of work' or that requires night shifts, for instance, coincides with the general negative attitude especially among (Moor) Muslims regarding the free mingling of sexes, notions of respectability and safety of women. A more detailed discussion of some of these factors is provided later in this chapter. All the Malay women who were formally interviewed as well as women whom I met informally during my fieldwork, however, never stated that women should exclude themselves or be excluded from certain spheres of employment because they deemed such work

'unsuitable' for women. Although only eleven Malay women had filled in the questionnaire, seven indicated that their parents had always encouraged them in their studies and the decision to stop their education was their own. It seemed that a more open attitude towards women's roles among Malay respondents was a result of a more liberal Malay culture, particularly in terms of the socialisation of children, rather than a more liberal interpretation of Islamic texts on gender issues.

The most striking difference between the Malays in the samples and the Moors, with regards to education/employment and encouragement from parents, is that the Malay respondents had relatively more freedom to decide on what they wanted to do with their futures. The following comments by a Malay respondent is illustrative of the experiences of a majority of the ten respondents in the Colombo sample:

If I had wanted to continue my higher education, they [parents] would have allowed me to do it. The decision to stop my education was my own. My parents wanted me to re-sit my A-Levels but I wanted to work, be independent, and earn my own money. I felt that my parents had done enough for me and it was time I contributed in some way.

Even in the British sample, although women from Moor backgrounds were vocal about the importance of education for women and were in a greater variety of work outside the home, and even though there was very little difference in the levels of education among the Malays and Moors, the Malay respondents - particularly those who were unmarried - had a degree of independence that was not apparent among the Moors.

### *Schools and higher education institutions*

Among the Colombo Moor Muslims, the availability of single-sex schools made a significant difference to women's attitudes towards female education. Many respondents were not in favour of mixed schools for their children; however, this was not a problem as far as their children's education was concerned due to the number of single-sex schools established in Colombo.

For some of the older members of the Colombo sample, proximity to schools and institutions of higher education was also a deciding factor in their ability to continue their education. The farther the educational institutions, the less likely they were to continue their studies. The principal reason for this is the mentality of middle-class Muslims in general, who believed that girls should be protected from the evils of the world outside.

Another important factor mentioned by a few respondents is the attitude of some non-Muslim members of teaching staff in schools towards Muslim students. One respondent described how a teacher in her school had a very negative view of the Muslim students. The teacher had once stated that there was no point in teaching Muslim girls as they were 'going to get married anyway'. Another respondent described her experience in school in the late 1950s:

[My school] was a Christian one, with mostly Christian teachers. Even before I could decide what subjects I was going to study, my class teacher just said that I can do home science... I suppose the teacher thought that I, being a Muslim, would never continue with my education and will benefit more from home science. It's now that we think of fighting for our rights, but at that time such a thought would not have entered my mind.

The stereotypical view that some educationists in Sri Lanka have of Muslim students mean that students who are keen to continue their studies are sometimes discouraged or simply not offered encouragement in schools. In fact, many Muslim schools in the past never had the facilities for female children to do Advanced Level examinations, particularly in the field of physical sciences.

The experiences of many Sri Lankan Muslim women of Moor origin who immigrated to Britain after marriage are very similar to the ones mentioned above. However, almost all the women who had immigrated to Britain as young children, or those who had been born in Britain, had been sent for higher education (or had the option of doing so) and/or were in paid employment. None of these respondents felt that their parents would have prevented them from pursuing their education or being in paid employment because of the fear of 'going astray'. Almost all the women in this sample who had pursued a university education described their experience in tertiary education as a 'liberating' one as many of them had gained an independence they had not had in the past.

### ***Degree of economic necessity***

The principal reasons cited by respondents for the need for female education and employment were economic ones. Many respondents, especially in London, held the view that men could no longer be the sole breadwinners due to the high cost of living. Many of the women who had immigrated to Britain after marriage in the 1960s and 1970s stated that they had never had to work outside their homes when they were in Sri



Lanka. Their husbands had always been sole-income earners while they had been homemakers. Just as there are restrictions to women working full-time outside the home in Sri Lanka due to cultural reasons, women in Britain are restricted from staying at home due to economic reasons. Economic necessity means that many women with young children who would have preferred to give up work to take care of the children do not have the choice of staying at home. One respondent described how she could not give up her work as she was earning more than her husband when she had their child, and how this affected their marriage:

Basically, my husband wasn't going to go out and suddenly earn three times more. We couldn't afford for me to stay at home. That wasn't an option. That's when I started to resent things. I resented the fact that I couldn't be with the baby and I resented the fact that I had to do all the running to get the money to send the baby to nursery... If ... [my husband] had stayed at home, ultimately I would have lost respect for him.

The situation mentioned above not only accentuates the general view that people have of the normality of the situation where a husband earns more than his wife, but it highlights another factor, which is women's own expectations for their husbands to earn more than them, and, more importantly, a husband's ability to sustain a family financially once the couple had children. One of the principal problems in Sri Lanka has been that since the 1980s, which is when the problems in the north of Sri Lanka culminated in riots throughout the country, the political climate of the country has been unstable. This has not been conducive to the economic growth of the country. During this period, Sri Lanka has seen many local industries struggling to survive, a fluctuating rate of unemployment,

the rapid depreciation of the rupee – which is the official currency of the country – and a relatively high rate of inflation. A culmination of these factors has, in many cases, rendered the income of a single person insufficient to sustain the expenses of an entire family comprising at least two other members. While the economic situation in Sri Lanka is prompting more and more women into employment, for women who migrated to Britain the differences in cost of living in Colombo and London are excruciatingly obvious. For many of them, whatever funds they and their husbands have brought with them from Sri Lanka have not made a significant impact towards reducing their mortgages, decreasing their loans or reducing their living expenses. Therefore, paid employment outside the home is more of a compulsory act rather than an optional one. This discussion on economic motivations for increased participation for women in the workforce is an example of how the economic and political climate of a country can have a direct impact on social relations, which includes gender relations. However, although economic necessity has compelled many women to work, both in Sri Lanka and in Britain, women with young children continue to regard their children and homes as their first priority.

### *Purdah and chaperones*

The tendency for Malay women to be more educated than Moor women, particularly prior to the 1960s, and to have more open views about education and employment for women was described by a member of the Muslim Women's Research and Action Forum and former Principal of Muslim Ladies' College, as well as by a former Principal of Khairiya Girls' School. One of the main reasons cited for this 'openness' is that Malay

women in the 1940s and 1950s were not restricted by the *purdah* or curtain/veil. The use of the *purdah* by some middle/upper-class Moor women in Colombo meant that the rules of segregation of the sexes were adhered to even in education and employment, which meant that women were prevented from pursuing an education or paid employment alongside men unless the former had facilities that were separate from men, such as women-only universities and office space and public transport which were strictly segregated according to sex. A few women in the sample described their trips to school in vans with curtains, accompanied by their mother or sisters. In most cases, once children from such homes reached puberty, they were drawn out of school and kept at home. This meant that secondary education was not an option for these girls and higher education and employment were never issues that required discussion.

For many of the older members of the Sri Lankan sample, the chief evil to be avoided was contact with boys, but, for younger respondents, apart from boys, parents feared the possibility of 'something bad' happening to their children. 'Ragging' in universities, mentioned earlier in this chapter, and physical and verbal harassment of women, especially in public modes of transport, are examples of 'something bad' cited by many of the respondents. Given these fears of the outside world, many women describe how they were chaperoned to school by a relative or a trusted servant. Even if parents were willing to send their unmarried daughters for higher education and paid employment, they often wondered 'what people would say' if their daughters travelled unchaperoned. According to the responses of many women, the Muslim community does not respect a woman who is 'too independent' and 'too worldly-wise'. Of course, what it means to be

'too independent' or 'too worldly-wise' for a woman is changing, and many Muslim girls today are pursuing education and employment without fear of losing the respect members of the Muslim community have for them.

### ***Personal choice***

A woman's personal desire to work outside the home was never considered to be important among many of the Moor women in the Colombo sample. None of the women interviewed in Colombo cited personal satisfaction as a reason for a woman to go out to work. One of the questions included in the questionnaire asked the respondents how important certain reasons were for a Muslim woman to be in paid employment. The four reasons that were provided were:

- a. to help meet expenses within the family
- b. to help the Muslim community
- c. to help the community in general
- d. for a woman's own personal satisfaction

Women answering this question were required to number these statements 1,2,3 and 4 according to the degree of importance they placed on them, and, if any of the reasons were of no importance, they were instructed to place a 0 by the reason. Of the seventy-one respondents who answered this question, ten respondents indicated that a woman's personal satisfaction was of no importance for a woman to be in paid employment, while over fifty respondents recorded 'to help meet expenses within the family' as the most important reason. Many of the Moor women interviewed in Colombo had sacrificed paid

employment for their families and some women expressed their disappointment at not having a career or having given it up permanently after having children.

For the women living in London, the situation was very different. Most of them were either in paid employment, had been in paid employment and were now retired, or were in full-time education. While helping out the family was an important reason, so was personal satisfaction and many women felt that returning to paid employment at some point after having children was essential to remain independent and 'sane'. For women with children, working outside the home meant that they could continue to make use of their educational qualifications and/or work experience and take a break from domestic work.

A personal desire to be educated or be in paid employment was very often not a significant factor to influence the education and employment decisions of Colombo Muslim women. What they did with their lives was often dependent on what other members of the immediate family, and sometimes the extended family, thought was best for them. Conversely, about 70 per cent of women in the London sample felt that personal satisfaction was an extremely important factor in the decisions they made about their lives. What the community would think about their actions was not as important to them as it was to the Colombo Muslims.

### *Changing views*

As one young respondent in the London sample claimed, she felt that education gave her status in the community - something not mentioned by any of the women in the Colombo sample. She was now being recognised as an individual with knowledge in a certain field and the rest of the Muslim community respected her for that. She felt that living in a country that valued education for females *as well as* males meant that her parents and other members of the Sri Lankan Muslim community in Britain were more open to sending their female children to school, even if they were mixed, and, more specifically to university. This change in views of people has led to education of females, not just males, being the norm rather than the exception and the educated woman achieving a status that is respected within the Sri Lankan Muslim society in Britain. Such an attitude was not always apparent among the Sri Lankan Muslims in Colombo.

The changing views on the degree of importance of education for Muslim women in Britain has meant that a woman is now achieving an individual status for herself, whereas in the past her social standing depended almost entirely on either her father's or her husband's social position. As one woman who lived in Britain and who had completed a postgraduate degree commented, Muslim men within the Sri Lankan community would approach her and ask her opinions and advice about business matters and respect her for her knowledge and experience in the field. She admitted that not all men in the community would be comfortable about approaching her, but at least the situation was changing with time. The only problem with people recognising the importance of education for females is that women who do educate themselves will almost invariably

find paid employment outside the home, and then will have to find ways of coping with work inside as well as outside the home.

### **Islamic education and its significance to Muslim women**

In this thesis, Islamic education is defined as one that concentrates solely on religion and acquiring religious knowledge. Consequently, all secular forms of knowledge were excluded from the concept of religious education. All the women who were interviewed, both in Colombo and in London, agreed that an Islamic education was extremely important to Muslim females and males. They were also unanimous in the view that they had received most of their religious education at home from their parents or a close relative. While many of the women in Sri Lanka were taught to recite the *Qur'an* by a 'lebbe' (male teacher) or a 'lebbumma' (female teacher) who visited the home, many of the women residing in London were taught the recitation of the *Qur'an* by their parents or grandparents, and a few had been sent to community mosques and Muslim teachers to learn to recite the *Qur'an*. Other aspects of religious practice such as the five daily prayers, fasting during the month of *Ramadhan* and giving *zakaat* (charity) were all learnt at home by the women who were interviewed. A majority of the women in both sets of samples stated that to them religious education was more important than secular education, however, since religious education was seen more as a personal and private endeavour than academic education, they felt that their religious education was often neglected. Many of the younger Muslim women residing in London held this view:

a. I probably don't have as much time as I would like to dedicate to it. I do all the basics like prayers, fasting and zakaat. But I don't have the time to go for Islamic classes, which I would like to do.

b. My heart is in the *Qur'an* and I'd like to teach it, but I have to do more study before I can do that. And that will be an ongoing study.

One of the questions included in the questionnaire was related to Islamic education. Seventy-six women answered the question 'How important is an Islamic education for a woman?' and sixty-four of these respondents had stated that it was very important. However, as the previous chapter illustrated, although religion itself is very important to almost all the women, not many women devoted much time to learning about the religion. The women who were most likely to learn about Islam were some of the older respondents in both samples, who had retired from work and/or had little family responsibility, and the younger women in the British sample who were attending university, and, again, who had few family responsibilities.

### **Work suitable for women**

Apart from teaching discussed above, for many of the Moors in the Sri Lankan sample there was employment that was regarded as suitable or unsuitable for women. As in the case of female education, there were only a few respondents who cited religious reasons - such as the importance of motherhood for women - for limiting a woman's choice in employment. While the principal criterion for describing a job as suitable for a woman would be the amount of time she would have to spend away from the home and family,



many women also talked about the suitability of a job according to who the employer was, the type of clothes or uniform a woman may have to wear, the times of day a woman would have to work, and, most importantly, whether the husband, if a woman is married, approved of the job. As one respondent stated:

Children need the mother and father, but it is the mother who makes that child's entire life. So unless you really need to work, I don't think that a mother should go to work. The first seven to eight years, those formative years, are very important to a child... If a woman has no children, then if the husband and wife both agree on it, then she can go to work. If the wife goes to work regardless of the husband's dislikes and likes, what will happen to the marriage? In that case she should not get married.

In the case of many women who had given up work permanently after marriage, the decision to do so had been at the insistence of the husband.

Paid employment that was considered to be unsuitable for women according to the criteria of modesty, work hours and contact with the opposite sex included nursing, private secretarial work, being a shop assistant, an air stewardess and any job that involved working directly for a male. Many of the Malays interviewed in Sri Lanka had a different view of women and employment. While they too stressed the importance of family, they had more open views about women's employment. Among many of them the common view was that if a woman had the ability and capability to do a particular job, then she should be able to do it. This approach to women in paid employment was apparent among the Muslims living in Britain. Even the more religious respondents in the British sample held the view that as long as women were modest in their dress and

behaviour, and were not pursuing a career that was *haram* or forbidden for both men and women in Islam, then there was nothing to prevent a woman from being in paid employment. Although, again, the family was to be the priority for a woman, many women felt that they did not have to give up their work completely or permanently for their children.

The availability of part-time work and child-care facilities in Britain meant that for many women, paid employment was a possibility even after childbirth. The changing view on women's employment is evident in the following example. While many of the respondents in Sri Lanka had doubts about the suitability of a career in medicine for females, many of the younger members in the London sample (those born in Britain or those who had immigrated to Britain as children) who had been to university discussed their parents' desires for them to become doctors. This parental encouragement to pursue a career in medicine was mainly because of the status a medical doctor has within the community. The Sri Lankan community, in general, has always respected traditional fields of study such as medicine, accountancy, law and engineering. However, for the Muslims, since women were never encouraged to further their education in the past, these fields were dominated by men and closed to women. Although, these fields, especially medicine, are still dominated by men, the Sri Lankan Muslims in Britain are changing their views on women pursuing a career in these fields, particularly because of the respect given to these professions in the Sri Lankan community.

From the responses of the women interviewed, it seemed that the main reasons for the more liberal attitudes towards female employment among the Sri Lankan Muslims living in Britain were that they had had more experience and exposure in the field of paid labour, and, subsequently, did not fear the unknown, and they were also not under constant scrutiny by the rest of the Muslim community. This degree of anonymity they had in Britain was an extremely liberating factor as far as many areas of their lives were concerned.

### **Domestic labour and housewives**

Over half of the respondents in the Colombo sample were housewives and this did not include women who were retired from work. Predictably, they did most of the housework, which includes childcare, cooking, cleaning and sometimes even gardening. However, the availability of domestic help in some of the homes made housework a shared project between the woman and the female domestic help. In families where both partners were in paid employment, household chores were shared, but cooking and childcare were almost always the woman's responsibility. The subjects of domestic work and women as housewives have been addressed by feminist scholars in the past and many of them have emphasised the disproportionate levels of housework done by women compared to men (Malos, 1980; Rogers, 1980; Oakley, 1985; Doucet, 1991). Even among the respondents in Britain, although a majority of the women were in paid employment, women did the tasks of childcare and cooking.

As discussed earlier in the chapter, in almost all cases, a married woman in paid employment had a supplementary income-earner status within the family. This is essentially due to the view that men are the principal breadwinners. The only exceptions where women were the principal income earners were in families where the wives were widowed or divorced. Within a few families in Britain, both partners had equal earner status. The main reason for the supplementary earner status of women was because in many families women felt that they had to, or would have to, give up their paid employment, even temporarily, when they had children, while their spouses continued to work. Although the rearing of children was considered to be a joint endeavour of both parents, the primary carer of the child was always the woman.

When addressing the issue of housework, all respondents who were unemployed agreed that women should be responsible for most of the domestic work, given a man's role as the sole income earner in the family. One British respondent described the sharing of housework between the partners thus:

It's very confusing for the man and the woman nowadays, but you have to find balance that's right... Household chores need to be shared. So I have this model: the proportion of household tasks you take on should be inversely proportionate to the revenue you bring in. If you bring in sixty per cent of the income, then you do forty per cent of the housework.

Views like the one above were common among many women and this provides one explanation as to why women's work is often undervalued. If work among wives and husbands is valued only according to the proportion of the revenue they bring in to the

family unit, without taking into account factors such as the time and effort that goes into doing either domestic or paid work, then, it is not surprising that many women feel that their work within and without the home is less important than a man's. Of the women interviewed, for example, a majority who were in full-time paid employment were working the same hours as their husbands. However, in cases where the husbands were in more lucrative jobs, the earning power of the spouses varied, even though they spent the same amount of time in paid employment. According to the belief that many respondents have of work, therefore, the woman should be responsible for a larger share of housework due to her inability to earn as much or more than her husband.

Another question that is often raised is where does housework begin and end? While a husband may have well-defined work hours outside the home, a housewife, especially one with young children, will never have specific work hours. This makes it difficult, if not impossible, to give a monetary value to her work. Therefore, although many women felt that their domestic work was important, they often seemed to value their husband's work outside the home more than their own work within the home.

An interesting finding during the course of my research was the number of women in the Colombo sample, who recognised the crucial role they played within the home, yet described themselves as 'just housewives'. This response may have been due to the fact that they knew that I was pursuing a higher education in comparison to them. However, this response also reflected how unimportant they felt their domestic work was when compared with women in paid employment. When women were asked why they

regarded themselves as 'just housewives' they often responded that it was because they had never done anything 'useful' with their lives.

The above view in itself is a reaction to the changing realities of the times. Many Muslim women in the 1950s and 1960s would never have thought of themselves as 'just housewives', as most Muslim women during that time were invariably housewives or training to be housewives as that was what they expected and what the community expected of them. Because the role of women outside the home is becoming more visible and more acceptable among the Sri Lankan Muslim community, the role of housewife is no longer valued as much as it used to be among women who identify themselves as housewives. Therefore, although many women in the past may have been content with their roles as housewives, most women today express a desire to do something different, something more intellectually stimulating with their lives even though they still regard their domestic roles, particularly that of mother, as important. For many Colombo Sri Lankan Muslim women, who are housewives, the various Muslim women's organisations provide a welcome departure from the repetitiveness of domestic work.

