

**Religion and Independence:
Women Fatwa-Petitioners at
Al-Qasemi Academic College's
Al-Ifta'a Center**

Taghread Keadan

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Introduction

In the absence of a supreme Muslim religious authority in Israel, empowered to issue rulings in Islamic legal matters, Muslims in the country are left with little alternative but to avail themselves of the services of adjudicators from different countries via electronic media, and particularly the Internet, which in recent years has become universally accessible. The lack of an Islamic religious-legal authority who commands a broad consensus, however, is not a problem unique to Muslims in Israel, but rather is evident to varying degrees in all Arab countries, and is becoming more and more acute of late, sparking controversy throughout the Islamic world. Accelerating diffusion of communication technologies in the modern age and the proliferation of information sources that accompanies it have been key factors contributing to exacerbation of the problem. Inter alia, Muslims in Israel today can listen to adjudicators on an array of radio shows and television channels and phone in

their questions,¹ even if they may not be entirely familiar with the specific social and political context.

Meanwhile, a growing number of Muslims are employing Internet technologies for purposes of dissemination, networking, outreach, discourse, research, and so on. The Internet in this regard can serve as a means of circumventing government censorship and breaking into new media domains, as a hub for formulating and promulgating decisions and for interpreting current events, and as a vehicle by which the outcast and unknown can rise from obscurity to achieve public recognition and even celebrity (al-Zalami, 2005). Within this reality, the Internet, as recent studies show, is being used to carve out a variety of ‘cyber Islamic environments’ and to spread opinions by Islamic scholars known as *fatwas* (or *fatawa*, more correctly in Arabic; singular: *fatwa*), many of which, regrettably, tend to reinforce existing gender hierarchies and relegate women to a subordinate status relative to men (Abdulla, 2007).

This evolving and sometimes controversial relationship between fatwa-petitioning (*istefta’a* in Arabic) and delivery (*ifta’a*) and the Internet reflects the Muslim population’s need to

¹ For example, the weekly program “Sharia and Life” hosted by Sheikh Yusuf al-Qaradawi’s on Al Jazeera.

access information from sources available to all and in the most discrete manner possible, the Internet simply being the easiest and fastest means of doing so. Notably, online fatwas have tended, as aforesaid, to disempower women, a problem that stems inevitably from the fact that the vast majority of such fatwas are issued by men. Many women nevertheless voice their opinions stridently on important matters of different kinds, particularly work life and relations with parties external to the family, home and community. Whether making queries telephonically in a televised call-in format or over the Internet, women come with a clear issue they would like addressed, and with the implicit aim of enhancing the legitimacy of the field of interest in which their questions are articulated.

Fatwas traditionally have been meant to address issues of a controversial or obscure nature in Islamic jurisprudence, including those concerning women's bodies, work, inheritances, the question of with whom they may associate or work, if at all, and the status and role of women in Islam. In short, such fatwas are opinions given on points of Islamic law that are meant to define the status of women and regulate their lives in Muslim society. Yet, they have tended to be overly simplistic while failing to address aspects of a more complex nature, which have grown all the more complicated in the modern age. This

predicament stems from profound transformations that have occurred in the social sphere, where various matters considered self-evident or taken-for-granted up until a few decades ago have turned into hotly contentious issues. One example is the current debate swirling around the alleged obligation of wearing the *niqab* – the traditional ruband facial veil – a controversy that can be attributed to the fact that hitherto no final and authoritative determination has been made as to whether women must dress in a manner that covers their bodies exclusively or also their faces.

On questions such as this, as well as many others, Sharia law obliges compliance with the rulings of religious-legal scholars only in matters that are inherently Islamic jurisprudential in substance, whereas opinions on questions related to ethical, philosophical and personal matters are considered authoritative yet non-binding suggestions or recommendations. The religious and ostensibly official state authority to adjudicate in these matters has been invested historically in the Sharia courts, which inter alia have issued fatwas to petitioners, in effect without ever having been empowered by order or decree to do so. While the qadis' jurisdiction in the Sharia courts has been limited since the British Mandate period to decisions in family and personal status

matters such as marriage, divorce, alimony, child support, child custody, inheritance, etc., adjudicative powers were granted to the Sharia courts in Israel by law in 1948. Qadis were subsequently appointed as Sharia court judges after having met certain criteria defined by the State, chief among them proven expertise in Sharia legal and Islamic religious matters. Consequently, the Muslim community grew accustomed to soliciting fatwas from the qadis of the Sharia courts, as they comprised the sole religious authority available to them. Over time, there also emerged small centers that issued fatwas on an informal basis (Zahalka, 2009).

Hence, alongside rich and time-hallowed traditions in Islamic learning, jurisprudence and research, a certain degree of confusion and even chaos began to prevail among the local Muslim population regarding delivery of fatwas, given the ambiguity on questions such as to whom precisely one should turn for religious legal opinions, whether in historically controversial matters, such as women's status, role and dress, or new and unprecedented ones that emerged with technological advancement, and which Islam had never grappled with hitherto, either in the Quran or in Islamic jurisprudence.

