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Informal sovereignties and multiple Muslim feminisms: Feminist geo-legality in Sri Lanka

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ABSTRACT

This paper argues that Muslim feminisms emerge as spatially differentiated strategies and tactics to accommodate local varieties of Muslim “informal sovereignties”. These informal sovereignties are exercised by Muslim judges, scholars and lawyers regulating Muslim marriages and divorces, based on diverse readings of the Muslim Personal Law and situated in the context of different forms of violence, such as Islamophobia and ethno-religious communalism. Comparing two districts in Sri Lanka - Puttalam and Batticaloa - the paper shows how Muslim feminist activists navigate spatially diverse forms of informal sovereignties exercised by Muslim movements and institutions, in response to locally specific political, social and economic challenges that Muslims face in the aftermath of Sri Lanka’s decades-long civil war. The struggles over implementing and reforming the Muslim Marriage and Divorce Act (MMDA), the Muslim Personal Law in Sri Lanka, focus on Muslim women’s bodies and spaces as main sites of politics. The paper thereby contributes to debates in feminist geo-legality and Muslim femininity by pointing to the need to understand the contextuality of Muslim Personal Law within Sri Lanka’s varieties of lived Islam.

1. Introduction

The Muslim Marriage Divorce Act (MMDA, passed in 1951) is highly contested in Sri Lanka. As a personal law for Sri Lanka’s minority Muslim community,² it governs the areas of marriage, divorce and maintenance, and complements Sri Lanka’s civil General Law (Marsoof, 2011 [2011], 2018; Kodikara, 2011; Marasinghe & Scharenguivel, 2015). The most contentious aspects of the law are: it enables the possibility of child marriages, unregulated polygamy, the lack of women’s representation in the justice system, and the absence of the need for the bride’s consent (Abdul Saroor, 2014; Hamin & Cegu, 2016; Kodikara & Hamin, 2017). In 2019, after various failed reform initiatives, a committee under Justice Saleem Marsoof formulated “Proposals on Reforms to the MMDA” to be submitted to the Sri Lankan Cabinet (Marsoof, 2018). As a response to this, the All Ceylon Jayamathul Ulama (ACJU),

an umbrella organisation representing all Muslim scholars in Sri Lanka, wrote a letter to Muslim Members of Parliament (MPs), stating that it had “grave Religious concerns on the Proposals”. It warned these Muslim politicians that a failure to prevent the proposals being submitted to the Cabinet would result in a situation in which “we shall be considered as those responsible for a historic treachery and betrayal of the Muslim community. May Allah, Swt,³ protect all of us from such an act of betrayal, Aameen.” (ACJU, 2018).

Feminist activists, Muslim and non-Muslim alike, consider the MMDA to be a discriminatory legislation in need of urgent reform (Kodikara, 2011; Kodikara & Hamin, 2017; Kodikara & Zackariya, 2014), and for a long time have rallied against it. However, unlike their non-Muslim allies, Muslim feminist activists have had to navigate the politics of their community, and especially accusations that their activism would “betray” the Muslim community. These accusations are

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¹ Prof. Shalul Hasbullah has coordinated the research and facilitated access to research participants. He was also involved in the preliminary analysis of comparative research on Batticaloa and Puttalam. In addition, he translated interviews in Tamil. Prof. Hasbullah has passed away on 25 August 2018.

² Muslims are a minority group (9.3%) and the label ‘Muslim’ represents here both a religious and ethnic category comprising Moors, Malays and Bhoras, Afghan Menoms. Sinhalese compose 74.9% of the population of Sri Lanka, with the majority of these being Buddhist and a minority Christian; 15.3% are Tamils (11.2% Sri Lankan Tamil, 4.1% Indian Tamil), a majority of whom are Hindu and a minority Christian (Government of Sri Lanka, 2012, p. 4, see also population tables, table A3, p. 4).