## **Conclusion**

In this chapter, I have attempted to emphasise that although religion, or Islam, is often a very significant influence in the lives of people, people are not always placid recipients of religious values; therefore, as in the Sri Lankan Muslim example, Islam becomes a dynamic code of conduct that is flexible enough to change with changing times and

circumstances. This flexibility is particularly evident in the fields of women's education and employment. For example, in the past, the importance of education for females *as well as* males was underplayed, and female paid employment was never encouraged. Therefore, women were often reliant on their parents and then their husbands to provide for them. Islamic traditions and sayings of the Prophet that emphasised the significance of marriage and motherhood were often used by members of the Muslim community to confine all women, including those who were keen to continue their education, to the home. Parents and the extended family of young women ensured that the latter remained at home after a certain age - usually after puberty - as that was what was expected of Muslim girls and as this was perceived to be 'normal practice'. Once a certain conservatism was established within the Muslim community, people within it continued to follow the unwritten laws of the community without much questioning. Many Malays were not bound by the rules that governed the Moors, as the former group, although Muslim, were not restricted by the informal laws that the Moor community had established for itself. The Malays were a community of people whose origin in Sri Lanka was different to that of Moors and their relationship with the British colonisers was a closer one to that of the Moors, which may explain their less conservative views on women's roles.

Since World War II and Independence of Sri Lanka from British rule, Sri Lankan women's roles have been changing and increasing and this applies to Sri Lankan Muslim women too. As this chapter has highlighted, many Muslim women, who are educated and in paid employment and especially those who are living in Britain, do not see their

roles outside their homes as unIslamic and are able to justify their roles outside their homes within the context of Islam. Particularly since economic necessity has compelled many women to work outside their homes, and since men are no longer the sole breadwinners in the nuclear family unit, the Muslim community is finding ways, albeit slowly, of making female education and employment 'acceptable' and 'respectable' to those within its boundaries by readdressing religious texts and traditions. On the surface, this may appear to be an improvement in women's position within the Muslim community. However, in reality, this has meant that women are regarded as supplementary income earners within the family and the jobs they do are not considered as important as their husbands' work. It has also meant that women are now having to earn an income as well as take over a larger proportion of the housework, making the role of the Muslim woman today more complex than it has been in the past. To use Merton's terminology, as with women in many parts of the world today, women's 'status-set' is expanding as they take on more and more socially recognised positions such as graduate student, income earner and single-mother, in addition to the traditionally accepted statuses of wife, mother, daughter and so on. One result of this has been 'role-conflict' where women's increased statuses have created incompatibility among the roles they perform within these statuses; another result has been an increasing independence for women, which is contributing towards changing their status as 'women'.



## **Chapter 6**

### **Marriage, marriage customs and their implications for Sri Lankan Muslim women**

#### **Introduction**

Much of Western sociological scholarship on gender and marriage is related to literature on the sociology of family. Thus, women's roles and positions in relation to marriage are generally discussed in terms of women as (house)wives and/or mothers, and, women writers often hold the view that the family is a major source, if not the primary source, of women's oppression (see, for example, Gavron, 1966; Benston, 1969; Mitchell, 1971; Delphy, 1976; Firestone, 1979; Morton, 1980; Smart, 1984; Delphy and Leonard, 1992). As discussed in the previous chapter on education and employment of Sri Lankan women, feminist writers dealing with women's roles within the family most often dwell on the issues of women as unpaid workers and the disproportionate amount of domestic work they do in comparison to men. However, since this thesis deals specifically with Muslim women, I have attempted to highlight some of the issues that Muslim women have to contend with in marriage, which are not just relevant to Muslim women in Sri Lanka, but can be of significance to Muslim women living in other parts of the world.

The aim of the first section of this chapter is to explore the significance of marriage in Islam and the implications this has for Muslim women in general. Next, I shall examine the marital statuses and marriage histories of the two groups of women that are the focus of this research in order to emphasise any patterns that emerge in the responses of the two

samples. Here, most importantly, I shall focus on how the concept of 'the arranged marriage' has changed in the past fifty years – an analysis which is of particular significance to present day Britain, whose non-Asian/Muslim majority is constantly grappling with customs that are prevalent, but unfamiliar to them. This chapter will proceed to look at questions concerning the significance of dowry to Asians and Muslims, how attitudes towards the giving and taking of dowry are changing and the impact this is having on gender relations. The term 'dowry' is used specifically to describe money, property and other goods given by the bride and/or her family to the groom and/or his family. The latter part of this section will look at other practices that have infiltrated Sri Lankan Muslim marriage customs that cannot be traced back to Islam, thus returning to one of the central themes of the thesis of how religion adapts or is made to adapt to change. Therefore, this section would address the issue of how traditions that are alien to a particular religion can either be incorporated into the broader culture of a community or resisted. Following these issues will be a discussion of the *mahr* (defined as 'dower') in Islamic marriage customs and the importance of it in restructuring the power imbalance in relationships between men and women. In Sri Lanka, the *mahr* has generally been a mere ritual of gift-giving in Sri Lankan Muslim marriages rather than a dower that is discussed with, and found acceptable by, the bride before the marriage. The next section of this chapter is devoted to examining the prevalence of and attitudes of respondents towards 'mixed-marriages', in this case defined as marriages where a Muslim marries a non-Muslim, who may or may not have converted to Islam. Here, again, the responses of the women reflected a changing attitude towards people of other faiths and ethnic origins, even though the importance of Islam was almost always

vocalised. Finally, I shall examine the views of the two samples of women of 'Western marriage'. The views of respondents on marriage, women and family life in the West were included in my interview schedule principally to ascertain any differences in opinion among those respondents who were resident in a Western country such as Britain and those who were living in Sri Lanka. Such a comparison made it clear that the 'them'/'us' boundary was constantly shifting and not always obvious to many of the women in the samples.

## **Marriage and Islam**

### ***The significance of marriage in Islam***

The four schools of law have varying views on the conditions under which marriage between men and women is compulsory, rather than optional, and Doi discusses these factors in some detail (1984:118). However, it is generally accepted that marriage is strongly encouraged in *Qur'anic* verses and sayings of the Prophet relating to marriage because, apart from ensuring the procreation of human life through the family and maintaining social stability, it is also regarded as an act of piety (*taqwah*), and a form of *ibadat* or worship of God and obedience to the Prophet Muhammad (Doi, 1984:117; Engineer, 1996:101). The verses of the *Qur'an* quoted below demonstrate, to some extent, the importance of heterosexual relationships and marriage in Islam:

a. They (wives) are your garments

And ye are their garments (The Holy *Qur'an*, *sura* 2: verse 187)

b. ...(God) created you  
From a single Person,  
Created, of like nature,  
His mate, and from them twain  
Scattered (like seeds)  
Countless men and women... (The Holy *Qur'an*, *sura* 4: verse 1)

c. And among His signs  
Is this, that He created  
For you mates from among  
Yourselves, that ye may  
Dwell in tranquility with them,  
And He has put love  
And mercy between your (hearts)... (The Holy *Qur'an*, *sura* 30: verse 21)

Abdullah Yusuf Ali, whose translation of the *Qur'an* is used throughout this thesis, elaborates on the *Qur'anic* analogy of men and women being garments for each other. His understanding of the text is that men and women 'are for mutual support, mutual comfort, and mutual protection, fitting into each other as a garment fits the body' (1989:75). The relationship between the sexes, if Prudence Allen's typology of philosophies of sex identity (and developed further by scholars such as Susan Palmer (1994)) is used, is, therefore, one of 'sex complementarity' which 'argues for the equality of worth and dignity of women and men while at the same time arguing for a philosophically significant difference between the two sexes' (1987:21). In fact, Andrew Rippin states that the concept of the 'complementarity of the sexes' is often used to describe the Islamic perception of the roles of women and men, and, according to him, is a concept particularly popular among 'Radical Islamists', 'whose approach to the *Qur'an* necessitates the continuation of legal differentiation between men and women'

(1993:121). This idea of the complementarity of the sexes resulting in what is popularly seen as Islamically acceptable roles for men and women was evident during much of the fieldwork. As highlighted in previous chapters, traditionally accepted statuses of women, to use Merton's terminology, are what are clashing with the new statuses that women have taken on in many contemporary societies, thus creating 'status-conflicts' leading to 'role-conflicts'. Placing these new statuses/roles within the parameters of Islam is what is challenging for women. Marriage between men and women, therefore, is a crucial factor in deciding the future and anticipatory roles of women.

In Islam, the institution of marriage provides a legitimate moral basis for sexual and emotional relations between men and women. Although there are many other verses in the *Qur'an* that refer to relations between men and women within the context of marriage, the verses mentioned above are just a few examples to highlight the point. Apart from the *Qur'an*, many of the sayings and traditions of the Prophet also emphasise the relevance of marriage to an Islamic way of life. For example, the Prophet is reported to have stated:

a. Marriage is my *Sunna* (way). Whoever keeps away from it is not of me. (Doi, 1984:115; Engineer, 1992:100; El-Nimr, 1996:96)

b. O you young men, whoever is able to marry, should marry, for that will help him to lower his gaze and guard his modesty. (Doi, 1984:115; Engineer, 1992:100)

Extra-marital relations (such as adultery, fornication and homosexual relations) are condemned in Islam and considered to be 'shameful' and 'evil' (*sura* 17: verse 32) and the family is the foundation of an Islamic society. A marriage that takes place according to Islamic teachings, therefore, is viewed as a lawful and an acceptable means of achieving this end.

### ***Roles of men and women in marriage***

Azizah Al-Hibri makes an important observation on the roles of men and women in marriage. As she claims, a 'fulfilled woman' is often depicted, both in the East and West, as a woman who is married, serves her husband and bears and rears his children (2000:57). Writers on the topics of women and Islam, like Abdur Rahman Doi (1984) and Maulana Wahiduddin Khan (1995) for example, discuss a woman's role mainly in terms of duties within the home - which include domestic duties and attending to internal family matters, while the man's role is often discussed as that of provider. Domestic duties are, therefore, often described as solely the wife's responsibility. However, Raga' El-Nimr and al-Hibri observe that according to strict Islamic principles, a wife is not required to cook food for her husband or children, wash their clothes, clean the house or even suckle her infants (El-Nimr, 1996:97; Al-Hibri, 2000:55). In fact, some jurists argue that the husband's role as 'provider' involves him bringing home cooked food, which means that the wife's duties within the home are reduced, and, it has even been suggested that the wife is entitled to domestic help or a maid, if she is not accustomed to doing such work herself (Al-Hibri, 2000:57). However, such views are hardly emphasised in Islamic literature whose authority is dominated by male Muslim scholars.

As mentioned earlier, very often, the concept of 'sex complementarity' of men and women, which is implied in Islamic texts and traditions, is extended by scholars to cover 'role complementarity' between men and women, with any role within the domestic sphere being the priority for women and any role outside it being the prerogative of men.

The above discussion on the role(s) of husbands and wives in marriage, even if brief, was included in the thesis to demonstrate the differing views that exist among Muslims on the relationship between and roles of women and men in marriage. Again, what is crucial to this thesis is that women's roles, within the framework of Islam, are based on *tafsir* (the science of *Qur'anic* commentary or exegesis) that is based on human understanding (Wadud, 2000:11) and human reasoning or *ijtihad* (Al-Hibri, 2000: 57), and, human reasoning is just that - human. Therefore, treating all *tafsir* and beliefs based on *ijtihad* as immutable will only make Islam static and incapable of addressing changing human circumstances.

## **Conditions of marriage in Islam**

### ***Free consent of the parties***

The consent of both the woman and man is an essential pre-condition of marriage in Islam. As an agreement to marriage can be reached only with the consent of both the bride and the groom, a marriage can be contracted only if these two parties have given their consent to be married. Chapter 3 on the *Shari'ah* and the Muslim Family Law of Sri Lanka discusses the issue of consent in more detail; however, it should be stressed that if

a parent/guardian of a woman *forces* her into marriage, such a marriage may be considered null and void in Islam, if the woman wishes it to be so. This decree is based on a *hadith* of the Prophet, where a girl had approached the Prophet and had revealed to him that her father had given her in marriage against her wishes. On hearing this, the Prophet had given her the right to repudiate the marriage (Doi, 1984:123; El-Nimr, 1996:97). However, as I shall discuss later on, my research of Sri Lankan Muslim women illustrated that some women were not asked for their consent to marriage, and it was taken for granted that these respondents would marry the partners chosen for them by their parents.

### ***The mahr***

As mentioned in Chapter 3, the giving of *mahr* by the husband to his wife is an essential part of the Muslim marriage. The *Qur'an* states:

And give the women  
(On marriage) their dower  
As a free gift; but if they,  
Of their own good pleasure,  
Remit any part of it to you,  
Take it and enjoy it  
With right good cheer (The Holy *Qur'an*, *sura* 4, verse 4)

Neither the *Qur'an* nor the *hadith* specify a minimum or a maximum amount of *mahr*, but the *Qur'an* does state that the amount of *mahr* depends on the circumstances of the husband (*sura* 2: verse 236). Furthermore, it is generally understood that the social position of the wife should also be taken into account when determining the amount of



*mahr*. Therefore, as Doi states, what is regarded as a 'reasonable amount of dower' is dependent upon the relative circumstances and economic and social positions of both the bride and the groom, and will vary according to time in history, country, community and so on (1984:161). However, what is most significant in some of the traditions of the Prophet relating to the issue of *mahr* is that the woman was almost always asked if she agreed to the nature or amount of *mahr*, or the *mahr* was agreed upon in the presence of the woman, which implies that the woman had the ability to refuse to enter into a marriage if the conditions, the *mahr* being one of them, did not suit her.

#### ***The 'nikah' or the solemnising of a Muslim marriage***

The Shafi school of law, which is applicable to a majority of Muslims in Sri Lanka, lists the presence of the following conditions for a valid Muslim marriage:

- a. the consent of the groom and guardian of the bride;
- b. the bride's and bridegroom's ability and competence (for example age, current marital status and so on) to marry;
- c. there should be a proposal (*ijab*) and acceptance (*qabul*) of marriage;
- d. the presence of two witnesses. (Doi, 1984:137, 1989:48)

If the *mahr*, or the dower has not been agreed upon, the marriage will still be considered valid and the court will decide on the nature and amount of *mahr*. In relation to the conditions of marriage enumerated above, the Hanafi school regards only the condition of the proposal and acceptance of marriage to be imperative to marriage. They maintain that while the other requirements may be observed, they are not essential for a valid marriage. This would imply that a previously unmarried woman would have some

degree of freedom in contracting her own marriage, without a guardian being present at the marriage.

Although not compulsory, the person conducting the solemnisation of the marriage may give a sermon (*khutbah*) on a subject relevant to marriage before marriage rites are performed. The length of the sermon can differ from marriage to marriage, and according to Doi, the shortest sermon would be simply to say; 'Praise be to Allah and blessings and salutations be on the Messenger of Allah' (1989:48). Furthermore, it is believed that it was customary for the Prophet to offer a supplication (*dua*) after the solemnisation of a marriage. One such prayer was; 'May Allah bless you and may blessings be upon you and may your coming together be auspicious' (1989:49).

Apart from the rites mentioned above, the only other practice that all four schools of law consider as an important aspect of the rituals of marriage is the hosting of the marriage feast (*walimah*), usually on the day after the marriage. This feast is hosted by the groom for family members, relatives and friends and is considered to be symbolic of the celebration of marriage. As in the tradition of the Prophet, it is generally upheld that the *walimah* should be as simple as possible, avoiding extravagance.

The aim of this section of the chapter was to highlight, rather briefly, the importance of marriage as an institution in Islam. Marriage, and the family it may eventually create, is crucial to the way of life that Islam prescribes to its believers. Apart from regulating sexual behaviour among men and women, marriage also provides a legitimate basis for

the reproduction of human life, and, therefore, provides some degree of social order within a religious framework. The rites and rituals of marriage in Islam were examined to demonstrate the simplicity and the uncomplicated nature of an Islamic marriage. However, as I explored the nature of marriage among Sri Lankan Muslims, it became clear that many of the practices related to marriage are not based on religion. Furthermore, given the patriarchal nature of the Muslim community, even though the cost of a wedding itself may be borne by both the bride's and the groom's families, the organisation of the wedding is, most often, the responsibility of the bride's family.

### **Marriage among Sri Lankan Muslims**

#### *The Colombo sample*

**Table 15: The marital status of Sri Lankan Muslim women in the Colombo sample**

	<b>Single</b>	<b>Married</b>	<b>Divorced</b>	<b>Widowed</b>
Interviews (n=40)	(2)	(34)		(4)
%	5	85	-	10
Questionnaire (n=79)	(8)	(66)	(1)	(4)
%	10	84	1	5

Of the forty women who were interviewed, thirty-four women were currently married, four were widowed and two women were single. None of the women were in multiple marriages. Here, it is important to stress that a majority of women are married because

the women's organisations from which the respondents were selected comprised mostly married women. Therefore, the figures in no way imply that most women in the Muslim community in Colombo are married.

Similar to the responses of the interviewees, a majority of the women who had answered the questionnaire were also married (sixty-six of a total of seventy-nine respondents). There were eight questionnaires filled in by single women, four by widowed women and one by a divorced woman. Even though there was a larger proportion of single women in the questionnaire sample than in the interview sample, the proportion of single women was, nevertheless, comparatively small.

***The British sample***

**Table 16: The marital status of Sri Lankan Muslim women in the London sample**

	Single	Married	Divorced	Widowed
Interviews	(5)	(20)	(1)	(4)
(n=30)	17	67	3	13
%				

Among the thirty women interviewed in London, as in the Colombo samples, a majority of women were married (twenty of thirty) and there was just one divorced woman and four widowed women. However, this sample had a greater proportion of unmarried women, principally due to the fact that the two organisations from which many of the

respondents were selected catered to *families* rather than mainly married women. Subsequently, there was a greater opportunity to include unmarried women in this sample of women.

### ***Age at marriage***

During the initial stage of defining my research questions, I expected many of the older women to whom I would speak to have married early in life. By 'early in life' I refer to the age group between sixteen (or below) and nineteen. Contrary to my expectations, I discovered that just as there were several women who had married at an early age among those respondents who had been born before the 1950s, there were just as many women of this same period who had got married in their early, mid and, sometimes, late twenties. Similarly, among the relatively younger respondents - those born in the 1970s and after - in both samples in Britain and in Colombo, there were women who had married at the age of eighteen and those whose age at marriage varied from twenty to twenty nine.

The average age at marriage for the sample of women who were interviewed in Colombo was twenty-two, and the average age of marriage for those women who had filled in the questionnaire was twenty-three. Although this latter figure is very close to the average age of marriage of the interviewed respondents in Colombo, its accuracy is questionable since 42 per cent of the respondents who were or had been married had not recorded the year in which they had married, hence making it impossible to calculate the age at which they were married.

