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Muslim American Women's Attitudes toward Islamic Law: Support or Rejection?

Fatima Z. Rahman, PhD
Soka University of America
Aliso Viejo, CA

¹ frahman@soka.edu

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Abstract

This paper contributes to the growing interest in Muslim American women's attitudes and behavior, by examining their views on Islamic law. Islamic law, a fundamental institution in Islam, is at the center of a contentious debate, with some arguing that it elevates women's status and others arguing just the opposite. Based on data collected from 51 interviews, I find that while there is substantial variation in attitudes toward Islamic law, overall there is more support. Among the women interviewed, Arab heritage and affiliation with the Sunni and Shia sects are predictors of support.

There has been an increasing interest in the attitudes and behavior of Muslim American women in the decades after September 11. After two decades, scholars from across the social sciences and humanities have worked on understanding the impact of Islam on this group's social and political behavior, as well as their attitudes toward Islamic practices. Many of the principal empirical findings come from pioneering work on Arab-American women by Jen'nan Ghazal Read. Her studies find a link between religion and support for social and political behavior considered antithetical to gender equality (Read 2002, 2003, 2004a, 2004b, 2015). Other work has focused particularly on the practice of veiling, finding substantial variation in Muslim American women's views toward the hijab and niqab (Aboulhassan and Brumley 2019; Ajrouch 2004; Bartkowski and Read 2003; Read and Bartkowski 2000; Shirazi and Mishra 2010; Williams and Vashi 2007).

This scholarship has shed much needed light on a previously understudied and enigmatic subpopulation in America, which has traditionally been viewed as a monolithic group, submissive and burdened by religious and cultural precepts. This study seeks to build on the growing literature on Muslim American women, by examining their attitudes toward Islamic law. I focus particularly on Islamic law because within the broader context of Islam, it is the central institution that is considered to particularly impact women. While prior studies have examined the role that religion plays in Muslim American women's social and political behavior, as well as their attitudes toward gender norms, veiling, and identity, their position on this controversial institution has not been studied. Using semi-structured interviews of a sample of Muslim American women, my study seeks to understand attitudes toward this divisive yet vital component of Islam through their voices rather than relying on speculation by external actors. By getting a deeper understanding of women's actual views on the most contentious aspect of their religion, we can begin to gauge the relationship this subpopulation of America has with an institution that is largely criticized and misunderstood in the West.

In the next sections, I begin by summarizing the significant findings in the empirical scholarship on Muslim American women. I then discuss the debate surrounding Islamic law's effects on women's status, highlighting the need to understand their attitudes on this particular aspect of the religion. I then employ mixed methods to analyze my original data, collected through 51 semi-structured interviews. Four findings stand out. First, while there is substantial variation in attitudes toward Islamic law, on the whole there is more support for the institution and the traditional gender norms it advances. Second, regardless of their position, participants by and large exhibit thoughtful reflection and reasoned justifications to support their view. Third, those with Arab heritage are more likely to support Islamic law than those with non-Arab heritage. Fourth, participants associated with the two dominant Sunni and Shia sects are more likely to support Islamic law than those belonging to heterodox sects.

LITERATURE REVIEW

Many of the existing findings on Muslim American women come from a well-developed literature on Arab-American women that examines the role of religion on behavior. Read's seminal work finds that among Arab-American women, religiosity tends to have a negative effect on a number of outcomes associated with gender equality including labor force participation and civic engagement, while also being linked to support for traditional gender roles (Read 2002, 2003, 2004a, 2004b, 2015). Building on these studies, Aboulhassan and Brumley (2019) find that norms embedded in patriarchy are found to heavily impact Arab-American women's decisions regarding marriage and family. In fact, the influence of religious teachings is found to play a major role in the formative years of identity construction among adolescent Arab-Americans (Ajrouch 2004).

While these studies focus on religion as an independent variable, highlighting the important role of Islam in Arab-American women's social and political behavior, a second set of studies broadens the sample to all Muslim American women, examining attitudes toward religious practices. Much of this scholarship focuses on veiling, finding that practicing Muslim American women exhibit substantial variation in views regarding the head covering. Attitudes toward veiling are informed by the participants' interpretation of Islamic teachings (Read and Bartkowski 2000). Women who choose to veil are linked to other aspects of a religious lifestyle, like greater mosque attendance (Westfall et al. 2016). The literature on religious attitudes of Muslim American women also uncovers the complexity of identity construction among this subpopulation, finding that while there is widespread support for traditional gender roles, these women simultaneously label themselves as feminist (Ali et al. 2008).

ISLAMIC LAW

Usage of the terms *Fiqh*, *Sharia*, and *Islamic law* are fraught with confusion. This is due in part to differences in their theological versus colloquial usage. It is also due to nuanced differences in their technical definitions, based on different views of Islamic theologians. As a result, the terms, on the one hand, are used interchangeably and crudely substituted for each other conversationally, while on the other hand there is no single formal technical definition on which Islamic theologians agree either. For example, *Fiqh* is often interpreted by scholars as referring only to certain rules and laws with particular origins (Emon 2018; Rohe 2015). Others refer to it as the human attempt to discover *Sharia* (Yacoob 2018). Similarly, *Sharia* oftentimes is used interchangeably with *Islamic Law*, particularly in the West. However, it is referred to by others as the broad rules and guidelines originating only in the *Quran* and *Hadith*, and still by others as something more intangible, like the path to God that is unknown to man. (Ahmed 2018; Coulson 1964; Hefner

2011; Rohe 2014). Due to these multiple connotations and to prevent confusion, I intentionally avoid using the terms Fiqh and Sharia.