³ Subhanahu wa ta’ala” translates as “Glory to Him, the Exalted”.

made in a situation where the Muslim minority in Sri Lanka feels increasingly politically vulnerable and is exposed to different forms of violence. During Sri Lanka's civil war (1983–2009), Muslims were wedged between the combatant parties, the Liberation Tigers of Tamil Eelam (LTTE), fighting for autonomy for Tamils, and the predominantly Sinhalese Sri Lankan Government. The war thereby proliferated an ethno-religious communalism (De Alwis, 2003; Giles et al., 2003; Giles & Hyndman, 2004; Thaheer et al., 2019). Moreover, since the end of civil conflict in 2009, Islamophobia has been on the rise (Holt, 2016). When six radical Islamists attacked churches and hotels at Easter 2019, this further reinforced communalism along ethno-religious boundaries. These developments also instigate feelings of belonging and internal fragmentation in the Muslim community.

This paper argues that Muslim feminisms emerge as spatially differentiated strategies and tactics to accommodate local varieties of Muslim "informal sovereignties", where different forms of violence co-exist (Hansen & Stepputat, 2006). Various Muslim scholars, judges, lawyers and politicians use the law to maintain a distinct Islamic form of life and exercise informal sovereignty through regulating family life and marriage/divorce, which they consider as essential for Muslim identity in Sri Lanka. Muslim movements and Muslim judges are thereby becoming "petty sovereigns" (Butler, 2004, p. 65), using discretionary powers in implementing the MMDA in different localities. Muslim movements, which are highly fragmented, developed spatially diverse forms of informal sovereignties, in response to locally specific political, social and economic challenges that Muslims face in the aftermath of the decades-long civil war as well as increasing Islamophobia (Faslan & Vanniasinkam, 2015, pp. 1–28). In this violent context, Muslim feminist activists fight injustices against Muslim women in the application of the law (and against the law itself). Their tactics and strategies differ, however, according to local geo-legal constellations of informal sovereignties of Muslim institutions.

The struggle over implementing as well as reforming the MMDA focuses on Muslim women's bodies and spaces: the amendment of law becomes a site of politics and power, albeit with limited prospects of changing a patriarchal environment (Menon, 2004). Building on feminist insight that the body is represented "as site where the geopolitical is produced and known" (Smith, 2012, p. 1518), we want to know how embodied subjectivities of Muslim femininity are lived in response to the implementation of and discourses around religious law, the fragmented informal sovereignties of Muslim movements, and the socio-economic effects of Sri Lanka's post-war situation. In taking up these questions, the cases studied in this paper highlight the diversity and divergences of "feminism(s)" (Loomba & Lukose, 2012, pp. 2f), apparent in South Asia (Giles & Hyndman, 2004; Menon, 2004; Coomaraswamy & Perera-Rajasingham, 2008; De Alwis, 2009; Flavia, 2012, pp. 33–53; Mihlar, 2019; Gupta et al., 2020), and contribute to studies in Muslim minority contexts in South Asia (Gökarkın, 2009; Haniffa, 2008; Hopkins, 2016; McGilvray 1998, 2016, pp. 54–77; Mihlar, 2019; Osella & Osella, 2008).

Conceptually, the paper extends the framework of feminist geolegality (Brickell & Cuomo, 2019, p. 106): law, including religious law in itself, not only produces spatial orderings of (women's) bodies (Gupta et al., 2020), but works through geo-legal constellations, i.e. regional and place-based regimes for "informal sovereignties" (Hansen & Stepputat, 2006). All of these can create differentiated forms of discrimination violating the intimate sphere of Muslim women. Informal sovereignties are located in a context "where sovereign power historically was distributed among many forms of local authority" (Hansen & Stepputat, 2006, p. 295) – which is the case for religious law. Here the framework of feminist geolegality - "a project that integrates legal geography and feminist geopolitics" (Brickell & Cuomo, 2019, p. 104) - is very useful. Part and parcel of feminist geo-legality is the insight of feminist geopolitics in considering everyday experiences as representative of power taking place across multiple scales (Dixon & Marston, 2011; Hyndman, 2004). Based on the notion of informal sovereignties,

we suggest that the framework of feminist geo-legality not only speaks to the dominating power of law as well as forms of oppression based on gender and religion, but also to possibilities to challenge, accommodate and negotiate the law within grey zones of local authorities (Brickell & Cuomo, 2019; Jeffrey, 2019; Menon, 2004).