Among the Muslims of Sri Lankan origin residing in London, again, as in the sample of women from Colombo, the average age of marriage was twenty-two. At the initial stages of my fieldwork, I expected many women to marry or to have married later in life due to the opportunities that were available to them in Britain in the fields of higher education and employment. However, it became clear when speaking to women that despite the availability of opportunities in Britain, one of the fundamental concerns of parents was their children's marriage. Similar findings have been recorded by Tehmina Basit (1997) and Kaye Haw (1998), who have, among other themes, focused on education, employment and marriage among Muslim girls in the United Kingdom. Most parents admitted to me that they had started to look for suitable partners for their daughters (not sons) once they (the daughters) had completed their Advanced Level examinations. Many parents feared that since the Sri Lankan Muslim community in Britain is relatively small, finding suitable marriage partners for their children would be a difficult task and would be an endeavour that would have to be started early. Among Sri Lankan Muslim parents in London whose children were already married when the interviews were being conducted, the task of finding partners for their children had often involved travelling to Sri Lanka in the hope that there would be a greater selection of young people of a marriageable age. According to the Demographic Survey conducted in Sri Lanka in 1994, the proportion of women was slightly greater than men between the age group of 20 and 39 years. The table below illustrates this point. The fact that there are a greater number of females than males in the age group (20-30 years) regarded by most parents as a suitable age for marriage for a woman suggests that finding partners for women within this age group could be difficult.

**Table 17: Age distribution of Sri Lankan population, 1994\***

Age group	% Distribution		
	Males	Females	Total
0 – 9	19.1	18.2	18.6
10 – 19	21.1	20.4	20.7
20 – 29	16.5	17.4	17
30 – 39	15.5	15.9	15.8
40 – 49	12.1	12.1	12.1
50 – 59	7.3	7.5	7.4
60 – 69	5	5.1	5
70 and over	3.4	3.4	3.4
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>

\* Statistically reliable estimates were not available for the Northern and Eastern provinces of Sri Lanka.

Source: Department of Census and Statistics, Colombo, 1999.

A final observation related to the age of marriage of respondents is that among the Colombo sample of interviewees, there were two women who had been given in marriage at a relatively young age of fourteen years. The years of birth of these two women were 1939 and 1974 respectively. In the case of the second woman mentioned, it was surprising to discover that I had in my sample an example of a respondent in Colombo, who had, at a very recent time in history (the late 1980s), been given in marriage by her parents. When talking to Muslim women about the age at marriage of their parents and grandparents, it was often stated that their mothers and grandmothers were married quite early in life, usually between 14 and 16 years. Therefore, although early marriage for girls was not unusual in pre 1940 Sri Lanka, it certainly is a rare phenomenon in Colombo today. However, as explained in Chapter 2, since the Muslim Family Law of

Sri Lanka does not specify a minimum age of marriage for men and women, however rare these cases may be, parents/guardians still have the potential and legal backing to give young females in marriage at an early age.

In the London sample, the youngest age of marriage for a respondent was eighteen years and there were two women who had married at this age. However, unlike in Sri Lanka, marriage had not prevented them from pursuing a higher education; one woman had completed her undergraduate degree after the birth of her first child, and the other had commenced her undergraduate education after the birth of her first child.

*Age at marriage: the concept of a 'maximum age' of marriage*

When speaking to women, it became increasingly evident that their views on a suitable age for marriage was very much dependent on what they conceived as 'too old' or 'too young' an age for marriage. The ideal age for marriage ranged from 18 to 28 years for a female, while the ideal age for a man ranged from 23 to 40. Many women felt that for a female thirty years was too old an age for marriage, as marriage at such an age was very rare in the Muslim community, both in Colombo and in London. One of the problems with late marriage for females cited by some women was that older girls were harder to please when choosing partners for marriage. Therefore, parents sometimes felt that by giving their daughters in marriage early, the latter's expectations of marriage partners would be less demanding. Furthermore, many women believed that finding partners for girls over twenty-five was difficult - especially if, as in my research, the average age of



marriage for a girl is twenty-two - and, therefore, late marriages for girls should be avoided. As one respondent described it:

If a woman is too matured, society will look down on her. As I told you before, society rules us. When you get married, you get recognition and more respect. Different things have to take place at different stages of our lives. If they don't happen, then people begin to wonder and talk about it... It's a bit like Shakespeare and the seven stages of man!

The statement quoted above emphasises another fact. Very often, at least for the older respondents, marriage generated independence and respect from the rest of the community for them. Although marriage is still regarded as important among the present generation of Muslim women, it is not always the principal source of their freedom and independence, because parents are becoming more liberal with their female children. However, women who remain unmarried at thirty are still looked upon with pity, and women who never get married - whether it is by choice or individual circumstance - are generally regarded as having lived life only partly by others in the community:

It is important for a woman to experience physically, and otherwise, marriage and motherhood. It's a part of being a woman.

Since motherhood is a central part of being a woman, and since being a mother can only be achieved within the boundaries of heterosexual marriage in Sri Lankan community in general, marriage is a crucial stage in a woman's life, which should not be postponed.

## **Arranged marriages**

One of the most interesting findings of this research was the discovery of the numerous ways in which the arranged marriage had taken place in the lives of the women who were interviewed and other women whom I had met as part of my fieldwork. Since women of varying ages participated in this study, there was an interesting mix in the ways in which the arranged marriage was described as having taken place in the lives of the women. Weber's 'ideal-type' (1949:90) is used in the discussion of the different forms of arranged marriages, as it is a useful conceptual tool in comparative studies. As an analytical tool, 'ideal-types' act as measuring rods to identify similarities and deviations in social phenomena. The categorisation of arranged marriages that will follow is in no way an all-inclusive analysis of arranged marriages among Muslims, but is a useful indication of the manner in which the concept of the 'arranged marriage' has changed over time. Furthermore, it also illustrates the varying degrees of freedom a couple may be given between the time a marriage has been arranged, and the actual date the wedding reception takes place. There is no single description of an arranged marriage. Over the years, its nature, form and practice have experienced constant redefining. In my own research experience it was clear that the only unvarying factor in arranged marriages was that in such a marriage the potential partners for men and women were always selected by their parents, guardians, families and/or a marriage broker.

### *The marriage broker*

The function of the marriage broker is to gather information about potential brides and grooms - such as their age, family connections, educational qualifications and character - and pass it on to interested parties. Therefore, the marriage broker's knowledge of the members of the community, which in this case is the Muslim community, is quite extensive. If a marriage proposal brought by a broker is successful and a marriage does eventually ensue, depending on the agreement parents have with the broker, a payment will be made to him or her. The broker may charge a fixed amount for his/her services, or the fee may be a percentage of either the cash, or the value of any property, or both that is passed on as dowry from the bride's family to the groom. Although there are still men and women who describe their profession as marriage broker in the Muslim community in Sri Lanka, there are other members of the community whose role as marriage broker is informal. A relative or friend common to the two parties may provide an introduction to each other and the proposal may develop into a marriage from that point. Such situations are very common in Sri Lanka, and, in cases such as this, a fee is generally not paid to the person who acted as broker. The role of marriage brokers in arranged marriages is quite crucial, as they act as intermediaries and can help preserve a certain degree of peace and indiscretion between parties. All the interviewees who were married or had been married had no formal marriage broker involved in arranging their marriages. However, there were many women, who were not formally interviewed but whom I met during my fieldwork in Sri Lanka, who had been introduced to their current partners with the help of a formal marriage broker. Personal columns in newspapers and

marriage brokers are the most popular methods of finding marriage partners among Sri Lankan Muslims.

*Arranged marriages: some ideal types*

*Type A*

In this type of arranged marriage the respondent had been shown a photograph of the groom-to-be before the wedding, but had not met him. Not a single interviewee whose marriage had been arranged in this way had refused to marry the partner selected for them by their parents. A photograph of the future groom was generally shown to the bride more as a matter of routine rather than a genuine desire to get the bride's consent. However, all the interviewees whose marriages had been arranged this way were confident of their parents' choice in partners and the following statements are examples of this, even though the respondents felt that they should have been kept informed by their parents of what was happening in their lives:

a. When my parents saw my husband they liked him. He was also from a good family and a Colombo Muslim. I knew that my parents would choose someone good for me... when they showed me his photograph, I liked him.

b. Arranged marriages are really good and they are long lasting, because parents will always look for what is right for their children... My husband came and saw me, but I was not aware of it - which is totally against Islam. Both [the bride and groom-to-be] should be allowed to see each other. I only saw his photograph and that was after everything had been agreed upon... It was like a custom for the girl not to be aware of these things... I was an educated person, but I gave my parents the privilege of doing what they wanted.

Most of the respondents whose marriages were arranged in this manner were born before the 1950s, but there was one in the Colombo sample and one in the British sample who were born in the 1970s who had not met their husbands before the wedding. The respondent in the British sample had not been born in Britain but had received part of her secondary school education there. It is almost paradoxical that although her parents were living overseas and were 'traditional' (by her own admission), they had yet sent her away from home to boarding school in Britain; however, once the marriage had been arranged for her in Britain, they had decided that she should not meet her future husband at any time during her two year engagement to him. It is unclear why parents in cases such as this maintain that their children should not meet their partners-to-be once a proposal of marriage has been accepted. Possible explanations are that they believe such a practice to be unIslamic; second, parents may fear that 'other people' may think that the bride meeting the groom is unconventional behaviour, at least in the Sri Lankan Muslim context; and third, if anything does go wrong prior to the wedding, then the wedding may be called off with the least amount of inconvenience to both parties. Therefore, although this type of arranged marriage, where the bride and groom do not see each other until the day of the wedding, is less common today among Muslims of a middle-class socio-economic background, it does take place from time to time.

### ***Type B***

Arranged marriages categorised as Type B are those where the bride and groom had an opportunity to meet each other at least once before the wedding. The marriages of the

majority of respondents who were interviewed both in London and in Colombo belonged to this category of arranged marriages. However, these arranged marriages could be subdivided into two. In the first type of arranged marriage, which in my samples generally took place among the respondents born before the mid 1960s, the bride and groom were permitted to meet each other once before the wedding. Quite often the meeting was a formality as the parents of the girl had already given their consent to the marriage. However, from the responses received from many women, it was unlikely that a marriage would have taken place if a girl had been totally against marrying a man whom her parents had chosen for her. However, as with the Type A marriages, many women had confidence in their parents' choice in partners, and strongly believed that their parents would be more capable than they would be in finding suitable partners.

In the second type of marriage, once a marriage had been arranged or 'fixed' and a formal or informal engagement had taken place, parents would allow the man and woman soon to be married to have supervised meetings at the woman's home. Here, parents did not permit the couple to go out on their own, but did not object to their meeting at the bride's home. It was uncommon for parents of the bride to permit the bride to meet her future partner at his home as this could imply that the girl is over-assertive and over-familiar with the groom. Here again, it is important to keep in mind that the reason for what may seem like overprotective behaviour of parents of female children, in particular, is that should the marriage not go ahead, the girl's good character and honour are still maintained. However, according to the responses of some women, it was evident that in present-day circumstances, when relatively more women are going out of their homes for

education and employment, men and women who were engaged to be married had met their partners without the knowledge of their parents.

### *Type C*

Arranged marriages, classified here as Type C, are very similar to Type B marriages and the only difference between the two is that the parents of both the bride and groom are more liberal in permitting their children to go out with each other. There were just two women, both in the British sample, who belonged to this category but during my fieldwork in Colombo, it was evident that this was not peculiar to the Muslims of Sri Lankan origin living in Britain. More Malay than Moor women claimed that their parents had permitted them to go out with their partners before marriage. This coincides with the fact that a greater proportion of Malay women had found their own partners and that this was quite acceptable within the Malay Muslim community. Even among the Sri Lankan Malay Muslim community in Britain, parents were more open towards their children finding their own partners, although it was preferable if such partners were of, more importantly, the same faith, and, less importantly, the same ethnic group and country of origin.

### *A discussion of the ideal types of arranged marriages*

The above classification of arranged marriages is a simple guide to what I discovered among the Sri Lankan Muslims in London and in Colombo. As the three types of marriages mentioned are ideal types, there has been quite a degree of variation in the ways that marriages have been arranged for children by parents. Types A and C are the

two extremes at either end of the spectrum, with Type B covering the largest and middle area. The most obvious trend was that Type A arranged marriages were most common prior to the mid 1950s and are not as evident in the present day. A greater understanding of Islam and women moving out of their homes for education and employment have given way to the second mentioned, and, most common, type of arranged marriage since the 1960s. Furthermore, this type of arranged marriage has been characterised by parents asking their female children if they consent to a proposal of marriage, rather than expecting their daughters to accept the man chosen for them, whatever parents' good intentions may be. Type C marriages are becoming more frequent, but are not very common among the Moors in the community. Supervised meetings among engaged couples are still the most accepted form of meetings among the Moors and it may take time, even among the Sri Lankan Muslims of Moor origin living in Britain, for any other form of unsupervised 'courting' to become common practice. This, however, does not mean that couples who are engaged to be married to each other never see each other unsupervised; some women were quite open in narrating, almost anecdotally, their secret meetings with their then partners-to-be.

The above description of arranged marriages is very significant in Britain, given the interest this subject has raised in the recent past with publication of the white paper titled *Secure Borders, Safe Haven* by the Home Secretary, David Blunkett, in February 2002. One of the problems with this document picked up by the South Asian community has been the blurring of the concepts of 'arranged marriage' and 'forced marriage'. David Blunkett has been accused of using the terms synonymously when he has failed to take



into account that arranged marriages are based on getting the consent of both the bride and the groom, whereas forced marriages are not (see, for example, Alibhai-Brown, *The Independent*, pg. 25, 2002; Rahman, *The Muslim News*, pg.22, 2002). Such a lack of understanding of cultural practices in formulating policies can be disastrous for minority communities, just as much as they can be for inter-community relations. Furthermore, it is important to reiterate that cultural and religious practices are not static as the above analysis on arranged marriages among Sri Lankan Muslims highlights; they are influenced by the environments that people live in and it is essential to be in touch with changes in practices so that policy formulation can be done effectively and efficiently.

### **Rituals in a Sri Lankan Muslim marriage**

An interesting question that can be raised at this point is how can customs that are foreign to particular communities, be incorporated into their traditions over time? Another question that arises is why are some practices incorporated more easily while others are resisted? In the Sri Lankan context being colonised by Britain could be one answer to the practice of many Western marriage customs (the most popular of which are discussed in the ensuing pages). With regards to the Muslims, it seems that members of the community who are in positions of power and/or are wealthy, can, more easily, integrate practices that are not common to the community. As long as these practices are not in obvious opposition to Islamic values and principles, members of the Muslim community can adopt almost any practice that has formerly been alien to them. The following section is a focus on some such practices that have been imported not only from Western,

and most often Christian, marriage customs but also from the other communities in Sri Lanka. Many of these customs continue to be practised among a majority of the migrant Sri Lankan Muslim population in Britain more conscientiously than Muslims in Sri Lanka themselves, while some Muslims of Sri Lankan origin in Britain have adopted many more typically 'Western' practices in their wedding celebrations.

### ***The engagement***

The concept of 'engagement' is alien to Islamic practices of marriage. However, many Christians as well as Muslims and Buddhists practise it as a central part of their pre-marriage rituals. Almost all the married women who were interviewed had had some form of engagement prior to the wedding. The engagement was a convenient way of informing the rest of the community that the daughter of a particular couple would soon be getting married to the son of another couple.

The most common form of engagement ceremony mentioned by the respondents was one where the bride and groom never met, although the bride received a ring or some other item of jewellery from the potential groom's family. In the past, the general practice among the Moors has been that the male members of the bride's family and relatives visited the groom and his family as a sign of formal acceptance of the proposal of marriage. An *imam*, or a Muslim priest, would conduct some prayers and give the occasion some religious significance. Later during the day, the female members of the groom's family would bring a ring to the bride's home and the mother of the groom

would present it to the bride. Although this is a very general description of events at a traditional Muslim engagement, the grandiosity of ceremonies varies from event to event.

In the recent past, just as there has been an Islamic revivalism in Sri Lanka, to a lesser extent there has also been evidence of increased Westernisation among Sri Lankan Muslims. The latter situation has resulted in more incidents of grooms visiting the homes of their brides-to-be at engagement ceremonies, for example, and personally presenting the ring to the bride. Similarly, while some respondents in the British sample had followed the traditional practices of a Sri Lankan Muslim engagement mentioned above, others had observed a mix of traditional Sri Lankan Muslim practices and Western ones. Although Sri Lanka, in the past few decades, has experienced an Islamic revivalism, there was little evidence during my fieldwork of a total rejection of non-Islamic customs. Some Muslims belonging to Islamically conservative groups - such as the *Jamaat-e-Islaami* and *Tableeq Jamaat* (also referred to as 'Tableeq movement' in this thesis) mentioned in Chapter 2 - have, with some success, managed to exclude what they perceive as Western and non-Islamic practices from their lives. However, as many women, and sometimes men, admitted to me, even if they were aware that a certain practice was alien to Islam, it was very difficult to abandon it instantly as it is something that the community has integrated into its landscape.

In the following section of the chapter, I shall discuss some of these non-Islamic practices that have infiltrated the marriage rituals in Muslim weddings. I have focused on certain

specific practices because they were the most commonly experienced or mentioned by the women in my samples.

**Dowry among Sri Lankan Muslims of a middle class socio-economic background:  
some processes and issues**

Throughout this thesis I have used the term 'dowry' in a way similar to Spiro's use of the term in his work (1975:89). Therefore, by the term 'dowry' I refer to any property or cash presented to the new couple by the family of the bride. However, unlike Spiro, I use the term 'dower', principally to define the *mahr*, and, therefore, as any endowment - generally cash or jewellery among Sri Lankan Muslims - specifically given to the bride by the groom. The practice of dowry is not based on any Islamic principles, and many Muslims whom I spoke to in Sri Lanka seemed to hold the view that it was a practice that had been borrowed from the Hindus in India. S. L. Hooja describes the prevalence of dowry among the Hindus in India as a 'social evil' (1969:1) and discusses the impact of Hindu spiritual doctrines on the system of dowry in India. Dowry, as it is practised today among Sri Lankan Muslims, may have originated from the concept of *stridhanam* (or a daughter's wedding settlement), which is mentioned in classical Hindu texts and law (Tambiah, 1973:118; Madan, 1975:236; Caplan, 1984:216). However, as A. Dharmalingam states, 'there is no consensus on the origin and development of the dowry system [in India](1994:584). Dowry in Sri Lanka, as in India, can be distinguished from other forms of property that a woman may acquire during the course of her life, such as

through her own labour (Caplan, 1984:216) or through inheritance (Goody, 1973:20), and is an endowment made to her or her husband by the bride's family on her marriage.

Marriage expenses commence once a marriage has been agreed upon by the families of the bride and groom. The general practice is that on the day of the engagement, or the *adayalam*, which is similar to the Western concept of an engagement, it is customary for both the bride's and the groom's families to exchange fruits and sweets. The bride's parents bear a larger share of marriage expenses, which are incurred closer to the wedding. Apart from the costs of the wedding reception, which is usually divided equally between the two families concerned, the only other costs borne by the groom or his family are those of purchasing gifts, such as clothes, shoes and accessories for the bride (similar to a practice among the Pandits of Kashmir (Madan, 1975:233)), and paying for the *walimah*, which is the marriage feast generally held on a day after the wedding reception. As mentioned earlier in this chapter, hosting and paying for the *walimah* is, according to Islamic tradition, the responsibility of the groom.

With specific reference to the dowry, parents of the bride may give a wide variety of items to the couple. Some of these items may be requested or demanded by the groom's family, and others may be voluntarily bestowed upon the bride by her parents. Dowry usually takes the form of jewellery, which includes the *thali* or wedding necklace (discussed in greater detail later on), cash - either some or all of which is handed over to the groom and/or his family, and property, which may or may not be profit-bearing, and/or which may or may not consist of a furnished or unfurnished house. There have

also been cases where motor vehicles have been given to grooms as dowry. As in T. N. Madan's study of marriage payments in north India, the dowry then, in the Sri Lankan Muslim context, comprises immobile and movable items that are for the sole use of the bride, as well as items for the conjugal household, but, unlike in the north Indian example, very rarely items for the husband's relatives-in-law.