In this study, Islamic law refers to the compilation of enduring rules and laws formed by the five major jurists of Islam and their earliest followers in the 7th to 12th centuries, regardless of the laws' origins (Ahmed 2018; Hefner 2011). This compendium of substantive law was developed and codified decades after the death of Prophet Muhammad and the first four Righteous Caliphs. It includes laws explicitly stated in the Quran and Hadith, as well as laws formed by jurists. After the passing away of the Prophet's closest successors, there was a need for jurists to expand on the limited number of explicitly mandated laws found in the Quran and Hadith and to create a more comprehensive legal system to manage administrative and socio-political problems of the expanding Islamic empire.

Islamic law is heavily influenced by the historical and political circumstances of the time in which it was developed as well as Jewish and Christian traditions which preceded Islam. The current codification of Islamic law, which is based on the understanding of the five medieval jurists, has over the years remained sacrosanct. This view is partly based on the commonly accepted notion of the closing of the doors of Ijtihad (reasoning) that occurred during the Abbasid Dynasty after the jurists' work was codified (Hallaq 1984; Mir-Hosseini 2007). The closing of the doors refers to an end of innovation in Islamic thought. In other words, the understanding of Islam reached by the five jurists, as set out in Islamic law, was to be practiced for all time.

ISLAMIC LAW AND WOMEN

Because of the all-encompassing nature of Islamic law, it is the major institution that governs the different facets of Muslims' lives, regardless of where they reside. Most of the controversy surrounding the institution has to do with its handling of women's status. There are two distinct perspectives on Islamic law's effect on women, each relying on very different specific laws within the compendium to support their case. On the one hand, some argue that Islamic law protects women by granting them fundamental rights that allow for their independence. Financial independence through the freedom to seek employment is one such right. As the inviolate source of Islamic law, the Quran, in Section 5 of Chapter 4 titled, "Women's Rights over their Earnings" (Ali 2010) allows women to work and to be financially independent of their fathers and husbands. In discussing a woman's right to work, Islamic scholars have commented that the right is not limited to a pre-marriage state, "she can earn money and own property just as a man can do and therefore she may, if she feels the need, follow any profession" (Ali 2012, 451). In fact, Islamic law goes as far as to grant women unrestricted property rights (Bishin & Cherif 2017). Women have the same legal authority to manage and dispose of property as men. Because of these rights, Islamic law is argued to protect and enhance women's status.

On the other side of the debate, critics argue that some of the laws establish different rights for men and women, thereby producing an inherent inequality. This is a product of the communal rights system which underlies the Islamic legal tradition, as opposed to an individual rights system which underlies the liberal democratic tradition (Barlow 2008, 43). In the communal rights system, individuals serve complementing roles based on a division of labor, in the family and community. Different types of individuals assuming different responsibilities is thought to produce the overall good of the family and society. As a consequence, the laws that govern individuals can also vary. This is seen most prominently in Islamic family law.

Islamic family law conceives of the husband and wife as serving complementing roles in the family. These traditional gender roles are reflected in the laws governing marriage, divorce, custody, and inheritance, creating seemingly gender inequitable laws. This is exhibited, for example, in inheritance law. In most circumstances, the daughter receives half the inheritance of the son. Because men are the primary breadwinners, they receive more because they are obligated to spend it on their family. On the other hand, women are under no obligation to spend their property on their family because they are not financially responsible for them; therefore, they inherit less (Rahman 2012, 350). In the same vein, although there are minor variations among the five schools (madhabs) of Islamic thought, there is consensus that while women do have the right to initiate divorce, the law governing access makes it easier for men (Tucker 2008; Welchman 2007). Thus, what we observe is a situation in which Islamic family law grants men and women different rights in accordance with their expected behavior and roles. Because Islamic family law takes gender into account, it does not always espouse the absolute equality that is found in the human rights schemes in liberal democracies (Ziai 1997, 72-73).

Beyond particular laws, many critics hold that Islamic law is detrimental to women because of the inherent male bias of the legal scholars who created it. Over its long evolution, Islamic law has continued to be the domain of men. Thus, critics argue that the gendered structure reflects the desire of men to maintain patriarchal value systems (Barlow 2008, 47). The interpretations are not only strictly based upon male perspectives, but were developed during “pre-modern” times when society, especially gender roles, functioned very differently (Mayer 1991, 113).

The controversial nature of Islamic law not only pertains to its handling of women’s status, but also its punishments for criminal conduct. Conspicuous in the penal (hudud) code is capital punishment for adultery, which is viewed by critics as violating international standards of human rights. Though this law is codified in all five schools (madhabs) of Islamic law, the Quran specifies a different punishment of light flogging, therefore some theologians today reject its validity (Ali 2012, 526-528). It is important to note that this study restricts the discussion of Islamic law to the laws as codified in legal manuals, irrespective of their implementation or interpretation in particular countries.

DATA AND METHODS

To understand Muslim American women's positions on Islamic law, I collected original data by conducting in-depth, semi-structured interviews of a sample of 51 Muslim American women drawn from southern California. Interviews rather than surveys were conducted because I am interested in not only identifying the views of the participants on Islamic law, but also understanding their reasoning and logic underlying those views. Semi-structured interviews allow me to obtain detailed responses, while simultaneously giving me the ability to code the responses to generate data that I otherwise would have obtained from a survey. The participants reside in Los Angeles, Orange, Riverside, San Bernardino, and San Diego counties. I relied on contacts within the Muslim American community to generate my sample, using a purposive, maximum variation sampling technique. The choice of this technique is based on considerations of the study's goals. The central contribution of this research is to obtain an initial understanding of how a sample of diverse Muslim American women perceive Islamic law. Maximum variation sampling allows for enough variability in the data to assess correlations between independent variables and positions on Islamic law. The sample size of 51 observations is the product of a compromise between feasibility on the one hand and reliability and validity on the other. Although on the lower end, it still allows for estimations.