The paper proceeds as follows: first, we outline the context and the methodology of our fieldwork. After this, we explain how the idea of Muslim femininity is subject to controversy in the domestic geopolitics of Sri Lanka's contested communalisms. We then discuss the history of the MMDA and the legal controversies it created. In the subsequent section, we explain the different Muslim movements and Islamic schools of thought that are prevalent across Sri Lanka and provide the theological bases for justifying different notions of Muslim femininity and interpretations of the Muslim law. We then show how these different movements and religious schools of thoughts are translated into localized forms of legal practice, exacerbated by the impacts of war in Batticaloa and Puttalam and its repercussions on the intimate sphere. We conclude with reflections on the role of Muslim movements and how they shape the emergence of a diversity of Muslim feminisms.

2. Fieldwork in febrile contexts⁴

The fieldwork for this paper took place between 2017 and 2020 within a deeply fearful community in which Islamophobia, fragmentation of the Muslim community and legal reform of the MMDA had entered highly controversial stages. We conducted fieldwork as mixed team in terms of religious affiliation (Muslim, Christian), sex and nationality (male Sri Lankan and female Swiss) and took over a background or lead role in relation to the research participant's background (Schenk, 2013). In order to promote trust, we carefully provided research information and documented consent, including qualifiers whether to be quoted directly or to stay anonymous. We also explained the research project in relation to the collaboration between University of Colombo and University of Zurich. In total, 75 semi-structured in-person interviews (36 with women, 39 with men) and one focus group discussion with seven women were conducted. This includes interviews with eight research participants whom we visited more than once (17 interviews in total), while 58 interviews were non-repeated.

Research participants were Muslim scholars including members of the scholarly umbrella organisation, All Ceylon Jayamathul Ulama (ACJU) which also includes organisations, such as Towheed Jamaat, Naalimi and the Shooraa Council, judges, lawyers and activists, family counsellors, public intellectuals and Muslim female and male academics. With consent, 44 interviews were recorded (average length 1 h 12 min), and selected interviews were transcribed and analysed with ATLAS TI. Eight interviews were conducted in Tamil and translated by the second author and by one research associate for the research conducted in 2019. All other interviews were conducted in English.⁵

To illustrate the spatially diverse geo-legal constellations in which Muslim feminisms operate, the paper compares two regional examples, one in northern Sri Lanka (Puttalam) and one in eastern Sri Lanka (Batticaloa). We demonstrate how Muslim movements, such as Tablighi Jamaat and Towheed Jamaat, inspired by Islamic reformism, intervene in practices of regulating marriages and divorces, thereby policing ideas about Muslim femininity. We then show how Muslim feminisms incorporate into their strategies the local informal sovereignties created by different Muslim movements. In Batticaloa, mosque federations are central players in the regulation of family matters, while in Puttalam, the large number of Muslim families displaced from Jaffna and other northern districts as a result of the civil war complicate family matters

⁴ Thanks to one of the reviewers who suggested a separate section on involved fieldwork and the subtitle.

⁵ Due to the controversial nature of the questions raised in the interviews, many respondents did not wish to be quoted *verbatim*.

(for instance, dowry practices), and fragment the institutional setup of mosques and their federations. As a result, Muslim feminist activists in Puttalam were in a stronger position compared to Batticaloa to renegotiate customary marriage practices and to mobilise support against violations of women's rights across communal boundaries.

3. Muslim Personal Law, religious and ethnic boundaries and multiple feminisms

Muslim Personal Law establishes spatial ordering as integral to its regulation of Muslim women's bodies and family space. Ideas and norms of Muslim femininity are re/produced in the interpretations and applications of the law. This law and its practice are, however, situated in the specific context of Sri Lanka, where ethno-religious communalism, Islamophobia, and majoritarian nationalism of the Sinhala-Buddhist majority reinforce ethnic and religious boundaries. In consequence, processes of racialisation, social fragmentation and hardening of communal boundaries undermine a uniform implementation of Muslim Personal Law and challenge its ideas of Muslim femininity. Such dynamics are not confined to Sri Lanka but are found in many countries where Muslims are a minority group.