### ***Some explanations for the practice of dowry among Muslims in Sri Lanka***

In the past, the giving or accepting of dowry was never of great concern for Sri Lankan Muslims. According to some of my older respondents, dowries were never exorbitant; parents would give their daughters only what they felt that they could afford. By 'the past' I refer to the period before the 1960s. It is very difficult to state with certainty exactly when the giving of dowry, to the extent it is practised today, became a normal and acceptable custom, but there are examples of women in my sample who were given houses in Colombo as part of their dowries in the 1970s. In this section of the thesis, the four reasons for the prevalence and popularity of the dowry system in Sri Lanka will be discussed, and the first three of these explanations were gleaned from the responses of the women who were interviewed as well as from informal encounters with various Muslims in the community. The final explanation that is mentioned is something that was gathered from other literature relating to dowry, but which may very well be applicable to the practice of dowry among Sri Lankan Muslims.

*The educated Muslim male: a rare commodity*

As discussed in Chapter 5, the percentage of Muslim males and females in undergraduate education has, for most of the post-independence era of Sri Lanka, been less than the population percentage of Muslims in Sri Lanka. Since Muslims, in the past, particularly men, have always been attracted to the fields of business and agriculture, formal higher education has not been of great significance to many Muslim males. Since more Muslims in Sri Lanka are beginning to appreciate the value of education, more parents looking for partners for their daughters are valuing education in a man as an essential prerequisite to any proposal of marriage. One of the consequences of this has been simple economics; the supply of educated men has not always been able to meet the demand, and, quite often, this has worked out well for the educated man. He has a greater choice when selecting a partner, and, his family has a greater opportunity of negotiating a better dowry, or selecting a bride with a better dowry. S. J. Tambiah (1973:63) and Lionel Caplan (1984:220-221) have recorded a similar pattern of behaviour in Madras, India, as well as in other parts of Sri Lanka respectively. As a marriage broker pointed out to me, very often it is the parents of the groom, rather than the groom, who pursue the matter of dowry. It is important to add that as more men, and women, today are pursuing an education, the practice of dowry demanding is becoming less frequent. Nevertheless, they may still wish to know what their future daughter-in-law will be presented by her parents on her marriage.

### ***Men as breadwinners, women as homemakers***

A second reason why the practice of dowry has been justified has been because many people in the Muslim community believe that men are the breadwinners and caretakers of their wives. Therefore, since after marriage a husband becomes responsible for the material well being of his wife and children, he will have to bear all the expenses of the family. Given this situation, many parents of the groom may feel that the parents of the bride should make some substantial contribution towards easing the man's burden of supporting a family in the future, since the bride may not be financially independent to help support herself or a family. Since, many Muslim girls in the past were not in paid employment, they would certainly have been unable to make any monetary contributions towards their families' expenses, and her parents would have had to rectify this situation by giving them some form of financial help in the form of dowry.

### ***Dowry as financial independence***

To many parents, giving a daughter a dowry grants her some degree of economic independence from her husband. It provides the girl with a 'safety net' should the marriage not work out, or if some misfortune should befall the girl's family. Although a groom may be given cash as part of the dowry, any property given to the bride is usually registered in the bride's name by her parents so that she may deal with it as she sees fit. However, there have been examples where parents have transferred property to their sons-in-law as they have felt that their daughters are not experienced enough to deal with financial and property matters. However, the problem with this has been that should the marriage not work out, a groom may feel no compulsion to return any of the property that



is registered in his name. In the present day, it is very rare for parents to register any property under the names of their sons-in-law, and girls, therefore, have some economic power and authority within the marital relationship.

### ***Dowry as 'pre-mortem inheritance'***

The concept of dowry as 'pre-mortem inheritance' is discussed by Tambiah (1973:64) and also suggested by Goody (1973:1), since it is property that is transferred to the woman at her marriage. However, as Caplan observes (1984:217), Madan prefers to describe dowry as a substitute for women's unequal inheritance rights compared to those of men (Madan 1975:237). This may be yet another reason for the prevalence of dowry among the Muslims of Sri Lanka as, according to the *Shari'ah*, women are entitled to less inheritance than their male counterparts. The principal reason for this is that since men are considered to be the maintainers of women, the former are eligible to inherit more than the latter. Therefore, even according to the Muslim laws of inheritance in Sri Lanka, Muslim men are entitled to more than women. Although this may be a further reason for the practice of dowry among Sri Lankan Muslims, none of my respondents or any other informants mentioned it during the course of my research.

### ***The problem of definition of dowry in the Colombo sample***

It was surprising to find that almost all the respondents who were or had been married claimed that their husbands had not asked for a dowry. This seemed to contradict the findings of my other fieldwork, namely through participant observation and informal discussions with many members of the Muslim community. It soon became apparent that

even though a man may not *ask* for a dowry, the bride may still be *given* one by her parents. Very often, when parents of a woman inform friends and relatives that they are looking for a suitable partner for their daughter; apart from her age and educational qualifications, they would also mention what they intend to give their daughter as dowry. This means that any parties interested in the woman will, before they formally express their interest in her, already be aware of her 'real value'.

Another reason why many of my respondents hardly mentioned dowry in relation to their own personal circumstances was because they defined dowry in very specific ways. Many of the older respondents did not consider cash, jewellery and property given to them or their husbands as dowry, since in the present day the word 'dowry' encompasses a wider variety of assets such as vehicles, relatively larger amounts of cash, and 'property' most often refers not just to land, but to land with a house on it. Furthermore, although it would have been rare in the past for parents to make a list of the things they intend to give their daughter and pass it on to any party whom they were interested in as a potential partner for their child, today, however, it is not an unusual practice. Hence, it became clear that the common understanding of the meaning of dowry itself had undergone change with time. Aware of the ambiguities relating to the term 'dowry', in my questionnaire, respondents were informed that the dowry was 'anything that was given to you (or your husband) by your parents or guardians' and that 'the amount and nature of dowry should have been agreed upon either formally or informally by the parties concerned before the wedding'. The three choices that I had provided as possible

answers were 'yes', 'no' and 'I don't know'. The responses of the seventy-one married, widowed and divorced women who had filled in the questionnaire are tabulated below:

**Table 18: Questionnaire responses to 'Were you given a dowry by your parents/guardians?'**

<b>Responses</b>	<b>Number of women</b>	<b>%</b>
Yes	36	51
No	21	30
I don't know	6	8
Unavailable	8	11
<b>Total</b>	<b>71</b>	<b>100</b>

Although the figures above are based on a very small and non-representative sample of women, they provide a more realistic picture, in comparison with the results obtained through interviews, of the situation of dowry among the Muslims of Colombo as well as reflecting my findings as a participant observer.

### ***The British sample***

Among the Sri Lankan Muslims living in London, the practice of dowry was still prevalent, but, in most cases, it was less obvious and more covert than it was in Sri Lanka. In the London sample, there was not as much confusion in the definition of dowry and any dowry given was usually in the form of jewellery and cash, with a few exceptions of property being given by parents to the daughter. There were also a few respondents who had given their newly married daughters cash, mainly to help the latter to purchase a

house. Among the British sample, a woman's education was valued, among other reasons, because she could always contribute towards her family's finances through her being in paid employment. Therefore, the need for her to bring a dowry into the relationship is not as important as it would be for women who are unemployed and/or without a high level of education. In Sri Lanka, Muslims have been relatively slow to appreciate the importance of education for females, hence women are still not regarded as financially useful providers for the family, and continue to make their financial contribution to a marriage in the form of dowry.

### **Other non-Islamic marriage practices of Sri Lankan Muslims**

#### ***Christian/Western influences***

One practice that was mentioned by almost all the respondents was the wearing of a white bridal dress for the wedding. This is, of course, a custom in Christian weddings, with the colour white being symbolic of purity and virginity of the bride, and is popular in other non-Christian Asian countries such as Japan (Hendry, 1981:169). Furthermore, many respondents also discussed the practice of the groom presenting the bride with a wedding ring. Again, this is borrowed from Christianity. Not a single respondent mentioned the *exchange* of rings between the bride and groom and it was always just the husband who presented a ring to his wife. The groom usually receives a ring or some other item of value, such as a wristwatch, from his father-in-law. A final practice borrowed from Western, Christian marriage ceremonies is the cutting of a wedding cake, which is alien to Islam. It seems to be a relatively recent addition to Muslim wedding

ceremonies, as many of the older respondents had not practised it at their weddings. As Simon Charsley observes, this is a practice that has become extremely popular in some countries that were British colonies, such as South Africa and India (1992:26) and, as in the case of the wedding dress discussed above, the wedding cake is another contemporary Western custom that has gained immense popularity in Japan (Charsley, 1992:27).

In the past, the trend seems to have been that whatever practice was accepted as 'fashionable', and not against Islamic values, caught on since the rituals of marriage in Islam are relatively simple. In this regard, it can be questioned whether practices such as wearing white, especially the white dress, the bride being presented with a ring by the groom and cutting the wedding cake can be described as customs/traditions. As suggested in Charsley's work it is more appropriate to use the term *convention* to describe these practices (1992:18); they are done by people because others do them too and they reflect what is popular at a given time, while a custom or tradition, implies something longer lasting, as discussed in Chapter 1 of this thesis. Nonetheless, in present times, it has become increasingly difficult to make innovations to Muslim marriages since Islamic awareness among Muslims is growing. Thus, while people like to be different, the fear of criticism from members of the community often prevents them from adopting any further new traditions that are unfamiliar to Islam.

### ***Hindu influences***

While presenting the bride with a ring is based on Christian marriage customs, the practice of giving the bride the *thali*, like dowry, is borrowed from Hindu marriage

traditions. According to Hindu custom, the *thali* is a necklace that the husband ties around the wife's neck as part of the marriage ceremony and she is required to wear it for as long as she remains married. In Muslim weddings, the *thali* is most often made of gold, and is usually provided by the father of the bride to the groom, who presents it to the bride. However, unlike in Hindu marriages, many of the respondents had no qualms about not wearing the *thali*, especially since they were aware that it had no significance for Muslims. Many respondents held the view that this practice continued among the Muslims because it was something that had been practised in the past, and also because parents often felt that the *thali*, being made of gold, would be a good investment for their daughters. Most often, the *thali* was a part of the dowry promised to the bride by her parents.

### ***Other practices***

The Muslim community in Sri Lanka tends to be a matrilineal one, since after marriage, until the newly married couple find their own accommodation, they will live in the home of the bride's parents. In Colombo, the general practice after the wedding ceremony and reception is that many of the close relatives of both the bride and groom's families gather at the bride's parents' home. Here, the groom's immediate family and relatives are taken to the room where the newly married couple will reside and the trousseau of the bride is displayed, particularly for the groom's family. The family of the bride, will, as a result, spend a substantial amount of money on the bride's trousseau to make it impressive to guests. Although, several respondents claimed that their parents had not practised this custom, it is a custom that is prevalent among Colombo Muslims and was also evident

among the Muslims living in London. The fact that the groom resides with the bride's family, even if it is a temporary measure, means that the financial cost of purchasing furniture for the new couple's bedroom is a further responsibility of the bride's family. Most often, the bedroom furniture is included in the list of items that the girl's family gives the couple as dowry.

While all of the customs mentioned above bear no relation to Islam, some of them highlight the financial burden such traditions are to the family of the bride. The financial cost of a wedding is certainly not equally borne by the families concerned, and the practice of dowry does not ease the wedding costs for the bride's family. The matrilineal aspect of the community does have its advantage as the bride can continue to live with her family, who is familiar to her and of whom she is a part. However, the disadvantage lies in that the parents of the bride are bound to have the couple in their home, until the latter moves out. It is not unusual for married children to live with their parents for several years. In many cases, where the dowry is a part of the bride's parents' home, the couple is likely to live in the bride's parental home, until a share of the house has, indeed, been transferred to them. The various traditions associated with marriage are a reflection of the Sri Lankan Muslim community in general, which is still a patriarchal one even though it is experiencing constant change. Even the practice of *mahr*, which is Islamically incumbent upon every male who gets married, does not benefit the woman in any significant way as I have demonstrated below.

The incorporation and intertwining of practices that are not historically associated with the traditions of a community, such as the Sri Lankan Muslim community's borrowings of customs from other communities discussed above, bring into this discussion postcolonial theories of hybridity. *Hybridity* is discussed in greater detail in the following chapter on identity among Muslims of Sri Lankan origin in Britain, and although it is a term that has been used by some and/or criticised by others, it highlights the synthesis and syncretism that exists in what people may tend to regard as 'pure' cultures (see, for example, Lévi-Strauss, 1994:424; Friedman, 1997:80).

In answer to the question posed at the beginning of this section on borrowed customs, which asks why certain practices are allowed to be incorporated into the broader traditions of a religious community, the answers are numerous. In the case of Islamic marriage ceremonies, the rituals are relatively simple. Thus, Muslims can quite easily select practices from other religions and cultures that they feel suit the general ethos of Islam, without going against the religion. Furthermore, in the past, practices that rearticulate patriarchal gender relations were more likely to be adopted, as they would help to sustain existing gender power structures. Finally, people continue to borrow practices that reflect the fashions of that period.

### **The practice of *mahr* among the Sri Lankan Muslim community**

The importance of *mahr* (dower) in Muslim marriages has been discussed in the chapter on law as well as at the beginning of this chapter and is an endowment to the wife by the



husband. Doi states that the *mahr* is 'the right of the woman' (1984:164) and, if this is indeed the case, she should have the right to either agree or disagree to the amount of dower or remit it completely. However, among the Sri Lankan Muslims (as well as among the Indian Muslims and Pakistanis) the dower is a token gift or amount of money and, as was evident in my discussions with women, was never discussed with the woman.

The results of all research indicated that a majority of the married women, in Colombo and in London, had not been aware of the nature or amount of dower they were to receive from their husbands, until or after the marriage ceremony. In fact, none of the women who were interviewed claimed that they had been informed of the *amount* of *mahr* they were to receive from their husbands, either on the day of the wedding or before it. The results of the questionnaire were more positive and are enumerated below.

**Table 19: Questionnaire responses to 'Was the nature and amount of *mahr* discussed with you before the wedding?'**

<b>Responses</b>	<b>Number of women</b>	<b>% (Approximate)</b>
Yes	15	21
No	50	70
Unavailable	6	9
<b>Total</b>	<b>71</b>	<b>100</b>

According to the table above, approximately one in four women had known about their dowers before the wedding. Therefore, there is some evidence that dowers are discussed with the brides before their weddings. However, I did not meet a single woman, in

formal or informal circumstances, who had been asked if she agreed to the nature and/or value of the *mahr*, or who had any knowledge of what she was going to receive as *mahr* on her wedding day.

A comparison of the two forms of gift-giving, which are the dowry and dower, clearly illustrates that religion, however important it may be to a community's identity, can be used, one way or the other, or not used at all, depending on the customs that have taken precedence over the years. Like many other communities in the world, the Sri Lankan Muslim community is a patriarchal one, hence, patriarchal practices will continue to dominate within the religious backdrop that the Muslims have created for themselves. Any patriarchal religious traditions that are observed will only serve to heighten an already existing male dominance of women.

### **Women's views on 'outsiders' with reference to marriage**

#### ***Mixed marriages***

As stated by Charlotte Bruner (1994:81) and Rosemary Breger and Rosanna Hill (1998:7) definitions of 'mixed' or cross-cultural' marriages can depend on a number of factors such as ethnicity or ethnic origin, nation, linguistic background, caste, class, geographic location and religious orientation. In the case of the interviews, the first question on mixed marriages was always an open one, which was 'What is your opinion on mixed marriages?', as the aim was to find out what respondents considered to be a 'mixed marriage'. With a few exceptions, the responses of a majority of women referred to

marriages where Muslim women/men married non-Muslims. The reason why mixed marriages was defined as such could have been because in almost all the interviews mixed marriages were discussed after the topic of marriage in the *Muslim* community had been addressed. However, since religion was an important influence in the lives of many women, it is not surprising that mixed marriages were described in terms of religion rather than any other criteria such as those mentioned by Bruner and Breger and Hill above.

### *Islam and mixed marriages*

According to *Qur'anic* injunction, Muslim men may marry non-Muslim women provided the latter are 'people of the book' (*ahl al-kitab*), or, in other words, Jewish or Christian women (Doi, 1984:134; Yamani, 1998:154):

Lawful for you are the chaste women from among those who have been given the Book (The Holy *Qur'an*, *sura* 5: verse 6)

Muslim women, on the other hand, are not permitted to marry any non-Muslim men, and, if such a marriage were to take place, it would be considered a form of 'illegal intercourse' and any child born of such a union would be considered illegitimate (Yamani, 1998:154). Yamani identifies two reasons for this total prohibition of Muslim women marrying Christians and Jews. The first is that Islamic marriage has a distinct patrilineal bias. Therefore, since patrilineal descent provides the child with its name and religion, marriage to a non-Muslim man would mean that the child will have a non-Muslim name and his/her religion may not be Islam. Secondly, the traditional belief is that the mother

is the principal source of a child's religious moral education. As a result, it is considered to be important that the mother and child(ren) follow the same religious faith. However, this then raises the question of why Islam does not permit a Muslim woman to marry a Christian or Jewish man. If the belief is that a mother's religion influences a child more than the father's religion, then it is surprising that Muslim men, and not women, are permitted to marry 'people of the Book'. However, even in the case of a Muslim man marrying a 'person of the Book', although Islam permits it, it is not promoted or recommended as the ideal form of marriage. Islam does permit Muslim men and women to marry people previously of any faith who have now converted (or 'reverted', as many Muslims believe that human beings are born Muslim but that individual circumstances may prevent people from following or practising Islam) to Islam. Therefore, marrying a 'new' Muslim is the same as marrying a person who was a Muslim at birth.

#### *Attitudes towards mixed marriages*

The responses I received from the women whom I interviewed in Colombo and in London could be categorised into three: total disapproval of mixed marriages, conditional approval of mixed marriages and, thirdly, unconditional approval of mixed marriages. A majority of the respondents belonged to the second category as they felt that a Muslim could marry a non-Muslim provided the latter converted to Islam out of genuine interest in the religion. Therefore, becoming a Muslim in itself was not sufficient, it was also important that the person who was converting to Islam was willing to practice it. As one respondent claimed:

It doesn't matter where they come from, what their background is, whether they are rich or poor, as long as they are practising Muslims.

However, having said the above, the respondent later stated:

If it were my parents, they would not have allowed me to marry anyone other than a Sri Lankan Muslim.

This view was very common among the women whom I interviewed. Although, most of the younger women in my two samples were not concerned of the *ethnicity* or *country of origin* of the Muslim their children married, the older women in the sample were quite keen that their children should marry *Sri Lankan* Muslims due to cultural differences even between Muslims:

Personally, I wouldn't want my daughter to marry a white man. I shouldn't say this because we are all Allah's slaves, but I wouldn't be happy because of the cultural differences. We sit and eat rice and curry with our [bare] hands. An English person, even though he is a Muslim, his family won't be exposed to that same way of life... Just because your husband is a Muslim, his family will not be. They will be drinking and smoking. They will invite you to Christmas and New Year parties when it's your *Eid* or you are fasting. It's going to be very difficult. But if that is the will of Allah...