Table 1

Sample Characteristics (N = 51)	
	%
Sect	
Sunni	37.3
Shia	31.4
Ahmadi, Ismaili, Sufi	31.4
Ethnicity	
Arab	47.1
Non-Arab	52.9
Education	
College or higher	60.8
Less than college	39.2
Subjective Religiosity Index	
Non-religious/weakly	23.5
Moderately	39.2
Extremely	37.3
Age	
20 - 35	45.1
36 - 52	31.4
53 - 72	23.5

Participants were selected to ensure variation in sect affiliation, heritage, educational attainment, religiosity, and age. Table 1 provides a breakdown of the sample characteristics. The sample includes individuals from five sects of Islam: Sunni, Shia, Ahmadiyya, Ismaili, and Sufi. There is substantial heritage variation in the sample, with participants identifying their heritage as Albanian, Arab (from various Middle Eastern and North African countries), Bangladeshi, Kurdish, Indonesian, Iranian, Pakistani, and Turkish. The majority of participants have a four-year college degree or higher. This is accurately representative of the Muslim American subpopulation which tends to rank high on education among American subpopulations (Healey and Stepnick 2020, 413-414). Two of the participants were in their last semester of undergraduate studies, and were coded as having a college degree, since they were near completion. Religiosity levels are based on self-identification, ranging from non-religious to extremely religious, with most participants falling in the moderately religious category. Participant ages range from 20 to 72.

All interviews were conducted by the author and audio recorded using a digital voice recorder with the permission of the participants. The interviews were then transcribed by the author. All participants agreed to their interview being recorded and transcribed, with a little more than half requiring that their identity be kept anonymous. The respondents identified by name in this study are those that permitted their identity to be revealed. Each interview lasted between 22 and 56 minutes. The interviews were conducted either at the participant's home, by phone, or videocall. All interviews were conducted in a private setting, where only the participant and I were present. However, during eight of the interviews, the participant's child or children, infant to five years, were also present.

The interview questions were semi-structured, but a set of core questions were asked of each participant to assess attitudes toward one controversial family and penal law, as well as the inviolability of Islamic law as an institution.

(1) What is your view of the Islamic inheritance law that mandates a daughter's inheritance as less than that of a son? Do you accept it? Do you agree with it? Do you believe it is justified?

(2) What is your view of the Islamic penal law that prescribes death for the conviction of adultery? Do you accept it? Do you agree with it? Do you believe it is justified?

(3) Do you believe that Islamic law is infallible? Do you believe Islamic law is subject to alteration, change, or reform?

I begin with a thematic analysis of the responses to examine the reasoning posited by the participants to justify their attitudes. I then examine associations between predictor variables and attitudes.

QUALITATIVE FINDINGS

Views on Inheritance Law

Attitudes toward inheritance law is intended to gauge the respondents’ stance on Islamic family law, which is the most controversial category of Islamic law affecting women’s status. Views on inheritance law are asked because this particular law supports gender complementarity rather than egalitarianism. Therefore, it gives particular insight into Muslim American women’s thinking about gender norms prescribed by Islamic law.

Figure 1

Attitudes toward Inheritance Law

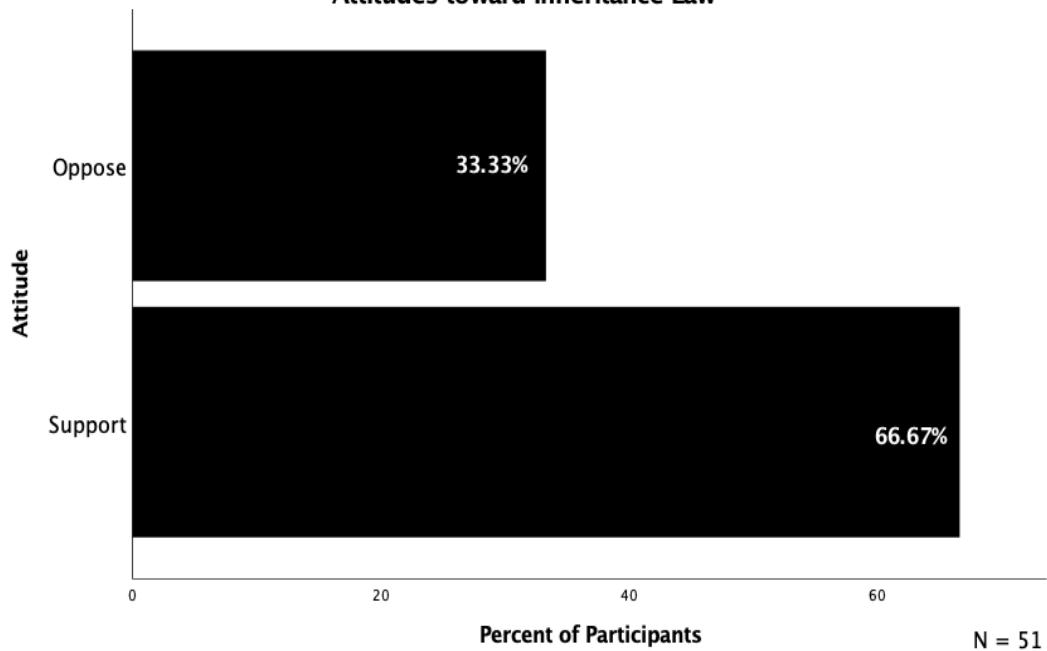


Table 2

Dominant Rationales for Attitudes toward Inheritance Law	
	Number of participants holding rationale as primary justification
Support	
Acceptance of underlying gendered logic	25
Sacredness of divine law	9
Oppose	
Inequitable	8
Inapplicable today	6