It was against this background that the idea of establishing a fatwa center at Al-Qasemi Academic College in Baqa al-Gharbiyye coalesced, and that the Al-Ifta'a Center, the first institution of its kind in Israel, ultimately opened its doors to the public in 2005. The overriding aim in founding the center was threefold: (1) to diffuse the aforementioned ambiguity by offering a complete living, accessible and credible model of a fatwa institution in a non-Muslim environment, which might function as a reference point for those seeking opinions on Islamic issues, (2) to serve as a case that might inspire other Muslim communities in non-Muslim societies to follow suit, and (3) to expand the basket of services provided to the Muslim community in Israel. The choice to establish the center precisely at Al-Qasemi Academic College was a natural one given not only its relatively central geographical location in the southern Haifa District, which renders it accessible to the majority of the country's Muslim population, but also its renowned and long-standing Department of Sharia and Islamic Studies.

The current study probes *inter alia* the following questions regarding the Al-Ifta'a Center:

1. Why was the center established and what needs was it designed to meet?

2. Who are the adjudicators (muftis) at the center and what are their qualifications?
3. What characteristics distinguish the fatwa-petitioners at the center and their requests?
4. What problems are the petitioners struggling with?
5. What features mark the fatwas delivered by the center?

Gender analysis of contemporary fatwa-petitioning and delivery, it is suggested, can shed light on questions occupying Muslim women in turning to this system.

Women's Status in Islam and Israel

FATWAS AND ISLAMIC FEMINISM

Feminism is a term derived from the Roman word *Femina* meaning the female sex. The conception of the feminist movement that began in nineteenth-century Europe was a struggle against discrimination and oppression against women in society and the bringing of equal rights for women. The feminist movement demanded equality throughout the political, educational and economic system. Feminism itself supports the empowerment of women through government legislation, institutional enforcement and advocacy through education and lectures to the general public. The feminist movement is not identified or attributed to a particular political current. The ideas of the feminist movement are varied and vary according to time and period. Feminism includes different currents, a variety of attitudes, beliefs and ideas. Common to all of these is the approach against discrimination against women and their exclusion from society to the system of government (Safran, 2011).

Appendices

Table 1

Comparison of Participants' Education Level by Gender

To compare education level of participants based on gender, the average number of years of study for each gender group was calculated and an independent-sample t-test applied.

Group	N	Average Education in Years	Standard Deviation	df	t Value	sig
Men	152	11.68	3.37	1007	2.24	000
Women	856	12.59	4.39	1007	2.23	P<0.05

The test results indicate a significant difference between the two groups on the education level variable that favors women, among whom a higher mean number of years of study was observed.

Table 2

Relationship Between Number of Fatwa Requests and Participant Age

Correlations

		Age	Number of Fatwa Requests
Age	Pearson Correlation	1	-.654
	Sig. (2-tailed)		.014
	N	1009	1009
Number of Fatwa Requests	Pearson Correlation	-.654	1
	Sig. (2-tailed)	.014	
	N	1009	1009

*. Correlation is significant at the 0.05 level (2-tailed).

The table shows a strong negative correlation between the two variables, suggesting that the higher one's age, the less likely one is to solicit a fatwa from the Al-Ifta'a Center.

Table 3**Participants' Marital Status**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Single	109	10.8	10.8	10.8
	Married	885	87.7	87.7	98.5
Widowed		14	1.4	1.4	99.9
	Divorced	1	.1	.1	100.0
	Total	1009	100.0	100.0	

Table 4**Means of Soliciting Fatwa**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Direct	835	82.8	83.0	83.0
	Indirect	171	16.9	17.0	100.0
	Total	1006	99.7	100.0	
Missing	System	3	.3		
Total		1009	100.0		

Table 5**Fatwa Issues**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Abortion/Pregnancy	80	9.3	9.3	9.3
Women's	162	18.9	18.9	28.3
Employment	141	16.5	16.5	44.7
Adornment/Makeup	89	10.4	10.4	55.1
Academic Studies	126	14.7	14.7	69.9
Control of Earnings	54	6.3	6.3	76.2
Electoral Participation	96	11.2	11.2	87.4
Contact with Men	46	5.4	5.4	92.8
Women Leading	4	.5	.5	93.2
Prayer	56	6.5	6.5	99.8
Zahat Funds	2	.2	.2	100
Tawba	856	.100	.100	
Other				
Total				

Table 6**Fatwa Issues**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Abortion/Pregnancy	80	9.3	9.3	9.3
Women's	162	18.9	18.9	28.3
Employment	141	16.5	16.5	44.7
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Women Leading	4	.5	.5	93.2
Prayer	56	6.5	6.5	99.8
Zahat Funds	2	.2	.2	100
Tawba	856	.100	.100	
Other				
Total				