The responses of the questionnaire were very similar to those of the interviews, with a majority (58 per cent) of women indicating that they did not mind a Muslim marrying a non-Muslim, provided the latter converted to Islam.

The principal reason cited by almost all the respondents for their disapproval of mixed marriages was the impact such a relationship would have on children. Respondents often felt that children from such marriages would be confused about their religious affiliation(s), which may subsequently result in their not following Islam, or not having a religion at all. One of the respondents interviewed had married a Hindu man, who had not converted to Islam. She did speak of the conflicts between herself and her husband, particularly with regards to which religious faith their four children should be encouraged to follow. Her husband was keen that the children should follow Hinduism, while she taught them Islam at home. The result was that all her children chose to follow Islam as she had been investing much time in teaching them the religion. The other main problem that she had to face was that she was ostracised by her family for marrying outside the Muslim community. This coincides with the results of research conducted by the Muslim Women's Research and Action Forum (MWRAF) and published in 1999, which suggest that most Muslim women who marry non-Muslims are 'excommunicated' by the Muslim community (MWRAF, 1999:59-60). Furthermore, similar to their findings, I discovered that the Malays, in general, were more liberal than those of Moor origin in their attitudes towards Muslims marrying non-Muslims.

Overall, respondents' views towards mixed marriages were rather ambivalent and it was very difficult to ascertain their reasons for wanting non-Muslims to convert to Islam. Although many interviewees claimed that there was no point in converting to Islam if the convert was not intending to *practice* it, it often seemed that conversion of the non-Muslim partner to Islam was important to Muslims to keep peace with the family and

community; in other words, to keep the 'people outside' quiet. Sometimes during my fieldwork, it seemed that Muslims in the community were expecting new converts to be more Islam conscious than people who had been Muslims since birth. Therefore, they were often more critical of the way Islam was practised by converts than how it was practised by other members of the existing Muslim community.

*'Western marriage' as the epitome of the non-Islamic*

During the interviews with respondents as well as the informal discussions with various members of the two Muslim communities in Colombo and in London, women, and sometimes men, were asked for their views of marriages in the 'West' - which I described as comprising countries such as the United States of America, Western Europe and Australia - and Western women. With a few exceptions, many women, and this includes women living in Britain, were sceptical, and in some cases critical, of the way in which marriages took place in the West. Particularly unappealing to many respondents were the concepts of dating, *de facto* relationships and 'living together' before marriage. One interviewee described this type of lifestyle as 'unsatisfactory' and 'unstable', and another described it as unholy as follows:

They [people in the West] live together and sleep together before marriage. So what is the purpose of marriage? There is no sanctity or holiness; there is no holy bondage even though they pronounce the name of God. God is not made a witness to their marriages, unlike in our marriages [where] marriage is a holy bond and Allah is a witness to that.

Many women believed that the divorce rate was relatively high in Western countries primarily because people in the West did not regard marriage as sacred and something permanent, and secondly because (non-Muslim) Western women cared more for their independence and careers, rather than their children and families. However, the common view was that 'Western culture' was very different from Islamic, and sometimes 'Eastern', culture, and, therefore, while what was practised in the West was right and acceptable to people in the West, it was not appropriate for practising Muslims.

The them/us boundary was most obvious when respondents discussed issues such as their views on life in the West. In very general terms they regarded the 'West' as non-Islamic and the 'them', whilst the 'us' comprised themselves. However, even though a majority of women were critical of life in the West, there was an acceptance that all people in the West did not share the same values and that many Western women would, for example, sacrifice their careers for their families. Even those women residing in Britain disliked 'normal' Western practices such as dating and *de facto* relationships and described such behaviour as 'things we wouldn't do'. Nonetheless, in Britain, amongst some of the younger, unmarried women, the boundary between 'us' and 'them' was not so obvious, especially since almost all of them had been born in a Western country, were living among predominantly non-Muslim people and could see the advantages, particularly in the form of female independence, of what they perceived to be 'a Western lifestyle'.



## **Conclusion**

Considering that marriage and motherhood were regarded as important, if not the most important, aspects of a woman's life by a majority of the women who were interviewed, it was not surprising that marriage was the most discussed subject among the interviewees who were married. For a majority of women who were not yet married, particularly those living in Britain, marriage was important, but it was not to be at the expense of their education and careers.

One significant finding among Muslims of Sri Lankan origin living in Britain was that there was immense pressure felt by women from the ages of eighteen to approximately twenty-eight from their parents to marry. However, once women had reached their late-twenties and if they were still unmarried, although parents would still continue to look for partners for their daughters, the pressure on their daughters to marry would ease, and the latter would have more freedom to pursue a career, if that is what they desired. Among unmarried Colombo Muslim women, however, even if a girl had reached her late-twenties, the pressure from parents for their daughter to get married would continue or increase rather than decrease. The principal reasons for this appear to be that career options for women in Sri Lanka are not as wide as they are for women in Britain, and the Muslim community in Sri Lanka is more close-knit than the Sri Lankan Muslim community in Britain. Thus, what the Sri Lankan Muslim community in Britain will think and say does not have as much significance to those belonging to it. This, therefore, accentuates a central theme of my comparison between Sri Lankan Muslims in Colombo

and in London; in Colombo, people will be more controlled by the unwritten laws of the community, which may even go against the dictates of religion. In Britain, the Sri Lankan Muslim community will not have as much control over its people since the community is relatively small, scattered and traditionally accepted practices that are not related to Islam are becoming less important among second and third-generation members. There is some indication, however, that Islam is becoming more significant to the older as well as younger members of the Sri Lankan Muslim community in Britain.

## Chapter 7

### Individual and social identity revisited: Muslims of Sri Lankan origin in Britain

#### Introduction

The focus of the thesis has been the impact of religion and other cultural factors on the lives of Sri Lankan Muslim women in Colombo and in Britain. As mentioned in Chapter 1, the use of a comparison rather than a single ethnographic study was aimed to emphasise how a different social milieu can change the experiences, views and opinions of two groups of people, who themselves, or their parents, share a common religion, country of origin, and what can broadly be conceptualised as a common culture. Therefore, while the Colombo Muslims were the main subject of this research, the British sample of Muslims of Sri Lankan origin provided the important control group that was affected by the same variables within a very different social environment. Chapter 2 discussed, in some depth, the social world of Colombo Muslim women in order to provide some understanding of the development of the ethnic and religious identities of Muslims in Sri Lanka. Further, it dealt with the influence of religion and patriarchy, in defining not just *Muslim* identity, but also *female* Muslim identity. However, it did not focus on how the social world of Sri Lankan Muslims living in contemporary Britain was influenced by their present and past social environments and histories.

Just as Chapter 2 was dedicated to the processes that led to the emergence of Muslim identities and communities in Sri Lanka, this penultimate chapter is devoted to examining

the evolution of identity, or identities, among Sri Lankan Muslims who have moved from their country of origin and made Britain their country of residence. Where do women belonging to this group feel their home is? How do the experiences and views of first and second-generation British-born Sri Lankan Muslims vary in a discussion of where they belong? Do they have just one identity, or several? Does religion continue to be the most important aspect of their identity/identities? If they do have multiple identities, how do women cope with this situation? What strategies are utilised by the Sri Lankan Muslims to preserve the community and how successful are they in comparison to other South Asian communities such as the Pakistani, Bangladeshi and Indian ones? In many ways, this chapter is an extension of the first chapter as it explores the same issues, but in relation to a similar, yet different, group of people. It is a discussion on where a segment of the Sri Lankan Muslim community stands as a minority in the present day and how this may or may not be similar to the experiences of other minority groups in Britain.

Before proceeding to address the questions above, it is important to reiterate two points. The first is the use of the concepts of 'community' and 'Sri Lankan Muslims in Britain/United Kingdom'. The term 'community' is used to imply 'commitment to the continuity and perpetuation of the group' (Shah 1998:04); therefore, as mentioned in Chapter 2 it refers to a group of people who feel, in Levine's words, a sense of 'solidarity' and 'organisation' (Levine 1997:16), but not necessarily to a group of people who are completely homogenous. Similarly, describing respondents as 'Sri Lankan Muslims (living in Britain)', is how I, as the researcher, have decided to portray them. This categorisation has been made to separate those Muslims who are not of Sri Lankan

origin, that is women whose parents are not Sri Lankan, from Sri Lankans who are not Muslims - such as the Sinhalese, Tamils and Burghers of Sri Lanka. Hence, the term 'Sri Lankan Muslims' is not a self-attributed identity used by all respondents all the time.

The second point that needs some clarification is the use of respondents' quotations in this chapter. In certain examples, I have cited the respondent's year of birth and arrival in Britain, where applicable. This is essentially to increase the reader's understanding of why certain comments may have been made by women about their identities. I have not used this method in other parts of the chapter, or thesis, to preserve the anonymity of women who participated in the research.

### **Islam in Britain: The Emergence of Muslim Communities**

Islam in Britain can be traced as far back as at least the seventeenth century due to the activities of the East India Company (Lewis, 1994a:11). During this time, men from the Indian subcontinent were enlisted in the merchant navy and, popularly termed 'lascars', these sailors seem to have been present in 'sizable numbers' in Britain's ports. Significant numbers of men were also recruited into the merchant navy from Yemen in 1869 after the opening of the Suez Canal. When the Second World War broke out in 1939, the merchant navy comprised approximately 20 per cent of sailors from South Asia, and, although their settlements in London and other ports were quite transient, they can still be found today. Similarly, migrants of Yemen origin still have communities based largely in London, Cardiff, Liverpool, South Shields, Hull and Sheffield.

The South Asian Muslim communities that have emerged in the post World War II era are part of the flow of migrants into Britain from its former colonies, as a result of having been encouraged to enter the country to take up jobs in various industries and services. Lewis states that the numbers of migrants entering Britain in the early 1960s increased rapidly for two reasons:

First, to pre-empt the Commonwealth Immigrants Act of 1962, which closed the door on automatic entry for Commonwealth citizens. The second reason, which explains the increase of wives choosing to join their husbands, was the fear, often fed by rumours, that men had married a British wife. (1994a:17)

While economic factors have often been emphasised as reasons for immigrating to Britain, non-economic factors are also important to understand the dynamics of moving to a foreign land. Moving away from one's home country is sometimes regarded as a feature of economic success as well as a source of social pride for families left behind in the country of birth. Political circumstances have also driven people to move to Britain, as in the case of the Sri Lankans. Many Sri Lankans migrated to the United States of America, Australia and the United Kingdom from 1956 onwards when the Socialist Sri Lanka Freedom Party (SLFP) came into power. The SLFP during this time (1956-1977) was characterised by strong Sinhalese nationalist ideals and socialist economic policies, which led to the country being deeply divided between the Sinhalese and the Tamil people, and a general dissatisfaction among people of the Spartan economic policies implemented by the SLFP. The eruption of the ethnic crisis in riots in 1983, the continuing war in the country and the subsequent economic downturn have been further

reasons for many Sri Lankans to seek residence overseas. In some cases, although the war has not affected migrants directly, they have, nevertheless, used the ethnic problem as an excuse to gain refugee status.

Statistics for the total number of Muslims in Britain today vary from one million to two million. Although the Census of 2001 included a question on individual religious affiliation, the results were not available when this thesis was completed. The figures currently available on religious affiliation are generally extrapolations from statistics based on place/country of birth and Labour Force Surveys, which are sample surveys conducted on less than 1 per cent of the population. From the information obtained from such surveys and the census data of 1991, it has been calculated that the Muslim population in 1991 was approximately one million. Of this amount, about 80 per cent were of Bangladeshi, Indian and Pakistani origin while the remaining 20 per cent comprised Muslims from the Middle East, Malaysia, Iran, Turkey/Cyprus, and East and West Africa (Lewis, 1994a:17). According to the Census of 1991, the total number of people born in Sri Lanka, but residing in Britain was 38,387 (Census 1991: 918-919). In reality, this figure could be greater as it does not include asylum seekers and illegal immigrants from Sri Lanka, children who have been born in Britain, but whose parents are from Sri Lanka, and people who have been born in Britain but have Sri Lankan and British dual nationalities. Furthermore, the proportion of Sri Lankans who identify themselves as Muslims in the total number of Sri Lankans mentioned above is not available.

One of the principal differences between the Sri Lankan Muslim community in Britain and other, larger Muslim South Asian communities, such as the Pakistani and Bangladeshi ones, has been that the former has not been able to create self-contained enclaves where kin networks are reproduced and where separate institutional and economic infrastructures have been sustained. This is largely due to the facts that, first, the Sri Lankan Muslim community is comparatively small and, second, a majority of its members are scattered over London and its suburbs, while the rest live in other parts of the country. This, however, does not mean that this community is not distinct from other South Asian communities; the emergence of the two Sri Lankan Muslim organisations in Britain, the Sri Lankan Islamic Association (SLIA) and the Sri Lankan Malay Association (SLMA), is evidence of this. The existence of both these organisations reflects the differences between those who are traditionally regarded as the 'Moors' and the 'Malays' in Sri Lanka. While the SLIA has amongst its members people of Malay and Moor origin, the SLMA is predominantly an organisation that caters to the needs of the Sri Lankan Malay community in Britain.

### **Sri Lankan Muslims: their arrival in Britain**

Most South Asian communities in Britain emerged through 'a four-phase pattern of migration' (Lewis, 1994a:17). The first phase was marked by the arrival of 'pioneers', and the second by the 'chain migration', generally of unskilled male workers. This was followed by the migration of the wives and children of these workers, and the final phase involves the genesis of a British-born generation. However, this is not the case with the



Sri Lankan Muslim community in Britain. From my conversations with some of the Sri Lankan Muslim migrants, the late 1950s and early 1960s saw the first Sri Lankan Muslim migrants enter Britain in the post World War II era. No evidence could be found of Sri Lankan Muslims migrating to Britain prior to this period. Some of the initial settlers were young, male adults, who, like many other South Asian men, had left their families and countries of birth in search of educational and economic success, but there were just as many respondents who stated that they had arrived in Britain with their husbands, who were pursuing a professional career, such as doctors and chartered accountants. Migration for economic reasons, namely a 'better life' in material terms, was the most significant reason mentioned by a majority of the people with whom I spoke.

The second most common reason for seeking residency in Britain in the late 1950s and 1960s was to receive a higher education - not for women but for men. For women, the most important reason for leaving Sri Lanka was due to marriage to a Sri Lankan Muslim residing in Britain. With the exception of one woman, who was not formally interviewed, no woman whom I met had moved to Britain independently and of her own accord. In subsequent years, the reasons for migration include the ones mentioned above, political instability in Sri Lanka and joining members of family who had already made their homes in Britain. Unlike in the cases of the majority of Indian, Pakistani and Bangladeshi migrants of the 1960s (Lewis, 1994a:17; Ballard, 1994:6-7) who were 'unskilled workers', many of the early Sri Lankan Muslims to migrate from Sri Lanka in the 1950s and 1960s were professional men, or men who were studying to become professionals - such as accountants, engineers and doctors. However, since the 1980s,

there has been a greater proportion of non-professional men, sometimes with their wives and children, entering Britain, especially under refugee status.

### *Coping in a foreign land*

For many of the early female Sri Lankan Muslim settlers in Britain, the most difficult aspect of living away from the country in which they were born and raised was having to face loneliness and isolation. Apart from the obvious reason of moving from familiar social settings to unfamiliar ones, many of the older women in the sample spoke of the difficulty they had in relating to the people who were bounded by a British 'culture', a term they used synonymously with 'way of life':

The culture was the first thing that I came across. It is unbelievable how unfriendly they (English people) are. They distance themselves. Sri Lanka is not like that. Even among strangers you are not alone. Here you are isolated. My husband had to go to work and I was here with my little one, alone. How many times I cried to go back to Sri Lanka. I had to try and find people to talk to. The culture clash was terrible and it took me years to understand the British. You can be dead inside this house and no one will know... Now tell me, why do I have to go all the way to Windsor to have a chat [since the respondent's closest friend lives in Windsor]?

Unlike many of the early female migrants from other South Asian countries, a majority of the Sri Lankan Muslim women did not have a problem with the native language of Britain. All the first-generation Sri Lankan women whom I met could speak English fluently, given the important role English has played in the pre- and post-independence eras of Colombo, Sri Lanka, and had little trouble in making themselves understood in

their new world. Dealing with isolation meant, in most cases, one of three things: having a child, entering the labour market, or doing both. Also, many women who would never have been in paid employment in Sri Lanka, were now forced to find employment:

When we came here, we knew that there were not many Sri Lankans here. We settled down soon. Seven days after I arrived, I started to work. I wouldn't have been able to go out to work had I been in Sri Lanka. As my husband was a student, I had to work. You are lucky, you have friends and relatives here, but we didn't have that.

Therefore, the reason for seeking employment was financial, just as much as it was to feel less alienated from the rest of society.

Of the twenty women who had moved from Sri Lanka to London, only four mentioned problems relating to religion specifically as 'cultural problems', which they had to contend with when they arrived in Britain. One reason for not mentioning religion by some of the others could be because eleven of the twenty women had arrived in Britain after 1972, which was when the Sri Lankan Islamic Association (SLIA) was established. As I shall explain later in this chapter, this organisation was trying to address the religious and other community needs of the Sri Lankan Muslims in Britain. For those who spoke of a lack of Islam in their lives in the initial stages of their arrival in Britain, it was more in a sense of how much they had taken it for granted in Sri Lanka, which even if not a country where Islam was the dominant religion, still accommodates many Islamic practices and customs, some of which include the availability of *halal* (Islamically

lawful) food, the prevalence of mosques, the ability to practise Muslim funeral rites and Sri Lanka's recognition of Islamic festivals as national holidays.

From conversations with some of the younger first-generation migrants, religious concerns began to enter their thoughts once they had their children. Again, everything they had taken for granted, such as a certain degree of awareness of Islam - namely the ability to recite the *Qur'an*, performing other prayers and rituals, and fasting - now had to be passed on to their children. How this could be done in a country where Islam was, comparatively, still a nascent religion was a challenge to many parents. Therefore, even for those women to whom religion had not been a very important factor before their arrival in Britain, finding ways of coping with religious education for their children was a new problem. Very often this meant that the women had to teach children themselves.

For some of the first Sri Lankan Muslim women to arrive in Britain, while language was not a problem they had to deal with, dress was. Although, none of the women whom I met wore the *hijab* when they migrated to Britain, the attire with which they were familiar was the sari, which continues to be worn by many women of almost all religions and ethnicities in Sri Lanka. Most women found that wearing the sari made it more difficult to find employment in the initial stages of arrival in Britain, as their dress identified them as different even before a job interview could take place. It was only with the arrival of other Muslim South Asian communities that the Sri Lankan Muslims found it easier to move within the English community, and Islam began to be a priority in their lives:

- a. ... when I applied for jobs, I refused to wear anything other than the sari. As a result, I had difficulty in finding work. A few years later, I remember the Pakistanis started coming into the country. That's when I started to identify myself as a Muslim. I suppose there is strength in numbers.
  
- b. Certain jobs I couldn't do, like work in banks, because we were considered 'aliens'. The first job I got, they didn't want me to wear sari. So, I agreed to that...

Furthermore, the lack of work experience was another factor that prevented women from finding employment that they considered 'satisfactory' when they first arrived in the UK. Some women talked about the futility of applying for paid work when they had little or no experience of working outside the home. Potential employers would often reject these women's applications for work on the grounds that they did not have sufficient work experience.