As Figure 1 shows, about two-thirds of the participants agree with the inheritance law. Table 2 summarizes the dominant rationales that participants posit to justify their position. As indicated in Table 2, the dominant theme from the responses regarding inheritance law is widespread support based on the gendered logic underlying the law. Participants consistently mention the gender complementarity motivating the law, in particular, the man's responsibility as the breadwinner and the subsequent requirement for him to spend his inheritance on his wife, children, and unmarried sisters. Participants elaborate on this by mentioning that women are under no obligation to spend their inheritance on anyone; therefore, the lesser allocation is justified. Many of these participants elaborate that Islamic law allows a parent to allocate more resources for their daughter in their will if they like, so if there is any concern about inequality, there is a mechanism to alleviate it. One of the participants, Maryam, a 31-year-old of Syrian heritage, who justifies the law based on the gendered dichotomization of responsibilities explains,¹

It makes perfect sense. Men have to provide for women so they have to spend what they get on their wife, kids, and their parents once they've aged, and even sisters if they're not married. And then the woman doesn't have to provide for the family at all. Yeah, she has to take good care of her husband and kids and her home, but then the upside is that whatever she inherits is all hers and she can spend it all on herself. We don't even have to share it with our kids. So men should get more, and I'm a woman saying that. So the law isn't unequal if you think of it that way.

Similarly, Razia, a 45-year-old of Afghan heritage, defends the same position by also referring to traditional gender roles as the core justification,

I think the law is perfectly fine. You have to understand the reason for why it is the way it is. Men are required to take care of all the women in their lives: wives, mothers, daughters, sisters, aunts. So obviously they will inherit more because it has to be used to financially support all their extended family members. Women get to keep what they inherit for themselves. They don't have to spend a dime of it on their husband or kid or anyone. It's theirs and that's Islamic law too, so women are protected either way. It's a pretty good deal for us.

Both Maryam and Razia's responses highlight a reoccurring theme, which is not only a voicing of acceptance, but an actual effort to explain the benefits of the law for women. Gender traditionalism is taken as an accepted assumption, with

¹ I employ non-verbatim transcription, to allow for clarity and ease of reading.

little need to negotiate or justify it.

There is a minority among those accepting the law who do not elaborate on the reasoning but simply accept it because it is one of the laws explicitly found in the Quran. Among these participants, the responses tended to be shorter and there was no mention of gender roles but rather references to faith and belief. Sarah, a 26-year-old of Algerian heritage states, "I mean it's God's law and there's wisdom in it, so I accept it." Similar in tone, Yasmeen, a 55-year-old of Lebanese heritage, responds, "Of course I agree with it. God wants it this way, and that's enough for me. I don't question Him or His will. I have faith that He knows best." When urged to elaborate on their reasoning, these participants tend to keep repeating the idea of acceptance based on faith, dismissing the opportunity to provide a rationale based on gender norms as the majority of supporters like Maryam and Razia do.

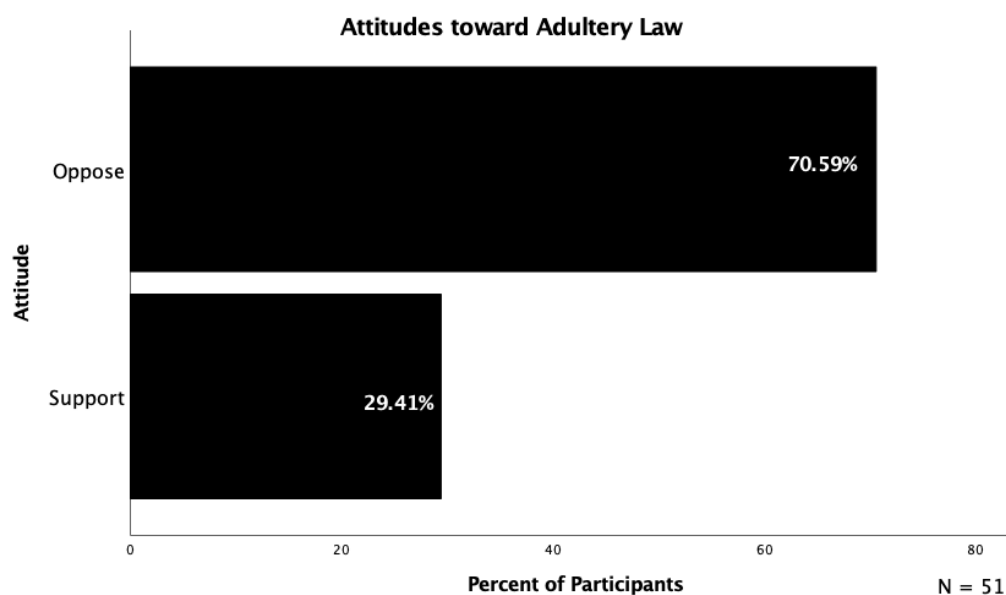
Turning now to those disagreeing with the law. Only about one-third of the participants reject the inheritance law. Two dominant reasons for rejection are presented: first, a perception of the law as inequitable and second, inapplicability of the law today. One such participant voicing this position is 60-year-old Rozerin of Kurdish heritage. She passionately explains,

I don't accept this law. It puts women down. That was how it was in the old days with women having no rights. But now in the modern world, it's too old-fashioned. I know in Iran and Saudi Arabia women are treated that way, but it doesn't make it right.