Conceptions of Muslim femininity can evoke fears that Muslim women "need to be saved" from patriarchal values, and this also applies in the arena of law (Abu-Lughod, 2002). The agenda of 'saviourism', in combination with the attempt to consider women as producers of the nation, can result in "gendered nationalism" in which concerns relating to the place of women in the society are taken up by (Sri Lankan Sinhalese Buddhist) nationalists (De Alwis, 1994; De Mel, 2001). These anxieties also buttress anti-Muslim campaigns that depict Muslim men as patriarchal or even barbaric and which thinly disguise a general antipathy towards Muslims and/or even question the relevance of personal laws (Flavia, 2012, pp. 33–53). Some campaigns serve the purpose of securitisation in which "issues, spaces, and subjectivities become targets of regulation and surveillance in the name of ensuring 'security'" (Massaro & Williams, 2013, p. 752). Despite the anti-Muslim tenor of some of these demands for reform, scholars arguing from a civil law point of view emphasise that violence against women, including the violence of cultural norms, does, indeed, need legal amendment (Goo-sekere, 2004, pp. 13–76).

Universalising discourses, such as emphasising human rights, are not necessarily helpful in addressing the diversity of legal, and especially religious, practices (Coomaraswamy & Perera-Rajasingham, 2008). Muslim Personal Law is not universal, and is considered to be diverse in its worldwide manifestations (Hallaq, 2009). While a focus on the substance of law might lead to changes in legal clauses, such as the minimum age of marriage, restrictions on forms of polygamy, or requiring consent of the bride, these legal reforms may not necessarily reach the realm of implementation, as research in India shows (Basu, 2012; Narain, 2014, pp. 97–114). The focus on the clauses that regulate family life, can reinforce the legal and cultural imagination that women are wives and baby-producers only. It also runs the risk of "missing the niche audiences and underground views on sexual and gender-based violence in Sri Lanka" (Wijewardene, 2008, p. 181) that are situated outside a heteronormative matrix. Menon (2004) therefore suggests that law is inherently masculinist, perpetuating and reinforcing male power and male-centric views of the world: Female subjectivities are rendered inaudible and/or invisible in legal discourse. Also the transformative power of law is overestimated – law rather has turned into a battlefield of concurring religious identities especially in multi-religious contexts. Here feminist geolegality opens the possibility to an intersectional analysis looking at law in the view of other forms of marginalisation and responses by embodied subjectivities (Brickell & Cuomo, 2019).

In Muslim minority contexts, like Sri Lanka, multiple forms of marginalisation, often based on gender and religion, co-exist. In addition to a global Islamophobia, increases in Muslim population numbers are alleged to lead to Muslims having greater economic influence in Sri

Lanka, which is seen as a threat by nationalists. In this ethno-nationalist context, narratives of securitisation are on the rise (De Mel, 2007; Hyndman, 2011; Jeganathan, 1995), which Gökarksel et al. (2019) call "demographic fever dreams". In these narratives the role of Muslim women is particularly contested, questioning their marital relationships and their part in how the perceived increases in the numbers of Muslim offspring might change the ethno-religious ratio of the country. Sinhala-Buddhist nationalists have promoted narratives of extremist Muslims (Holt, 2016), justifying a myriad of anti-terror measures or new, discriminatory laws and the demonisation of sartorial practices, because the wearing of traditional Muslim dress is linked to Islamic terrorism and threats to public safety, especially after the Easter bombings of April 2019 (Mihlar, 2019). At the same time, protecting the Buddhist majoritarian nation has become embedded in ethnically unbalanced development initiatives that favour Sinhalese groups and regions, increasing uneven development and social exclusion and thus deepening ethnic divisions (Ruwanpura, 2008).