### **Where is 'Home' for immigrants and their children?**

Before an answer to the above question is attempted, it must be acknowledged that the notion of *home* has always been difficult to define, given the numerous meanings attached to it (see, for example, Rapoport, 1995). It is a term that is used to describe something that can be both 'abstract' and 'concrete' (Benjamin, 1995:13) and/or 'physical' and 'conceptual' (James, 1998), but, as Nigel Rapport and Andrew Dawson propose, *home* can be a useful analytical construct in a 'quintessentially migrant age' (1998:6). Therefore, even though *home* may mean different things to different people and is a 'multi-dimensional' concept (Lawrence, 1995:54), the way(s) people may define

where and what their homes are can become important tools in cultivating and maintaining personal identities (Olwig, 1998:225).

The question of where *home* is never entered conversations with Colombo Muslims, even if they had moved to Colombo from other parts of the country as adults. This may be because they had, very often, easy access to the places where they had grown up and/or had moved to Colombo with their families and had few ties with the places they had been familiar with as children. For Avtar Brah and Sobia Shaw in their study of young Asians in Britain, *home* is the place where people have grown up from children to adults (1992b:49). However, unlike the findings of Brah and Shaw, not a single respondent in my samples mentioned a specific town or city where they grew up, either in Britain or in Sri Lanka, as their 'home', even though they mentioned the *countries* where they had grown up from children to adults, namely Sri Lanka and Britain, as 'home'. In other words, the women I interviewed referred to either 'Sri Lanka' or 'England' or both as their home(s), rather than referring to London, Watford, Wakefield, Colombo, Galle and so on in particular. For the women in London, this may be due to the fact that many of them had spent most, if not all, of their lives in Britain in London. Therefore, there was no opportunity or need to introduce the topic of distinctive British geographical locations in relation to their identities.

In order to illustrate the length of time that the sample of Muslims of Sri Lankan origin have spent in Britain since their birth, a table with this information is provided below. This is useful to get a clearer understanding of the relation between women's perceptions

of where there 'home(s)' is/are - whatever their definitions of 'home' may be - their age, and the length of time they have spent in Sri Lanka and Britain.

**Table 20: The age and number of years women of Sri Lankan Muslim origin have lived in Britain**

	Number of years lived in Britain			
Column A: Age of women	Column B: Since birth	Column C: 10-20 years	Column D: 21-30 years	Column E: Over 31 years
18-30 years	10	2	-	-
31-45 years	-	1	4	2
Over 46 years	-	1	5	5
<b>Total (n=30)</b>	<b>10</b>	<b>4</b>	<b>9</b>	<b>7</b>
<b>%</b>	<b>33.3</b>	<b>13.3</b>	<b>30</b>	<b>23.3</b>

In the above table, a separate column has been allocated for women who have lived in Britain since their birth, even though they could, very well, belong to any other category from columns C to E. An analytical separation was made between women who have been born here and those who have lived here for over ten years, to identify those who have had no experience of living life outside Britain, apart from holidays overseas. Almost all of the women who had migrated to Britain from Sri Lanka, apart from those who had left Sri Lanka as infants or children, identified multiple homes; not in the sense of 'home' as something mobile or something to be taken wherever one travels (for example Minha-ha, 1994:14 and Rouse, 1991), but more in the sense that they have two homes in routine sets of practices and interactions, routines in the manner they dress, the food they consume, in the myths, memories and stories that are ingrained in their heads, as described by John Berger (1984). However, none of the women who had lived in

Britain for over thirty years stated that they would return to Sri Lanka permanently if they had the choice to do so, even though Sri Lanka was described as a 'home' by many of them. This is mainly because their children were now living in Britain, and they wanted to be close to them. Furthermore, some of them also felt that they were now accustomed to a certain degree of independence, which they felt they would not have in Sri Lanka. For the younger women, who had been born and bred in Britain, there were no such multiple homes. Although they could not always describe Britain as their 'home' because of their sense of belonging to London or England (Hobsbawm, 1991:63), to these women, whose parents were from Sri Lanka, England is 'home' because of its familiarity to them. By 'familiarity' with England they often meant having an awareness of the 'ordinary' and 'everyday' - from knowing the transport system to finding their way in supermarkets.

Furthermore, for women who had grown up in Sri Lanka, 'home' was where family was. '*Family*' would often refer to immediate family members such as parents, siblings and on some occasions extended family - like grand-parents, aunts, uncles and cousins - and friends, who were not blood relatives. Therefore, even if some women had been born and raised in towns other than Colombo, 'home' would be the place where their family now resided in Sri Lanka - which was principally Colombo. It seems that once the ties of family were weak, or no longer existed, 'home' would become the place that was most familiar to the respondents. For women who had spent most, if not all, of their childhood and adolescent years in Britain, Sri Lanka was not considered a 'home', even if they had extended family still living there. The principal reason for this seemed to be a relative



lack of closeness and familiarity with the extended family, compared to those women who had spent much of their childhood and adolescent years in Sri Lanka.

A definition or description of *home* was never provided to the respondents when I conducted the interviews. In fact, I made the decision to analyse the term only because of respondents' use of it during their conversations with me. Although some respondents used the term 'home' very often, they could not provide me with a clear definition of the concept when I asked them for one, which highlighted, above all, its ambiguity. The above findings are essentially the themes that emerged in women's descriptions of the place(s) they chose to describe as their home(s). These places are 'home' to them because of a relative, even if not a complete, sense of belonging, due to familiarity of rituals, lifestyles, people and shared meanings.

### **Religion, ethnicity and identity revisited: the context of Sri Lankan Muslims in Britain**

It is not surprising to find that just as the use of concepts like *home* has been criticised by scholars for their vagueness and abstraction, concepts such as *ethnicity*, *identity*, *ethnic identity*, *culture* and *community* have also been discussed in terms of their usefulness, or lack of usefulness, in contemporary theories (see, for example, Ingold, 1994; Werbner, 1996; Baumann, 1997; Friedman, 1997; Levine, 1997; Melucci, 1997; Wicker, 1997). In Chapter 2, I looked at the concepts of culture, ethnicity and identity in greater detail, and placed them in the context of my own research. Even though there may be problems

associated with providing unambiguous definitions of these terms that are acceptable to all scholars across the various disciplines, they are useful concepts of sociological analysis. This is not only because words like *culture* and *identity* were used frequently by the respondents in this study, but also because there has been much research undertaken in these areas, not only in the social sciences but also in other disciplines such as cultural studies. Therefore, rather than reject these concepts completely, I prefer to use them, keeping in mind their limitations, namely their potential for ambiguity and lack of universal meaning, because they are very much a part of present day rhetoric. However, it is useful to keep in mind Hans-Rudolf Wicker's allegory of *culture* when using other terms like *ethnicity*, *identity*, *home*, *religion* and so on. He states that *culture* is like a 'river, forever changing within given perimeters of space and time, and eluding the grasp of science because of its liquid nature as a process' (1997:39). Similarly, as I have discovered in my research, concepts like *ethnicity*, *ethnic identity* and *religion* also describe processes rather than easily definable, universally applicable, concrete phenomena.

### ***Multiple identities, hybrid cultures: the Muslims of Sri Lankan origin in Britain***

Chapter 2 discussed, in some detail, the importance of 'being Muslim' in the formation of identity among the Colombo Sri Lankan Muslims of Moor origin. For the majority Moor population of Muslims in Sri Lanka, Islam has become the most important marker of identity, if not the only one, and this was reflected in some of the responses of the women in Colombo as well as in London, especially among women who wore the *hijab* (see Chapter 4). In the Colombo sample, women whose ancestors were Moor never spoke of

or introduced the Moor factor in discussions of identity; it was always the religious identity or 'being Muslim' that was accentuated. The Colombo Malay women, on the other hand, had experiences very similar to Muslim women in Britain in that their identity was multi-dimensional. They would talk about 'being Malay' just as passionately as women of Moor origins would talk about 'being Muslim'. In fact, it seemed that to many of the Malay women interviewed, the Malay marker of identity was slightly more important than the Muslim one. In a sense, the Malay identity had to at least equal, if not supersede, the Muslim one if the Malay community were to differentiate itself from the larger Muslim (Moor) population.

The circumstances of the majority of the Sri Lankan Muslim population in Britain are very similar to those of the Malay community in Colombo in that the Sri Lankan Muslim community, even if small in number, cannot belong completely to the larger Muslim and/or South Asian communities in contemporary Britain, which continues to experience the effects of globalization. By *globalization* I refer to Giddens's definition of 'the intensification of world-wide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa' (Giddens, 1990:64). *Globalization* then suggests 'movement and circulation', but, not to the extent that an increasingly 'borderless world', a world in which 'boundaries have lost their meaning' (Öncü and Weyland, 1997:3-4), is prevalent today. As Robertson suggests then, it may be more appropriate to replace the concept of *globalization* with *glocalisation* for certain purposes (1994:48), as the latter term blends the universal with the particular. However, since usage of the term *globalization* is more common than

*glocalisation*, the ensuing discussion refers to the former concept in its focus on ethnicity and identity. Thus, as Jenkins observes, even though globalization may be at its height in the present world, it is very likely that the concept of *ethnicity* will continue to play an important role in 'collective identification, a sense of 'us' and 'them', socially constructed with some reference to cultural similarity and difference' (1997:43). This difference between 'us' and 'them' is constantly subjected to construction and reconstruction, negotiation and renegotiation in 'the incessant...process of identity-building' (Bauman, 1997:54).

Among first generation Sri Lankan Muslims in Britain, there is a tendency towards having more than two identities; firstly, they are British because they hold British passports (together with Sri Lankan passports in a majority of cases); they are Sri Lankan because of where they are from; and they are Muslims because of the religion they follow. What is important is that to women belonging to this category, their identity as British is mainly *functional*; it identifies them as British citizens and increases easier access to other countries as British passport holders. However, 'being Sri Lankan' and 'being Muslim' describes their identity in a more *organic* way. The Sri Lankan and Muslim aspects of identity are more ingrained because of the closeness women feel to Sri Lanka as a country and Islam as a religion. This affinity to Sri Lanka and Islam influences their experiences, views and lifestyles more than the British aspect of their identities. In the case of many first generation Sri Lankan Malays living in Britain, there is the added marker of identity, which is 'being Malay', as in the case of the Malays living in Sri Lanka. It is, therefore, quite obvious to see how *identity* can become a 'problem',

particularly in the context that Alberto Melucci refers to it; namely that 'the multiple experience of the self obliges us to abandon any static view of identity' (1997:64). To many first generation Sri Lankan Muslims, the process of acquiring multiple identities was something that had to be dealt with once they migrated to Britain and this was the case even for the Malays. However, for the Malays this appears to have been less of a complication as they had already encountered the problem of having multiple identities, mainly that of Malay and Muslim, in Sri Lanka, where they are a relatively small community in size in comparison to the Moor, Sinhalese and Tamil communities.

Although twenty-nine of the thirty women who were interviewed described themselves as possessing more than one identity, for a majority of these women their Islamic identity was the most important one. This reflects the findings of other researchers like Yunus Samad (1996:92), Tehmina Basit (1997:39) and Farha Ghannam (1997:129). 'Being Muslim' was seen as something that described them completely, while being 'British and/or Sri Lankan' was not a full reflection of who they were. The following excerpts from interviews illustrate this point:

- a. I think I'm half and half. I was born and partly bred in Sri Lanka. I have a lot of affection for Sri Lanka, whatever the ups and downs. I can't ever forget that place. My father is buried there, a majority of my family is there and my husband's family is there. I can't say that I'm fully British. But, I still find myself half British because a majority of my life I've lived here. My studies, my work, it's always been here. But, I can't turn my back on Sri Lanka. That's not right. So I can't say that I'm one hundred per cent British. But, I'm one hundred per cent Muslim. The religion has to be the strongest of my identities. (*Year of birth: 1964. Arrived in Britain: 1972.*)

b. I think as a child growing up, I was conscious of my Sri Lankan identity. Then, for a long while I was purely British, and now I accept that it's a combination of the two... The fact that I'm a Muslim is the strongest of the three. (*Year of birth: 1966. Arrived in Britain: 1974.*)

c. I am a Sri Lankan, but first I'm a Muslim. (*Year of birth: 1940. Arrived in Britain: 1969.*)

d. We are Muslims first and then Malays. (*Year of birth: 1938. Arrived in Britain: 1959.*)

Given the importance of Islam in the lives of many women, it was regarded as the primary marker of identity. Conversations and interviews with women reflect the view that a religious identity is more permanent than having an identity affiliated to a place or country. Whatever differences that exist between Muslims, respondents feel that there can still be a global Muslim community (the *umma*) that crosses boundaries and borders, which is something a national or other ethnic identity cannot always fulfil. At an event held to celebrate the festival *Eid-ul-fitr* at the end of the month of *Ramadhan* in December 2001, one of the guest speakers emphasised the importance of 'being Muslim'. He stated that in the future, being Sri Lankan, Pakistani or Bangladeshi will be of little significance to future generations of men and women from these communities in Britain, as their affiliations to their parents' countries of origin will get increasingly diluted. Islam, on the other hand, can continue to be practised wherever one is. In a sense this is a reiteration of Nederveen Pieterse's view that 'when Islam leaves its original landscape, what travels... (is) the *Qur'an* and *Qur'anic* teachings: the *Qur'an* is portable Islam' (1997:180). However, it can also be practised because of the prevalence of other

Muslims, whatever their origins and roots may be. The Muslim identity is seen as something that can change, but not as something that can disappear completely over a long period of time.

While the extracts quoted earlier on the importance of Muslim identity to respondents reflect the majority view on multiple identities, there were some women who had very different opinions about themselves and who they were. For example, one woman identified herself as a Sri Lankan Malay because she was a Malay born in Sri Lanka, but she felt that being a Muslim was not a strong part of her identity, even though Islam was very important to her. A second-generation Malay respondent stated the following about herself:

In theory, I see myself as British, but I think of myself as English because I've been born and bred here completely. I accept my cultural roots and what not, but I consider myself English. Sometimes I get asked where I am from and I say England... Then they ask me again where I'm from originally and I say " Why didn't you ask me that?" and reply that my parents are from Sri Lanka. I don't feel that I have a right to say that I'm from Sri Lanka when I know nothing about the place, I never lived there and I can't speak the language... If someone asked me about my religion I'd say I'm Muslim, but it's not something I get up every morning and think about. (*Year of birth: 1978.*)

Although views such as the above were not recurrent, many of the women who had children were uncertain of how and what their children felt about Islam and Sri Lanka. Some respondents felt that their children did not talk much about religion or they felt that

they were 'more British' than Sri Lankan, particularly in the way they dress, what they do in their past-time, their level of independence and their diminishing interest in Sri Lanka.

Identity descriptions of 'Sri Lankan', 'British' and/or 'Muslim', as the above analysis illustrates, were used very often in the interviews, while the term 'English' was used by just one woman to describe herself. 'Asian' was the only other term that was used by two women in the interviews in descriptions of themselves. It was evident that not many women approved of the term 'Asian', because it often meant that they were mistaken for Indians, Bangladeshis or Pakistanis.

Looking at the Sri Lankan Muslims in Britain, it is evident that answers to the questions of 'Who am I?' and 'Where do I belong?' are very much dependent on the length of time they have spent in Britain, how often they have gone to Sri Lanka, the age at which they arrived in Britain and the period of time in which they made Britain their permanent country of residence. Women in their late teens and older, who arrived in the period between 1950 and 1980, feel quite strongly about 'being Sri Lankan' and less strongly about 'being British'. Other women, who arrived in Britain as young children or young adolescents up to the ages of twelve and thirteen are very much aware of their Sri Lankan roots and of being Sri Lankan, but they also describe themselves as being British. However, one of the women who was interviewed who came to Britain at the age of seven and made her first trip back to Sri Lanka at the age of eighteen stated the following about her identity:



I am a Sri Lankan Muslim one hundred percent. I never have thought of myself as British. Even my children feel that way - Muslims first and Sri Lankan second.

*(Year of birth: 1958.)*

None of the other women whom I met or formally interviewed who had spent some of their childhood and the rest of their lives in Britain described themselves as not having a British identity. One of the reasons for this view by the respondent quoted above could be because all of her immediate family and almost all of her immediate extended family, namely her aunts, uncles and cousins, were also residing in Britain. Therefore, she never felt that she missed her family or traditional beliefs and practices. She together with her immediate and extended families were often able to recreate and practice the traditions that Muslims in Sri Lanka would follow.

The use of 'Sri Lankan' as a representation of identity had several implications for respondents. For women who had been born in Sri Lanka and lived some part of their lives in that country, 'being Sri Lankan' meant that they were maintaining a certain aspect of the 'culture', in terms of the food they eat, clothes they wear and other customs they practise, of Sri Lanka. It was also making a statement about who they were not - namely Indians, Pakistanis and Bangladeshis. For second-generation respondents and women who had spent more than half of their lives in Britain, having a Sri Lankan identity reflected their origins. It was a reminder of who they were and where they had come from.

So far, this part of the thesis has discussed how women choose to describe themselves and what explanations could be presented to explain their multiple identities. However, although at the beginning of this section on multiple identities mention was made of what it means to be 'British' to the women, it was not something that was explored in great detail. While it is true that many women's British identity, particularly first-generation (Sri Lankan) Muslims, was *functional*, some views articulated by women implied that there was something more to being British than holding a British passport. The extract below is a case in point:

I'm not British in the way I dress, but I like to live here because unlike in Sri Lanka there is no interference from family. Over here, I can work, save money, as well as go on holiday. Over there, the cost of living is too high for me to be able to do that. But I suppose I think of myself first as Sri Lankan. (*Year of birth: 1945. Arrived in Britain: 1979.*)

Thus, part of having a British identity meant having more independence. Even if some women felt that they may have to lose this independence if they returned to Sri Lanka, most other women, especially those who had lived most or all of their lives in Britain, stated that they would not voluntarily give up their independence if they ever returned to Sri Lanka. Many second-generation respondents felt that their British identities manifested themselves in the way they dressed, their accents and their experiences of being educated in Britain, being a part of the British workforce and socialising with other British, white and non-white, people. Furthermore, some women held the view that they were British because Britain is what they know, where they are, and, probably, where they will continue to be.

Scholars who have written about the complexity of multiple identities, such as Roger Ballard (1994), Katy Gardner and Abdus Shukur (1994), Basit (1997) and Jessica Jacobson (1998), have discussed the conflicts that multiple identities can create internally and externally for an individual. None of the respondents in my sample described having numerous identities as a pressing or ongoing problem. Therefore, living in Britain as individuals with multiple identities was not an issue for many respondents. In their view, the numerous identities they maintain only enhance who they are.

As already intimated, one issue that was brought up by some women about living in Britain was that people would often mistake them for Indians or Bangladeshis, which they found quite wearying. The fact that people assumed that 'Asian' automatically meant 'Indian', 'Pakistani' or 'Bangladeshi' was something that respondents had to deal with very often. Another problem that was highlighted was the difficulties women sometimes had as adolescents and young adults when they visited Sri Lanka. One respondent described her holidays in Sri Lanka as 'irritating' and 'claustrophobic' as she was accustomed to a certain degree of independence in Britain, but in Sri Lanka she was often prevented from travelling unchaperoned and had to be mindful of her attire in public. In her words, she was 'losing her identity and independence'. As women, independence has become an extremely important aspect of many respondents' British identities, and this independence is something they feel they have to sacrifice, however temporarily, when they visit Sri Lanka.