Positing a similar view is Amina, a 25-year-old of Pakistani heritage, who responds,

I am a fully practicing Muslim, but I don't agree with this law. It was fine for a place and a time because back then women didn't get anything so it was actually empowering. But times have changed and women everywhere have worked hard to earn equal status in all areas, and this should be no different.

Consistent with all the other women who reject the law, Rozerin and Amina do not explicitly mention nor suggest traditional gender roles to explain their position. If the participants have an understanding of the gender complementarity on which the law is based, it is not expressed or discussed. Rather, there is a rejection of the law based on the perceived inequality in the allocation of inherited assets.

*Views on Adultery Law***Figure 2**

Alongside attitudes toward inheritance law, which taps into views on family law and gender norms, participants were asked about the controversial penal law on adultery. Here attitudes switch. Unlike the inheritance law, supporters of the penal law are in a minority. As Figure 2 illustrates, 70% of the participants do not agree with the law, while only 29% support it.

Table 3

<u>Dominant Rationales for Attitudes toward Adultery Law</u>	
	Number of participants holding rationale as primary justification
Support	
Conviction criteria impossible to meet	6
Prioritizes good of society over individual	6
Sacredness of divine law	3
Oppose	
Unauthentic origins/ contradictory to humane spirit of Islam	26
Inapplicable today	9

The reasons for rejection vary, but three prominent groups emerge which

are summarized in Table 3. One group rejects the law because that particular punishment is not mentioned in the Quran. Some of those holding this view refer to the law's roots in the Old Testament. A second and overlapping group rejects it because they view the punishment as contradicting the humane spirit of the religion. One participant holding this position is Soleh, a 28-year-old of Indonesian heritage. She passionately explains,

I reject that law completely because it's not in the Quran. It's not even Islamic. It's actually a tradition from the Torah. It frustrates me that Muslims think it's in the Quran. There's no justification for it, and the Quran protects humanity. It doesn't cruelly kill humans.

Soleh's response is similar to many of the women who reject the law: a strong and fervent refutation of the law based on theological grounds. Like Soleh, these women not only denounce the law, but simultaneously argue that this law is not representative of their religion. Noticeable is a strong defensive tone that repeatedly comes through in those rejecting the adultery law, much more so than in the rejection of the inheritance law.

A minority of the rejecters view the law as invalid not on a theological basis but because they view it as inapplicable today. They mention that while it may have been appropriate in the past, standards for suitable punishments have changed today. This parallels the irrelevance position presented by the rejecters of inheritance law, with an emphasis on the law being too archaic for today's modern standards. One of the participants with this view, 64-year-old Mona of Egyptian heritage, explains,

Back when the law was made, laws were like that and they chopped off hands and stoned people. But today punishments have changed a lot and we just don't do that. I know they do that in some Arab countries still like Saudi, but they do that because the leaders want to scare the people so they obey them. It's not because they're some holy people following God. I'm a lot more religious than those leaders, and I don't accept it.

A sizeable minority, 29% of the participants, accept the law. Three rationales emerge. Some view the law as acceptable because the criteria for conviction are almost impossible to meet. They cite the de facto inability of the punishment to be enforced as a reason to justify the law. One proponent of this perspective is 42-year-old Lina of Jordanian heritage, who expresses,

I know on the face of it, it seems horrendous, but that's if you don't understand all the details of the law. It's almost impossible to actually find enough evidence to find the person guilty. You have to have multiple witnesses catching the people in the act, and that's almost impossible. The punishment is severe to stop people from

doing it, but even if they do it they won't actually get punished for it. So it's actually quite cleverly crafted.

A second group believes that the law is justified because of its intent to prioritize the good of the society rather than the individual, by preserving the family institution. They view the law as an effective means to maintain morality through a harsh deterrent. One such respondent is 24-year-old Rawya of Bahraini heritage. She articulates,

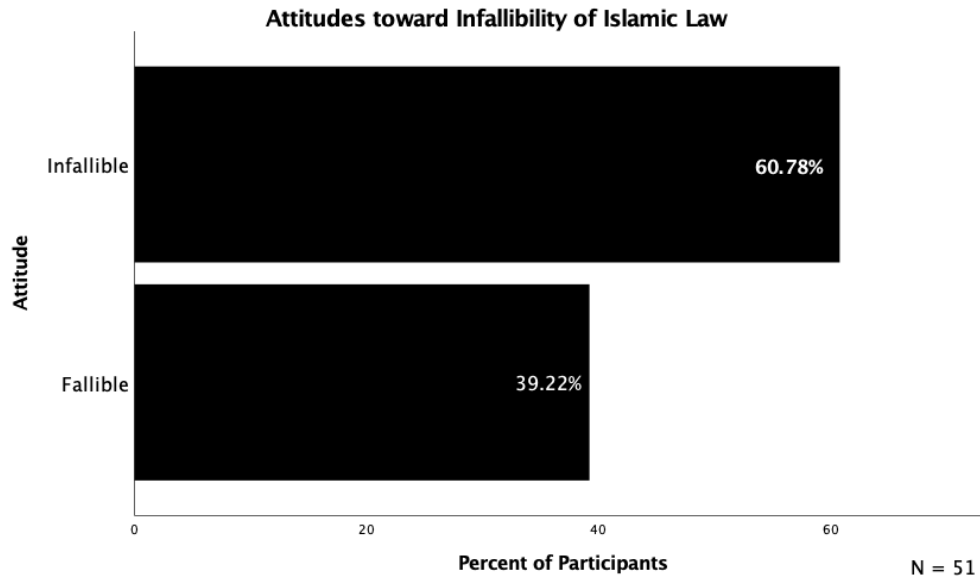
The reason why the law is so strict is because adultery can break the family apart, and the family is the foundation of society. I know some might think that it's such a violation of human rights, but the family is important in Islam and so the law tries to protect that. Our religion gets a bad rep because of these laws, but that's because society doesn't value the right things anymore. How many children are living in unmarried households and have all kinds of problems? Our children are the ones that suffer when the family model breaks apart. This type of a law is meant to create stable and healthy homes for children and their parents.