Concurrently, these processes strengthen propaganda that emphasises stereotypes of femininity of beauty, obedience and domesticity. Thus, conceptions of a stereotyped femininity not only fuel competition between ethnic groups, but also support demands that women should comply with particular stereotypes of femininity in line with ethnic communal feelings as apparent in Muslim minority contexts (De Alwis, 2003). If women do not comply with these expectations, they risk facing violence (De Alwis, 2003; Kodikara, 2014). Hence, Muslim women face multiple threats from various groups in different places, not only within the Muslim community, but also from other ethnic groups.

The project of feminist geolegality allows to incorporate an intersectional analysis how Muslim women cope with different types of oppression. Thereby we build on scholarly work on feminisms that have emerged in Sri Lanka's former war zone, also practiced by Muslim feminist activists in response to localised regimes of Muslim authority (De Alwis, 2003; Giles & Hyndman, 2004; Manchanda, 2010; Loomba & Lukose, 2012). We extend Menon's (2012, p. viii) understanding of feminism as struggling against "occupying the marginal, relatively powerless position with reference to every dominant framework that swallows up the space at the center" to include the context of Muslim femininity, feminisms that involve subjectivities that demonstrate, respond to and cope with different expressions of piety and religious norms (Gökarksel, 2009). In countries where Muslims are in a minority, such expressions of piety face even greater challenges from the need to navigate between shifting outsider/insider subjectivities along the boundaries of ethno-religious communalism (Cooke, 2007). In Sri Lanka, such expressions of piety and religious norms are also codified in Muslim Personal Law.

4. The fallacy of a uniform Muslim Personal Law

The 1951 MMDA was promulgated with particular attention to the Shafi school of thought predominantly followed in Sri Lanka, although a minority adheres to Hanafi school of thought. The Act evolved from different attempts to reform the Muslim law during Dutch rule (1658 - 1796) and subsequent British rule (until 1948): under British rule, the Muslim Law in Ceylon (Sri Lanka) was promulgated as personal law in 1806 applying to Muslims only. In 1811, the Muslim law had to be redrafted in an attempt to standardise its implementation across the whole of Ceylon (Marasinghe & Scharenguivel, 2015). Since then, Muslim law has been contested, but only some minor clauses have been revised over time. Focussed legal activism started in the 1920ies (Kodikara, 2003). More recently, since the 1990s there have been renewed calls for reform of the MMDA. The pluralism of Muslim Personal Law and civil law, besides other personal laws, has remained a challenging aspect of the legal reform of MMDA, because it allows different jurisdictions on marriage, divorce, and maintenance in Sri Lanka.

The role of the religious leadership in overseeing the regulation of

marriages and divorces has long been contested. The Muslim Marriage and Divorce Registration Ordinance No. 27 of 1929, especially provoked widespread resistance, because it attempted to make rights and responsibilities arising from the contract of marriage enforceable by law and thus to disconnect rulings from the religious leadership (Samaraweera, 1979, pp. 243–276). With the enactment of the MMDA, the civil registration of marriage and divorce became compulsory. At the same time, the Quazi Court system, introduced with the MMDA, replaced Muslim leaders' oversight of the marriage ceremony, marriage consummation and divorce, including the regulation of post-divorce rights (Marsoof, 2011 [2001]). The MMDA was thus an attempt to define the rights and responsibilities of Muslims within the state administration, but the discriminatory substance of the law has not undergone similar reform, despite loud protests.

The most recent reform attempt was undertaken by the Marsoof Reform Committee set up in 2009. The Committee had 19 members, most notably from the judiciary, Muslim think tanks, the Muslim Law Association, Muslim women's organisations, academia, the Council of Muslim Scholars (All Ceylon Jeyamathul Ulama - ACJU), the National Shooraa Council and the Jamiah Naleemiah, a college teaching Islamic studies. But despite these various attempts, the MMDA still has not undergone comprehensive reform, partly because the Muslim community, especially the men, are split over what needed to be changed in its organisation, procedures and its implementation (Marsoof, 2011 [2001]).