Phrases such as being trapped 'between two cultures' (Watson, 1977) and 'culture conflict' were not used by any of the respondents, although 'culture clash' was used on two occasions by two women. In the first instance it was used more to describe the alienation a woman experienced when she first arrived in Britain; and in the second occasion it was used to explain the dilemmas one respondent had when she visited Sri Lanka. However, phrases such as 'culture conflict' were never used by second-generation respondents to describe or explain problems they had in terms of Muslims of Sri Lankan origin growing up in Britain. Ballard is critical of the use of expressions such as 'culture conflict' and states that just as individuals can be bilingual, they can also be multicultural and 'switch' from one cultural arena to another just as smoothly as they can switch from one language to another (1994:30-31). I, however, find this explanation very problematic, especially in the context of my own research experience. Many British-born young women, particularly those who had moved away from home to live in university accommodation, talked about the moral dilemmas they had to deal with as Muslims living with non-Muslim wo/men, even if they did not discuss these problems in terms of Sri Lankans living in a non-Sri Lankan country. Therefore, although respondents did not refer to 'clashes' or 'conflicts' of culture, it was clear that their moral quandaries were a source of 'psychological confusion' (Ballard, 1994:30), however temporary this may have been. To use Ballard's analogy, cultures, like languages, may very well be codes, which actors use to describe themselves in given contexts, but changing one's behaviour, attire and sometimes even beliefs is far more difficult than switching languages.

### *A discussion of 'hybridity' and its relevance to the current research*

A discussion of multiple identities cannot overlook the postcolonial theories and scholarship that have emerged on 'hybridity', particularly in the last two decades. Although this was touched upon in Chapter 6 in the discussion of the incorporation of other religious and cultural customs on Muslim marriage practices, hybridity, as a concept, is useful to understand the processes and situations relating to second and third generation Muslims of Sri Lankan origin in Britain. Delineating 'hybridity' in theory, Nikos Papastergiadis states that in the past, whether hybridity accentuated the physiological and/or cultural differences in identity, it functioned principally as a 'metaphor' for the negative impacts of racial contact (1997:258). Classifications along racial discourse and the myths of white supremacy reached their height in the rationalisation of slavery and imperialism, and ideas of superiority were often based on 'alterity, exclusivity and purity'. Using Latin America as an example, Papastergiadis describes how the intense dislike for hybrids was reflected by the 'compulsive classifying of the gradations of blackness' (1997:260). The words used such as mulatto, half-breed, half-caste, mixed breed, quadroon and so on each carried a different status and indicated the elements in the union that produced the hybrid. In contemporary literature, however, 'hybridity' has been used in different ways, but what is apparent is that what was formerly a negative term has been reconstructed into a positive one that recognises identity as 'constructed through a negotiation of difference, and that the presence of fissures, gaps and contradictions is not necessarily a sign of failure' (1997:258). For example, Stuart Hall describes black identities in Britain as

... being black and British, and in Europe, and listening to American music - and are willing to play, situationally, one of those identities off against another. That is to say, consciously beginning to edge into a more hybrid, more pluralistic notion of what black experiences are about. (1996a:133)

This more pluralistic notion of black experiences then raises the issue of a more inclusive conception of what it means to be 'British' (Hall, 1996b:163). For cultural theorists like Hall, hybridity means that identities and cultural representations are results of fusion and 'a product of movement', mainly through migration (McDowell, 1999:212). Some of the critics of 'hybridity' such as Jonathan Friedman raise the important point that hybridity implies the authenticity and purity of culture in the past, whereas all cultures have been an amalgamation of elements (1997:80). Further, others like Robert Young (1995), a postcolonial literary theorist, have argued that hybridity should not be used at all because of the racist connotations of inferiority and miscegenation it carried in the past. However, while these criticisms are important, hybridity as a conceptual tool continues to be widely used. It is a term that opens the mind to look beyond what is taken for granted as unalterable and unaccommodating, whether in terms of identities or cultures.

Hybridity, particularly of identity as described by Hall, is reminiscent of the experiences of identity of many of the women discussed in this chapter. A single term such as 'British', 'Sri Lankan', 'Muslim' or 'Asian' cannot be used to describe any of the respondents as is the case of a majority of, if not all, migrants and their children residing in Britain. At the same time, one is also conscious of the ambiguity of these terms. What does it mean to be 'British', 'Sri Lankan' and/or 'Asian'? Particularly in the case of a 'British' identity, apart from the obvious implication that the word denotes nationality, it

says nothing about what it *means* to be British in a country that is so heterogeneous; a country whose ethnic and religious landscape is transforming with greater rapidity than Sri Lanka, for instance. When second-generation Sri Lankan Muslims talked to me about the British component of their identity, they were very often describing processes that were 'not Sri Lankan', processes that existed in many Western (and Eastern) countries, rather than processes that were particularly 'British'. Having independence, for instance, is not unique to being British, just as much as going clubbing is not something that defines British identity. Yet, they felt that they belonged in Britain rather than in any other part of the world, even when their parents and extended families instilled ideas that were different from those held by their peers. As suggested by some respondents this could be a result of being socialised in Britain, or it could be their familiarity with people, places and institutions, or a combination of all this and other factors that make second-generation Sri Lankan Muslim women feel 'more British'. This was something that was not satisfactorily clarified in the interviews, but, considering the heterogeneity of the British population, identifying what it means to be British would be a challenging endeavour.

Relating 'hybridity' to religious identities, for the women in both samples in Colombo and in London being Muslim was an exclusive identity; there was never any mention of a hybrid or hyphenated religious identity, and this generally seems to be the case with all Muslim identities. In other words, a practising Muslim cannot identify him/herself with another religious identity simultaneously. However, current literature on religious identities suggests that this does not hold true for followers of other faiths. For example,

Majella Franzmann observes that Australian aboriginal people are creating new religious identities in relation to the changes taking place around them. Therefore, indigenous persons in Australia today may be Christian while also incorporating their aboriginal spirituality within their religious life (2000:42). Similarly, Rodger Kamenetz (1998) discusses 'Jubus' – or Jewish Buddhists – in America in his narrative of the merging of Judaism and Tibetan Buddhism, while Lisa Miller (1999) refers to 'Christian Buddhists', 'Jewish Buddhists' and 'Mennonite hyphen Unitarian Universalist(s)' in her article on changing religious identities of Americans. Therefore, hybrid religious identities which were previously not common are becoming more apparent in modern societies – a phenomenon described as a 'spiritual hash' by Miller.

### **Preserving a community - struggles and strategies**

#### ***The SLIA***

The first part of this chapter discusses in some detail the initial problems Sri Lankan Muslim migrants had to face as a result of their move to Britain and the change that ensued. In the early phases of migration, particularly in the 1960s, there was never an organised effort to unite the ever-increasing Sri Lankan Muslim population in Britain. During these nascent stages of the community's growth, migrant Sri Lankan Muslims were preoccupied with finding accommodation and employment, and, for women who were pregnant or with infants, it was a matter of coping with the numerous changes that had taken place in their lives, with little support from anyone outside the confines of the home. The primary reason for establishing the Sri Lankan Islamic Association (SLIA) in



1972 was to provide a basis for Muslims from Sri Lanka to meet each other regularly. Setting up the organisation was not a conscious attempt to preserve the community. Although there were Sri Lankans of other ethnicities, such as Tamils and Sinhalese, in London, Sri Lankan Muslims still felt that there was a void in the communal/social activities for Muslims. One respondent described her initial years in London thus:

We used to drink (alcohol), but not a lot. This is because we used to mix with Sri Lankan non-Muslims. I had to drink because everyone else was doing it. We didn't know any better. There was no one to tell us that we were wrong. After the SLIA was formed we became members, but we used to attend just the functions, say 'hello' to everyone and return. *Ramadhan* used to come and go, but we didn't know. If *Eid* fell on a weekday we used to postpone it. Can you see how bad we were? It's when my daughter started *Qur'an* classes that we started to get more involved with the SLIA. It took me about ten years to realise what I should be doing.

In its formative years, the SLIA performed the dual function of providing social gatherings within a religious framework. However, the social aspect of events was more important than the religious one during SLIA gatherings. One of the questions I asked respondents was whether it was not possible for Sri Lankan Muslims to join the wider Muslim communities in Britain, such as the Pakistani, Indian Muslim and/or Bangladeshi groups. The most common response was in the negative because of the language barrier between people from these groups and Sri Lankan Muslims, who could not speak Urdu, Hindi or Bengali. Another reason mentioned by respondents was that the communities mentioned above, even if they called themselves Muslim, practised traditions that were unique to where they came from rather than to Islam, just as Sri Lankan Muslims would

have practices that were unique to Sri Lanka. For example, one woman mentioned the celebration of the Prophet's birth as something very important to many Sri Lankan Muslims, whereas it may not be as important to Muslims of other countries. Yet another woman mentioned the segregation of the sexes as something that Sri Lankan Muslims in London do not practice often in their social events, which, however, may happen more frequently in other communities.

Although the SLIA's role continues to be socio-religious, today its religious function is equal to or of greater importance than its social one. On its official website, which was launched in 2001, the SLIA delineates its mission statement. One of its principal aims is to: 'Assist, protect, preserve and enhance the religious, cultural and social amenities within the spirit of the Islamic Shariah' ([www.slia-uk.org](http://www.slia-uk.org)). It is clear that this aim is very broad and there is no clear explanation as to how it intends to achieve its goals. Currently, its socio-religious activities include the celebration of the two *Eid* festivals and the birth of the Prophet, gatherings to break fast during the month of *Ramadhan*, organising religious talks and discussions, evenings of special prayers for the remembrance of God (*dhikr*) and children's Islamic quizzes. Its religious activities include *Qur'an* recital classes for children. The SLIA's other social activities comprise an annual sport's day and day outings to various places of interest in Britain.

### ***The SLMA***

Established in 1985/1986, the Sri Lankan Malay Association (SLMA) was created in response to the needs of many of the Sri Lankan Malays who were particularly keen to

establish stronger ties with each other given their common historical and cultural (especially language) background. They were also interested in organising more social and non-religious activities like dinners, dances and sports activities that would create less 'conservative' opportunities for people to meet. Just as the Malay community had to assert its distinctiveness in order to identify itself as different and separate from the larger Moor population in Sri Lanka, in Britain too the Malay community has confronted a similar situation. For the Malay community in Britain, the need to establish a separate organisation has arisen as a result of the SLIA's restrictiveness and its inability to provide for its social needs to its satisfaction. One Malay respondent, whose husband had been an active member of the SLMA described it as follows:

Because the SLIA was an Islamic association, we could not have dances or anything like that. Because the Malays are not so religious and are a bit more social, my husband (was in favour) of a Malay association. He also felt that we could have our own identity. We are all Muslims, but Moors practice Islam more... Our children are given more freedom... we don't keep them under our wing until they are married. In a way I admire the Moors. Their children still attend the SLIA functions. Our children have drifted away from all that and have formed their own friends and have their own entertainment...

Malays tend to describe the SLIA as an 'Islamic' organisation, just as many Malays whom I interviewed held the view that Moors were more religious. As explained earlier in this chapter since a majority of Malays, especially of the first-generation, strongly feel that they have more to their identity than religion, the Malay association is a reflection of this view. The interview extract quoted above raises the interesting question of what the second and subsequent generations of Sri Lankan Muslims feel about the SLIA and the

SLMA and the role these organisations play in serving the Sri Lankan Muslim community, and this is what is examined below.

*The SLIA and SLMA: is there a future?*

What is common to the two organisations discussed above is that they were both formed because many of the first Sri Lankan Muslims to migrate to Britain in and after the 1960s felt that their needs as a minority group were not provided for, by either the broader Asian or Muslim communities in Britain. The organisations were, therefore, an answer to the needs felt by the Sri Lankan community at a given time. Many Sri Lankan Muslims embraced the idea of forming their own organisations because it gave them a sense of solidarity in a country where most things were alien to them. Furthermore, once first-generation migrants began to have children, or, if they migrated to Britain with their children, events organised by the SLIA and SLMA were regarded as important to children's socialisation; as one respondent claimed it was a useful way of children getting to know each other and the 'traditions of our country'. Gatherings organised by these two organisations have also provided a forum for young people of what parents conceive as 'a marriageable age' to meet each other. The question that has arisen now is: Will the SLIA and SLMA continue to fulfil the needs of the people it represents?

In considering the SLIA and women's views on and responses to it, it would seem that respondents' are ambivalent about this organisation's significance. Some women, particularly of the first-generation, continue to feel that the SLIA has been an important

source of religious and social support, but many others are not so certain about SLIA's role in contemporary Britain. The following comments are examples:

- a. The events they (the SLIA) organise don't cater to the younger crowd. We just go there, have a meal, listen to a few speeches and come home. It's the same every year.
- b. It (SLIA) makes everyone come together, but I think they are too fundamentalist. For instance, at the *Eid* dinners they can have some nice music when people are having dinner. But all that has stopped because it is unIslamic... It has become so orthodox. I think they have lost the plot somewhere...
- c. For Islamic things, I wouldn't go to the SLIA. I'd go to the Regent's Park mosque because it is closer to me and because of the authority of the mosque. The authority is greater than the Centre's (SLIA).
- d. I'm not strongly connected to the Sri Lankan Muslim community. I've never really hit it off with them. I don't really know much about it (SLIA). I don't participate in their activities. I think most of the activities they organise are to meet people - to get the community together. If their intention was to get people closer to Islam, that aim has not been fulfilled... I think the SLIA can do a lot more for the community. They have not moved on... It needs to replenish itself. It's catering to the needs of the older people. It's not just about having cricket matches or dinners. When I attend a dinner organised by the SLIA, I don't feel that my *iman* (faith in Islam) has been strengthened.

One of the problems highlighted in the above extracts is that the SLIA is becoming increasingly unsuccessful in its attempt to unite its social and religious roles. By attempting this dual function, it is not performing either role to the satisfaction of many of its members. For women who are not as Islam conscious as others, events organised

by the SLIA are no longer 'fun'. On the other hand, there are women, particularly among some British-born Sri Lankan Muslims, who find the activities organised by the SLIA not Islamic enough. Looking at the SLIA over the past thirty years, it seems that its development is a reflection of the religious evolution of the men and women who founded it. Initially, when the SLIA was formed, although it was called an 'Islamic' association, the name implied that it was an organisation for Muslims rather than it being a purely religious organisation. Thus, the activities that were organised were designed to bring Muslims together. Subsequently, as the original members became more aware of their religion, their increased awareness of Islam began to shape the way activities within the SLIA were conducted. However, people who are interested in Islam will not use the members of the SLIA as authorities on matters relating to Islam (as extract c quoted above) because they perceive some of the other larger Islamic organisations, such as the Regent's Park mosque, also known as the Islamic Cultural Centre, as a more reliable source of Islamic information. In many ways, living in Britain, rather than in Sri Lanka, has made it easier for Sri Lankan Muslims to access Islamic information not just because of the relatively large number of Muslims in Britain, but also because of the *variety* of Muslims, especially in terms of country of origin, and increasingly easy access to information through the internet.

Although the SLMA does not identify itself as a religious organisation, it faces a problem similar to that of the SLIA; it is an organisation that was created primarily to satisfy the needs of first-generation Sri Lankan Malays. Even though the SLMA does not strive to fulfil any religious aims (in fact, it was called a 'glorified club' by one, non-Malay

respondent), some of its members have reservations about its role in the future. One of the most important markers of Malay identity is language. However, not many second-generation Sri Lankan Malays in Britain, among both men and women, can speak the language. This in itself is a threat to the survival of the SLMA. For, if the markers of difference become less or non-existent, then the need to sustain old organisations, which are based on these differences, will weaken. As with the SLIA, one of the problems with the SLMA is that their activities do not appeal to the younger generation. While parents and, most often, young children continue to show their support and interest in the events of the organisations, a majority of the young people between the ages of twelve and thirty find the activities 'out of touch' and 'boring'.

When conducting fieldwork in London, it also became apparent that there is at least one other Sri Lankan Muslim group in London, which, even if it cannot be called an 'organisation' as it does not have a name or any specific aims and objectives, is still a distinct group because it conducts activities that are separate from the SLIA and SLMA. The Sri Lankan Muslims who belong to this group are originally from central Sri Lanka. They have formed their own group in London as they would like to build their own mosque and reception hall for events, and conduct activities that are common to Muslims who belong to the geographical area of Sri Lanka from which they originate. The existence of groups such as this one further highlights the fact that the SLIA and SLMA do not attract all members of the Sri Lankan Muslim community in Britain.

The future of the SLIA and SLMA is very much dependent on their ability to attract younger generations of Sri Lankan Muslims to become committee members and to participate in their activities. This would entail a review of these organisations' purpose(s) and function(s) and making changes where required. It would be interesting to see if the organisations can withstand the test of time. At present, many of the younger Sri Lankan Muslims do not regard these organisations as performing an important role in their lives. Unless this view changes, the need for organisations such as the SLIA and SLMA will diminish, and with it the organisations themselves will cease to exist.

In research conducted on other Muslims in Britain such as the Bangladeshis and Pakistanis in areas like Birmingham, Bradford, Oxford and Tower Hamlets (see, for example, Joly, 1987; Shaw, 1988; Eade, 1990; Brah, 1992a; Lewis, 1994a and 1994b; Shaw, 1994; Samad, 1996), it appears these communities have, to some extent, numerous organisations to represent various sub-groups in their locales. The principal reason for this is most likely that these communities are much larger than the Sri Lankan Muslim one, and, they have created, whether intentionally or not, enclaves for themselves in many areas of Britain. The larger the communities and the prevalence of enclaves in particular facilitate the preservation of the identity of their members. Since the Sri Lankan Muslim community is relatively small and since people who identify themselves as belonging to it are not based in a single area of Britain, interaction between members of the community outside the immediate family, which includes siblings, children and parents, is minimal.



## **Conclusion**

Many of the issues discussed in this chapter, such as 'home', 'ethnicity' and 'identity', are what could be described as 'fluid' terms; their definitions are numerous, often ambiguous and always subject to change. If definitions are not fixed, then what falls within those definitions is also liable to change. This is precisely the problem with some of the questions this chapter answers. Questions such as 'Where or what is a person's 'home' and 'identity'?' are, therefore, difficult to answer and examine, not simply because of the problem of non-universal definitions, but also because people's home and identity are often subject to fluctuation and alteration in this migrant age.

What this chapter has attempted to highlight is how the above concepts are perceived and processed by Sri Lankan Muslim migrants in Britain and their British-born children and how issues related to 'home' and 'identity' manifest themselves in respondents' views and experiences. Among Muslims in Sri Lanka, the Moor and Malay markers of identity were significant tools in the identity-building process of a majority of people. In Britain, while first-generation Sri Lankan Malays continue to make some effort to preserve their Malay roots, Sri Lankans of Moor origin rarely mentioned this as a significant marker of who they are. However, the prevalence of equally important multiple identities is a common feature among all Sri Lankan Muslims interviewed. For all first-generation migrants in the British sample, there were three primary dimensions to their identity: they were principally Muslim, followed by Sri Lankan and British. Malays have the added aspect of 'being Malay' incorporated into their identities. Among British-born

respondents the markers of identity that were most significant were 'British' and 'Sri Lankan'. Religion was the most important marker of identity to most, but not to all second-generation Sri Lankan Muslims; there was some level of uncertainty as to how 'being Muslim' could describe who they were, where they were from, or where they belong.