Finally, a third strand of reasoning is based on the sacredness of the law. These women justify the law on the basis of God's wisdom, paralleling the argument offered by some supporters of inheritance law. While this blind acceptance is a reoccurring theme for this and the previous question, it's still infrequent compared to other reasons posited.

The majority support for the inheritance law but rejection of the adultery law presents noteworthy insight into women's perception of Islamic law. The former advances gender traditionalism whereas the latter is gender neutral, as the same punishment is prescribed regardless of gender. This suggests that the framework for gender relations in Islamic law, which is oftentimes criticized in the West, is not problematic for the majority of women interviewed in this study. The disparity in support for the two laws is based on the intention and origins of each law.

Infallibility of Islamic Law

A third question is asked to better understand the overall perception of Islamic law as an infallible institution. Here the primary attitude being assessed is the reverence prescribed to Islamic law, as a religious institution. As Figure 3 illustrates, the participants' positions on the infallibility of Islamic law also vary, with a majority, about 60%, viewing it as immune to alteration, and a large minority, about 40%, saying it can be altered.

Figure 3

The dominant reasoning presented by those viewing Islamic law as unalterable is that it is rooted in God's wisdom, which is perfect, thereby negating any need for reform. Here we see a rationale that was rarely posited for the two other questions, to be the central justification for this one. One participant holding this view, 23-year-old Arwa of Lebanese heritage, states,

I know it's so trendy these days to be all reformist, but we're not supposed to change the word of God or of those that discovered His word. I know people might think I'm old-fashioned, especially for my age, but I believe in God and His word, regardless of what society thinks. It's so disrespectful to think that we can be critical of His laws.

Sharing the same view, 36-year-old Fatemeh of Iranian heritage states,

Those laws are for all time because Islam is the final religion. They were made by saintly people who knew God's teachings. Just because it doesn't reflect the popular opinion today, doesn't mean you go and change them. There are things we can change but religion is not one of them. There is a sacredness attached to it.

Consistent among supporters is the recognition that Islamic law represents God's will regardless of whether the rules are explicitly created by Him or merely inspired by His will. For this question, not a single supporter

differentiates between laws particularly found in the Quran versus those derived from other sources by the jurists. Turning now to the sizeable minority who believes Islamic law can be altered. The dominant rationale provided is that Islam is an evolving religion, and the laws must also adapt. The women holding this view consistently express that religion is subject to interpretation dependent on the time period. Participants who hold this position also emphasize the origins of the institution, but unlike the supporters who refer to the origins to defend the institution's infallibility, these women point to the origins to argue for reform. They contend that Islamic law is a creation of humans and is therefore not inviolable. Proponents suggest that the institution was not present during the earliest period of Islam and is a later innovation. One such respondent, 47-year-old Aisha of Pakistani heritage, explains,

Islamic law was created after the Prophet by judges and reflects the period in which it was made. There's really nothing holy about it. The Quran actually over and over tells the reader to reason out and think through matters, so all laws should be subject to change and should reflect the circumstances of the particular time period. The laws need to change as the times and society progress.

Also rejecting the divine origins of the law is 55-year-old Farah of Bangladeshi heritage, who shares,

The thing is that I don't view Islamic law as divine because under that banner there are a whole host of laws that violate tolerant and just Islamic teachings in the Quran and practices of the Prophet. It's really a creation of an archaic kind of male-dominated society of the dark ages, well after the Prophet founded the religion.

As illustrated by these excerpts, participants are split when it comes to their position on Islamic law's sanctity. While some hold a strong reverence for it as a representation of God's will, focusing on its divine origins, others downplay its significance, focusing on the role of the jurists in its creation.

The participants' responses to all three of the core questions reveal that their self-identification as women or as Muslims is not in and of itself indicative of their position on Islamic law. External portrayals of Muslim American women are often oversimplified, and so we may assume that because these participants identify as women, particularly as American women, they will oppose Islamic law. On the other hand, we may as easily assume that because they identify as Muslim, they will support Islamic law. But the responses instead reveal that their attitudes vary in complex ways, and their support or opposition stems from various lines of reasoning and carries unique meaning. For some women, support for Islamic law simply equates to acceptance because it is a central component of their belief system. But for many, their favorable view goes beyond that as they view Islamic law as an institution that generates positive

outcomes. For many of the supporters, it means backing a system that produces a morally bound and just society. For others, support translates to endorsing a system that protects their status as daughters, wives, mothers, and preserves their family life.

DETERMINANTS OF SUPPORT FOR ISLAMIC LAW

Having found that there is substantial variation in attitudes toward Islamic law, I next examine if particular factors predict support. Finding predictors of attitudes toward Islamic law from a small non-random sample is obviously fraught with weaknesses. However, even given the limitations, some initial associations can be explored. Because of the nature of my sample, I do not contend that the findings are generalizable beyond the sample of participants. This is, nonetheless, a valuable first step to understand the influence of key variables. The three primary variables examined are sect, heritage, and religiosity.