There is no evidence of a long-term organised effort to preserve the Sri Lankan dimension of identity among the Sri Lankan Muslims in Britain. Although the SLIA and SLMA have been successful in reaching out to a large proportion of Sri Lankan Muslims in Britain, it is unclear as to how many Muslims of Sri Lankan origin are not registered or want no involvement with these two organisations. Furthermore, it is increasingly evident that many of the younger members of the organisations are tepid about their involvement in the organisations' activities. Whether or not the organisations will continue to serve and represent the Sri Lankan Muslims in Britain in the future is unclear at this stage. If, however, their aim is to continue to 'bring together' Sri Lankan Muslims, they will need to reassess the needs of the community and make changes and/or additions to their current range of activities to attract a wider range of members.

## **Conclusion**

This study evolved from my interest in the impact of religion on the social situations of people, and, conversely, the effect that social situations can have on religion. As a Sri Lankan Muslim, I was intrigued by the ways that Islam was practised by the Muslim communities in Sri Lanka as well as by Muslims living in other parts of the world, and was particularly keen to identify similarities and differences in the beliefs and practices of Muslims, depending on their social environments. Based on this broad interest, the research concentrated on how traditions based on religious and other cultural influences persist in modern or contemporary societies, how these traditions have an impact upon women, and how traditions that have no basis in religion can infiltrate the way of life of a community whose identity is based primarily on religion. To probe these questions further, the effect of religion in the daily lives of women was explored, and the function of religion in identity-formation among its followers was examined. These issues were addressed principally by concentrating on Sri Lankan Muslims from a middle- and upper-middle-class socio-economic background, in Colombo and in London.

### ***Functions of religion***

#### ***System of meaning***

Religion has been a focus of this thesis because of the crucial role it has played in shaping the lives of practicing Muslims. Islam, was described as a 'way of life' and a 'source of guidance' by the women interviewed for the study, and this is a reason why

religion, however it is interpreted and used, is such a significant variable when studying practising Muslim women. When people claim to live their lives according to religious values and decrees, an understanding of these values and decrees becomes essential to explain the followers' individual and social behaviour. Thus, Islam was the meaning system that enabled many of the women to make sense of their world. Social order, among the members of the two Muslim communities that were the focus of the thesis, was maintained by legitimations that were perceived by the followers as something that went beyond human understanding and knowledge.

Although many women described Islam as a source of guidance, there were instances where traditions and practices that had no relevance to Islam, particularly in relation to women's roles and marriage, continued to be followed. Women continued to adhere to such practices because of the fear of how other members of the community would perceive them if they changed the way things had been done in the past. This emphasised the fact that although religion was very important to women, it did not always guide them in *every* aspect of their lives.

### *Identity-building*

Just as much as religion was a source of guidance, it provided respondents with an identity. 'Being Muslim' was one of the many identities that women had, and for women in Colombo, especially for women of 'Moor' background, Islam was the most important aspect of their identity, both in the individual and social context. Similarly, for Muslims of Sri Lankan origin in Britain, although 'being Muslim' was one of many multiple

identities, it was often described by the women themselves as the most significant of all their self-identities. A common religious identity is emphasized by the Islamic concept of *umma*, or Islamic community, that transcends geographical boundaries. Even though the concept of *umma* highlights a religious identity that is common to all Muslims, the global Muslim community is not a homogenous group of people. The various backgrounds and upbringings of people have ensured that there is diversity within the *umma*.

When discussing identity with the respondents, predictably, there was a correlation between level of religiosity and religion as a marker of identity. This meant that the greater the level of religiosity of a woman, the more significant was her Muslim identity. Therefore, among the few women whose levels of religiosity were low, their Muslim identities were unimportant in their self-descriptions. In all of the cases, however, religious identity was an exclusive one. What this means is that while women's religious identity is quite capable of existing with another form of identity, such as an ethnic or a national one, it cannot coexist with another religious identity. A woman could be a Muslim *as well as* a Sri Lankan or British; she could also have two national identities simultaneously, such as being British and Sri Lankan; and she could have also had two ethnic identities, such as being South Asian and Moor. In all these cases, the identities and statuses, to use Merton's terminology, were complementary even though the roles she performed could sometimes be conflicting. However, none of the women ever had two religious identities; that is, she could never be Muslim *and* Christian, for example.

This does not mean that syncretic and hyphenated religious identities are non-existent in contemporary societies. However, it does mean that people with such syncretic religious identities will construct meaning systems that differ from what some followers would perceive as 'non-syncretic' as well as other syncretic meaning systems.

### ***Religious legitimation and patriarchy***

One of the functions of religion, mainly through religious texts and traditions, is to maintain social systems and social order. In the case of Islam and women, historically, religious legitimations have served to explain and justify patriarchy or the control of women by men. Therefore, religious legitimations have been used to sustain social systems where women have less power and authority than men. What must be noted, however, is that whatever social relationships exist, patriarchal and/or others, the impact of these relationships acts back upon religion and its role in creating world-views.

Within families in Sri Lankan Muslim communities, authority is generally expressed in the following way: older men have authority over younger men, women and children. In the absence of an older man, a younger man, or sometimes an older woman, has authority over the younger members of the family. Unmarried, younger women and children have the least amount of authority and independence within a nuclear family structure and this, in many ways, is reflected in the practices of and various institutions within the Muslim and wider social institutions in Sri Lanka. Institutions that I explored have included the

economy, education and the family in Colombo and London and the Muslim legal system of Sri Lanka.

The results of the study have indicated that the impact of patriarchy on Sri Lankan Muslim women has been most evident in the areas of Muslim marriage and divorce laws in Sri Lanka, and the education and employment of Muslim women - mainly in the Colombo sample. With regards to the Muslim laws mentioned, the unequal treatment of men and women was obvious, as the laws are in writing and any inequalities are open to view. In the case of female education and employment, gender inequalities were apparent both in Colombo and in London. Here, women stressed the importance of education for women and the useful role that women play as income earners in contemporary families; but this education and employment was not to be at the expense of marriage and family life. Even if women's employment has become a necessity in contemporary societies due to economic reasons, a woman's income was regarded as supplementary to a man's income. This meant that Muslim women's domestic roles continued to be a significant feature of life in contemporary societies, partly because selective interpretations of religious teachings have promoted these roles for women, and partly because broader cultural practices within the communities have encouraged such roles for women.

Furthermore, many women described themselves as 'housewives', particularly among respondents in Colombo. In many cases, they were content with being housewives because they were not pressured by work outside the home and were not restricted by

rigid work hours like many women in the London sample. In this case where women enjoyed being housewives, the 'men as maintainers of women' aspect of patriarchy and Islam discussed in chapter 2 was something women appreciated, as the latter were free of any financial obligations towards their families. Therefore, women who were pursuing careers and were married had, sometimes, the dual burden of being housewife and income earner. However, for many of the women who were employed both in Colombo and in London, the financial independence that was attained from being in paid employment and the satisfaction they gained from pursuing a career that interested them was something that they perceived as having to sacrifice if the 'men as maintainers of women' principle was strictly adhered to.

The above review of the influence of patriarchy on women's current positions in relation to men was also examined in terms of Merton's role-theory, which, apart from feminist understandings of gender relations, has been a significant theoretical approach used throughout the thesis. According to Merton, the problem associated with expanding status-sets is that the roles assigned to some of the statuses will, eventually, come into conflict with each other. For women, role-conflict can manifest itself particularly when they strive to combine the statuses of mother and income-earner; thus, blurring what comprises the statuses of 'female' and 'woman'. The research has illustrated how Sri Lankan Muslim women's statuses have become more diverse as a result of their access to higher education and employment; thus, while in the past women may have been described as mothers, Muslims, wives, daughters, housewives and committee members, in present times, women's status-sets include not only the above but also new statuses



such as graduate, postgraduate, primary income-earner, supplementary income earner and so on. Reconciling these statuses that can come into conflict with each other is a challenge that most, if not all, women have to deal with.

Chapter 1 raised the question of whether it has been religion, patriarchy or some other aspect of their lives that has influenced the under-representation of Muslim women in Sri Lanka in the fields of education and employment and limited their expression, choice and movement. The answer is that all of the above factors have affected the positions of women in the past and continue to have an impact on their lives in the present. Women's changing roles and their movement towards greater equality with men was clearer among younger Muslim women of Colombo and London particularly due to their changing economic roles, their greater access to education and, sometimes, their increased understanding of religion.

As a result of social, political and economic processes, many Sri Lankan Muslim women's roles, both in Colombo and in London, and within and outside the family, have continued to change and grow. Meanwhile, the religious legitimations that are drawn upon to explain and prescribe women's roles, mainly in the domestic sphere, are beginning to reflect these changes.

### ***Change and diversity in religion***

As mentioned earlier, although Muslims may behave in certain ways because they believe that is what is expected of them according to Islamic values and ideals, these values are not the same for all Muslims everywhere. The comparison between Sri Lankan Muslim women in Colombo and London was useful in highlighting this point. For example, for Colombo Muslims marriage was extremely important for women because, among other reasons, it was often seen as a means of gaining independence in a generally conservative Muslim community. Therefore, positive Islamic teachings on marriage were generally emphasised by respondents in discussions on marriage and Islam. In London, on the other hand, especially among young, relatively independent, unmarried women, although marriage was considered to be important, it was not to be at the expense of education. Hence, even though Islam was important to both groups of women, the manner in which Islamic sayings on the subject were interpreted, or not, was a reflection of the diversity in the way religion is utilised, or not, in different social settings. Chapter 3, which examined Islamic Law and its relation to the Muslim family laws of Sri Lanka emphasised this point still further.

Although the level of flexibility of religion was seen principally in the way Islam was used to explain gender relations, other aspects of daily life – such as the consumption of *unhalal* food and the female Islamic dress – were sometimes discussed in very different ways, not only by women in the samples, but also by men and women to whom I spoke to as a participant observer. However, the point that is important here is that all the

different views that practising Muslims hold on any given subject are often based on their understandings of Islam. Therefore, any changes in these views can take place *only* after a reconsideration of what is regarded as 'Islamic', which, for many Muslims, comprises *Qur'anic* teachings and the *sunna* and the interpretations of these two sources. What this means is that although many Muslims view Islamic teachings as unalterable, changes in shared meaning can and do take place through a process of selection and (re)interpretation of religious texts and sources. While there may be certain constants in religious beliefs and practice over time and space, there will also be variations, which will contribute to changing the shape of religion as a meaning system within a given society.

### *Islam in the East and West*

By comparing Muslims as minorities in a developing nation such as Sri Lanka and a developed nation such as Britain, attitudes of women, and even men, towards Islam and what was perceived as non-Islam were clarified. In Sri Lanka, there was a tendency among people to question less what was regarded as Islamic because there were many beliefs and practices that were taken for granted as 'something that Muslims do'. However, there was also a degree of tolerance of practices that were non-Islamic, particularly in terms of other faiths. In Britain, however, factors such as relatively easy access to information, a larger population of tertiary-educated, second/third-generation Muslims and Muslims from diverse countries of origin meant that there was a greater tendency towards questioning and exploring religious issues. At the same time, there was also a more critical attitude towards the West and practices that were regarded as 'non-

Islamic', among the more religious Muslims or practising Muslims encountered in the fieldwork. This has prompted many young Muslim men and woman to be actively involved in the establishment of a *Khilaafah* (Caliphate). The fieldwork of this study in London identified just as many Westernised Muslims as it did Islamicised Muslims, who were keen to voice their opinions and publicise their religious identities.

### *Areas of further study*

When the study was in its initial stages of design, it was intended to include the views of Muslim men about the position and changing roles of Muslim women, just as much as it aimed to highlight women's views on these very issues. This was because it was believed that men's views on gender relations were as important as women's views to understand current trends in relations between the two sexes. As constraints of time and resources prevented this study from expanding its scope to include men, it would be interesting to study the views and experiences of men with the object of finding out how men perceive traditions, religious and otherwise, in modernity - particularly traditions relating to the roles and functions of men and women.

While the thesis focused on first- and second-generation Sri Lankan Muslims in London, there is also a community of third-generation Sri Lankan Muslims growing up in Britain, who were not formally included in the research as they were very young when the fieldwork was being conducted. A study of the impact of religion on this group of young people, especially in relation to how they negotiate religious beliefs and practices in a

Western country, which is often perceived as non-Islamic and hostile to Islam, would make a significant contribution towards a further understanding of the changes in religion and the ways in which it is viewed and practised across time and space. Thus, how understandings of religion among third and subsequent generations of Muslims impact upon gender, communal and social relations will be an extension of the research that was conducted for the thesis.

A further area of investigation that is of particular relevance to the sociology of religion is the emergence of syncretic religious identities. Researching syncretism in religious identities will raise issues on what types of religious identities accommodate other religious identities, why this is so, and how such hybrid religious identities survive among non-hybrid religious identities. Undoubtedly, it will be an area of study that will raise much debate and controversy among followers of the non-hybridised, and what are regarded as 'pure', forms of religions.

## **Conclusion**

This thesis constituted an investigation of how religious and other cultural traditions manifest themselves in modern, contemporary societies and the impact this has on gender relations. By focusing on the influence of Islam on selected groups of women, it has concluded that even though Islam is often viewed by its followers as unchanging and unchangeable, Islamic texts and traditions – especially those relating to women - are constantly being reassessed and reinterpreted by Muslims. In other words, religion is not

practised in the same way by all communities, as local situations particularize religions that have a global outreach. It is hoped that the findings of this study have not only contributed to a better understanding of how individuals adapt their religious beliefs and practices to changes around them, but also how such change can impact upon followers' perceptions of the roles they play and the identities they assume in life.

Appendix A

Map of Sri Lanka



## Appendix B

### The Questionnaire

Please answer the questions below either by circling the answer that is most appropriate to you, or by writing in the answer where it is required. All your answers will be treated confidentially.

1. Area in which you reside (eg. Bambalapitiya, Colpetty, Wellawatte, Dehiwala etc.):
2. Date of Birth:
3. Marital Status:  
i) single      ii) married      iii) separated      iv) divorced      v) widowed
4. If married, separated, divorced or widowed, in which year did you get married?  
i) Is this your first marriage?      Yes      No  
ii) Have you any children?      Yes      No  
iii) If 'Yes', the number of girls and boys:      Girls      Boys
5. Current Occupation:
6. Any other jobs done in the past:
7. If you are, at present, not in paid employment, do you receive a personal income or allowance?      Yes      No
8. If 'Yes', how often do you receive it:  
i) weekly      ii) fortnightly      iii) monthly      iv) annually  
v) other (please specify):
9. Is this income yours to spend as you wish?  
i) always      ii) most often      iii) not so often      iv) never
10. Highest Level of Education:  
i) left school before reaching O/Level standard  
ii) completed O/Levels  
iii) completed A/Levels  
iv) completed undergraduate education  
v) completed postgraduate education  
vi) other (please specify):



11. How would you describe your knowledge of Islamic Law (the Shariah) in relation to women?

- i) very good    ii) good    iii) fair    iv) poor

12. Would you please indicate your awareness of the legal stance taken by the **Muslim Law of Sri Lanka** (rather than the Shariah) on the areas mentioned below by placing (X) to indicate your choice:

	Yes	No	Unsure of the Law
i) Are you aware of the minimum age of marriage for Muslim females?			
ii) Are you aware of the minimum age of marriage for Muslim males?			
iii) Are you aware of the legal procedure when a husband wishes to have more than one wife?			
iv) Are the Sri Lankan Muslim divorce laws equal in their treatment of men and women?			
v) Are you aware of legal procedure that involves the maintenance of a divorced wife by her husband according to the Muslim Family Law of Sri Lanka?			

12. Was the decision to discontinue your education

- i) your own  
 ii) your parent/s  
 iii) other relative  
 iv) a collective decision made by you and your family

13. How often did you receive any encouragement from your parents/guardians to continue your education?

- i) always    ii) quite often    iii) not so often    iv) never

14. Would you have liked to continue your education?

- i) definitely yes      ii) maybe yes      iii) probably not      iv) definitely not
15. How important is education for Muslim women?  
i) very important      ii) important      iii) not so important      iv) unimportant
16. Have you ever been in paid employment (full time or part time)?  
i) yes      ii) no
17. If 'No', was the decision not to be in paid employment  
i) your own decision  
ii) your parent/s guardian's decision  
iii) your husband's decision  
iv) a joint decision made by you and your family
18. Please mark (X) next to the reason/s that you think justify a Muslim woman being in paid employment (employment that is not *haram*) outside her home:  
( ) to help meet expenses within her family  
( ) to help the Muslim community  
( ) to help the community in general  
( ) for a woman's own personal satisfaction
19. Please indicate how important the following are for a Muslim woman, by numbering them 1,2,3,4 etc. according to the degree of importance you place on them:  
( ) career  
( ) children  
( ) home  
( ) husband  
( ) parents
20. In your view, how important is marriage for  
a. a Muslim woman  
i) very important      ii) important      iii) not so important      iv) unimportant

b. a Muslim man

i) very important      ii) important      iii) not so important      iv) unimportant

21. What would be the ideal age for marriage for

a. a Muslim woman:

b. a Muslim man:

22. In your view, how important is the *mahr* (given by the husband to the wife) in a marriage?

i) very important      ii) important      iii) not so important      iv) unimportant

23. How important is the dowry (given by the wife or her family) in a marriage?

i) very important      ii) important      iii) not so important      iv) unimportant

24. Which of the statements below best describes your view on consent before marriage:

( ) both the bride's and the groom's consent should be obtained before marriage

( ) the bride's consent to marriage is not as important as that of the groom

( ) the consent of the parents (of the bride and groom) is the most important factor

25. Which of the following statements best describes your view on mixed marriages (in this case, a Muslim marrying a non-Muslim):

( ) I approve of all mixed marriages

( ) I disapprove of all mixed marriages

( ) I don't mind a Muslim marrying a non-Muslim, as long as the non-Muslim partner converts to Islam

26. The table below has listed a few characteristics that people have mentioned as being important qualities in males and females. Please indicate how important the following qualities are for a) a Muslim woman and b) a Muslim man, by numbering them 1,2,3,4 etc. according to the degree of importance you place on them:

Characteristics	Women	Men
Financial stability		
Good character		
Level of education		
Occupation		
Religion		

27. How often do you take public transport (buses and trains)?  
 i) almost always      ii) quite often      iii) not so often      iv) never
28. How often do you take private cabs?  
 i) almost always      ii) quite often      iii) not so often      iv) never
29. How often do you travel in three-wheelers?  
 i) almost always      ii) quite often      iii) not so often      iv) never
30. How often do you travel alone?  
 i) almost always      ii) quite often      iii) not so often      iv) never
31. Are most of your close friends  
 Muslim  
 non-Muslim  
 equal numbers of Muslim and non-Muslim friends
32. Which one of the statements below about the five daily prayers fits you?  
 i) I very rarely miss any of my prayers  
 ii) Sometimes I miss some of my prayers  
 iii) Most often I miss my prayers  
 iv) I hardly ever find the time to do my prayers  
 v) I never do my prayers

33. Please answer the following questions by placing a **X** in the appropriate column:

	Daily	More than once a week	About once a week	Once a month	About once in 3 months	About once in 6 months	Never
How often do you recite the Qur'an?							
How often do you read the translation of the Qur'an?							
How often do you read books related to Islam?							
How often do you attend Islamic classes, talks and lectures?							

Please feel free to write any other comments in the space below:

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