Orthodox Sects

Sectarian affiliation examines the possible effect that variation in theological doctrine may have on support for Islamic law.² For the purpose of analysis, I will be assuming a simple dichotomy between orthodox and heterodox sects, with the expectation that attitudes toward Islamic law may vary by orthodoxy.³ In this paper, orthodox describes the two dominant, mainstream Sunni and Shia sects. These two sects have a history dating back to early Islam. Of the five medieval Muslim jurists that developed Islamic law, four were Sunni and one was Shia. Sunni and Shia sects traditionally revere at least one of these scholars and follow their particular school (madhab) of Islamic law. Because Islamic law is a longstanding institution in both Sunni and Shia sects, I do not expect that there will be a difference in support for Islamic law between Sunni and Shia Muslim American women.

However, I expect that a comparison between orthodox and heterodox sects will exhibit a difference. For the purpose of this analysis, heterodox sects include sects that do not identify with mainstream Sunni and Shia Islam. In this study, participants self-identifying as Ahmadis, Ismailis, and Sufis, rather than Sunni and Shia, are included in this category. While these groups are distinct from each other, compared to their orthodox counterparts, their doctrinal

² A detailed presentation of sectarian and denominational differences in Islam is outside the purview of this paper. There is an extensive literature including works by Sedgwick (2000) and Upal and Cusack (2021) that provide in-depth typologies and nuanced explanations.

³ While using the term orthodox within an Islamic context is contested, since the concept has Christian roots, it is still used by scholars to describe sects within Islam (Langer and Simon 2008).

teachings incorporate more reformist practices and beliefs that are at times at odds with Islamic law.

One of these heterodox sects is Ahmadiyya, whose adherents identify as Ahmadis. They follow the teachings of a late 19th century saint named Mirza Ghulam Ahmad who sought to reform the teachings of Islam, aligning them with the religion's early emphasis on tolerance and inclusion. He emphasized the context, conditions, and needs of the time in interpreting Islamic traditions (Ahmad 2007; Ali 1996; Faruqi 1983). Adherents of this sect emphasize a non-literal understanding of the Quran, pluralism, inter-faith dialogue, and a rejection of violent jihad.

Similarly, adherents of Ismailism, known as Ismailis, also prioritize a metaphorical understanding of the Quran. Ismailis are known for their progressive vision of Islam, actively supporting a lifestyle that balances spiritual and material progress. The sect prioritizes economic development in its underserved communities. Less emphasis is placed on the orthodox rituals of Islam and more on the intention and meaning behind the rituals (Clarke 1976; Daftary 2007). Given the differences between orthodox and heterodox sects, I expect:

H₁: Muslim American women identifying with an orthodox sect are more likely to support Islamic law.

Arab Heritage

In addition to sect affiliation, I expect that cultural heritage will also affect support for Islamic law. This expectation is based on the findings of previous empirical studies. Previous research finds a link between Arab-American women and belief in the infallibility of their sacred texts as well as traditional views of gender responsibilities (Aboulhassan and Brumley 2019; Read 2002; Read 2003). Additionally, cross-national studies find that Arab countries, not the broader Muslim world, are associated with patriarchal norms and illiberal outcomes (Donno and Russet 2004; Rahman 2012; Ross 2008). Given these previously found links between the Arab variable and support for religious traditions and gender traditionalism, I expect:

H₂: Muslim American women of Arab heritage are more likely to support Islamic law.

Religiosity

Similar to the Arab variable, previous studies also find a link between religiosity and support for both Islamic traditions and traditional gender attitudes. Higher religiosity levels among Muslim Arab-American women are linked to traditional gender attitudes and are negatively associated with feminist attitudes (Read 2003, 2004a). I expect these findings to translate to this study.

H₃: Muslim American women identifying as more religious are more likely to support Islamic law.

QUANTITATIVE FINDINGS

Table 4

Predictors of Support for Islamic Law				
	Support for Inheritance Law (%)	Support for Adultery Law (%)	Support for Infallibility of Islamic Law (%)	
		X^2		X^2
Sect		14.13**		30.51**
Sunni (Orthodox)	94.7		94.7	
Shia (Orthodox)	87.5		75.0	
Heterodox	43.8		6.3	
Heritage			10.94**	9.67**
Arab	79.2		83.3	
Non-Arab	74.1		40.7	
Religiosity				
Non/weak	83.3		58.3	
Moderate	75.0		65.0	
Very	73.7		57.9	
Education				
No college degree	75.0		55.0	
College degree or more	77.4		64.5	
Age				
20 - 35	60.9		65.2	
36 - 52	87.5		56.3	
53 - 72	91.7		58.3	

N = 51

Note: X^2 test * $p < .05$; ** $p < .01$

To test these hypotheses, I run a series of cross-tabulation analyses and use a Chi-Square test to assess the statistical significance of the results. Since the variables of interest are categorical, this method and test of significance are appropriately selected to examine associations. Table 4 presents the results of the analyses, displaying associations between the three measures of support for Islamic law and the independent variables of interest. While orthodox sect and Arab heritage are significant positive predictors of support as expected,

religiosity is not. Age and formal education are also insignificant.⁴ Let's turn first to the effect of orthodoxy. A higher proportion of participants identifying with the two orthodox sects, Sunni and Shia, support Islamic law compared to their heterodox counterparts. This finding holds for all three measures of support. There is about a 51 percentage point difference between Sunnis and heterodox participants in their support for the inheritance law and about a 43 percentage point difference between Shia and heterodox participants. Similarly, the difference in support for the adultery law between Sunnis and heterodox participants is 36 percentage points and 38 percentage points between Shias and heterodox participants. The largest gap, however, is seen in support for the institution as a whole. Whereas about 95% of Sunnis and about 75% of Shias believe in the infallibility of Islamic law, only about 6% of heterodox participants do. These differences across the three measures of support are consistently substantial enough to indicate that different strands of Islam may influence different outlooks on Islamic law and gender traditionalism. While there is a difference in support between Sunnis and Shias on two of the three measures of support, the more striking disparity is between the orthodox heterodox divide.

Turning to the effects of heritage. While Arab heritage is not a predictor of support for the inheritance law as we find similar levels for both Arab and non-Arab heritage participants, it does have a strong effect on attitudes toward the adultery law and infallibility. While about 54% of participants with Arab heritage support the penal law on adultery, only about 11% of non-Arab participants do. Similarly, on attitudes toward the infallibility of Islamic law, Arab participants are about twice as likely to view Islamic law as sacrosanct compared to their non-Arab counterparts. Though not as consistent a result as sectarian affiliation, this result points to some possible influence of having cultural roots in the Arab world. The mechanisms linking that particular region of the Muslim world to greater support for Islamic law is unclear, but it is consistent with previous findings that also find connections between the Arab variable and similar outcomes related to support for religious traditions and patriarchal norms.

Next, to assess whether the associations found in the cross-tabulation analyses are robust, I run a multivariable logistic regression model with support for the penal law on adultery as the dependent variable. I select this particular measure to model support for Islamic law because it is arguably one of the most, if not the most, criticized and condemned law within the compendium. Therefore, support for this particular law is strongly indicative of support for the institution at large, increasing the validity of the measure. Logistic regression is employed because the dependent variable is binary, with 0

⁴ Though not included in these results, nativity, measuring whether the participant was native or foreign born, and the number of years lived in the United States were both tested by the author and also found insignificant.

indicating the participant opposes the law, and 1 indicating support.

Table 5

Multivariable Logistic Regression Model: Support for Adultery Law (1 indicating support)	
Sect (Heterodox)	-2.501* (1.227)
Heritage (Arab)	1.838** (0.791)
Religiosity	0.225 (0.512)
Education	-0.573 (0.936)
Age	-.691 (0.543)
Constant	-0.261 (1.673)
Pseudo R-Squared	0.282
LR chi2 (5)	17.91
Prob > chi2	0.003
N	51

Note: standard errors in parentheses; * $p < .05$; ** $p < .01$

The results of the logistic regression are presented in Table 5. In order to interpret the results and understand the substantive effect of the factors, I convert the coefficients presented in Table 5 into odds ratios. In assessing the factors that may explain support for the adultery law, there is again a significant and substantive effect of heritage and sect, but not of religiosity. The odds of supporting the adultery law are about 6 to 1 for a participant with Arab heritage compared to non-Arab. The effect of sect is even greater. The odds of supporting the law for an orthodox participant is 12 to 1 compared to a heterodox participant. Religiosity, formal education level, and age are not significant predictors.

CONCLUSION

This paper sought to better understand Muslim American women's views on the most controversial yet central institution in Islam: Islamic law. I focused on Muslim American women and views on Islamic law as the population and outcome of interest, respectively, because the relationship between the two has been the subject of heated debate, but empirically understudied. While proponents of Islamic law point to aspects that elevate the status of women and

protect human rights, opponents do just the opposite. This paper aimed at providing an empirical examination of the relationship between the two by asking women that self-identify as Muslim their perspective on two of the most controversial laws as well as the institution as a whole.

This is the first study to systematically interview Muslim American women about their perspectives on an aspect of their religion that is constantly being linked to their status, by outsiders. Despite limitations of the sample, there were common patterns that emerged among participant responses, as well as significant correlations between predictors of interest and attitudes that provide important insight into how this understudied American population views a central aspect of their religious tradition that is criticized by many.

This study reveals that Muslim American women's views regarding Islamic law are anything but monolithic. Their positions and the reasons for their positions are pluralistic and based on carefully thought-out considerations. Striking among the findings is the level of knowledge about the Quran and Islamic teachings that these women exhibit.

Despite variation in attitudes, on the whole, there is acceptance and support for the institution and for the gender traditionalism it advances. Of the three main aspects of Islamic law examined, only one of the laws is rejected by the majority of the women, which is the penal law on adultery. That rejection is based largely on a nuanced analysis of the origins of the law and its misalignment with Quranic principles of prioritizing compassion. So here, too, it is not a rejection of Islam, but rather a refutation of the particular law because it contradicts what these women view as a core part of Islamic teachings. Also striking is the finding that when Islamic law is viewed as an entire unit, more than half of the women interviewed view it as sacred and unalterable.

Finally, when it comes to explaining variation in women's attitudes, I find that there is indication that sectarian affiliation and cultural heritage matter. The findings suggest that it is not religiosity but the brand of Islam that matters. Those identifying with orthodox belief, defined by the teachings of the two mainstream Sunni and Shia sects, tend to revere Islamic law and support its preservation, whereas adherents of the more reformist sects are more likely to question and attach less importance to it.

Future studies can build on these early findings to conduct more representative national surveys to see whether they hold across a larger sample. Comparative studies that interview women living in Muslim majority countries is another worthwhile direction that can be taken. A final implication of this study is that contrary to conventional belief, many Muslim American women do not see themselves as victims of this legal tradition, but rather not only respect it but find benefit in it.

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