Muslim organisations for women's rights criticise the organisation of the responsible Quazi Courts and their staffing. Quazi Courts are part of the government judiciary, tasked with the exclusive provision of legal services to Muslims through 64 courts across the island (Hamin & Cegu, 2016). Often, there are no buildings specifically designated as Courts and the hearings take place in the private houses of the Quazi judges, which do not provide secure and private spaces in which to conduct hearings of women's cases. The appointment of judges is reserved for men only, and therefore Muslim women have no choice but to seek arbitration by a male judge, in proceedings that are often imbued with patriarchal norms. In addition, the male staffing policy of the superior institution to the Courts, the Quazi Board, increases the likelihood of patriarchal judgements (Hamin & Cegu, 2016).

In terms of procedures, Muslim women are not given the right to fair hearings in marital disputes, since the husband often dominates the trial with the support of his extended family. Legal representation is not allowed, although lawyers and legal experts prepare statements to be read out by the women filing for divorce. Activists, legal experts and former Quazi judges confirmed in interviews held between July 2017 and July 2018 that domestic violence was the predominant reason for divorce requests,⁶ but the violation of post-divorce rights, such as non-payment of alimony or maintenance, were also major issues. A major source of male domestic violence was a husband's allegation that the wife was not meeting his expectations in terms of sexual practices or household tasks. Our later interviews, held between July 2018 – September 2019 revealed that another prominent trigger for violence were arguments over dowry and post-dowry provisions that often remain unregistered and cannot be claimed back in case of a divorce.⁷

Gender-biased judgements in marital disputes often result in unfavourable treatment of women, especially in relation to the payment of maintenance and alimony. In addition, a divorce implies a loss of social status which reduces the likelihood of women seeking divorce, thus perpetuating patriarchal patterns of power and behaviour. Often women do not dare to speak up against dominant family members, given the male-dominated environment of Quazi Courts (Hamin & Cegu, 2016).

⁶ Interviews 27, 12 July 2017; 20, 7 July; 21, 8 July and 35, 13 July 2018. The interviews are numbered consecutively each year.

⁷ Interviews 8, 7 July; 26, 11 July; 27, 12 July 2018 and 1, 4 September 2019.

Quazis confirmed in interviews held between July and August 2017⁸ that they were guided by their understanding of the Sharia and also consulted with mosque federations for the justifications that lead to judgments in divorces. Thus, Quazis operate in a social system in which Muslim movements exert influence and guidance. In the next section, we highlight the high degree of fragmentation among Muslim movements and the internal divisions within the Muslim community.

5. The informal sovereignties of Muslim movements and religious revivalism

The diversity of Muslims in South Asia is grounded in the hybrid coexistence of ethnic and religious groups and their kinship and language identities (on ethnicity in Sri Lanka: Silva, 2002; on the development of Islam in South Asia: Robinson, 2007). In Sri Lanka, the majority of Muslims are Sunni living side by side with a small minority of Shia Muslims. Like elsewhere in South Asia, Muslim communities practice their faith not only alongside, but also in assimilation with Hinduism, Buddhism, Christianity and other religions, customary beliefs and practices (McGilvray, 1998). Like some Muslims in India, Sri Lankan Muslims, particularly in the North and the East, preserve a matrilineal and/or matri-uxorilocal kinship structure (McGilvray, 1998; Ruwanpura, 2006), and predominantly speak Tamil as their first language (Thirananagama, 2011).

In more recent times, the pressure of Sinhala Buddhist nationalism, but also Tamil nationalism, has resulted in particularly fragmented Muslim movements competing for different notions of Muslimness (Faslan & Vanniasinkam, 2015; McGilvray 2011, 2016, pp. 1–28, pp. 54–77). Sufism committed to devout Muslim practices, but also integrating divergent local practices, especially Hindu mysticism, into their devotions (Dandekar & Tschacher, 2016), is losing influence in comparison with revivalism (Hasbullah & Korf, 2013). Instead revivalism, with its emphasis on a universal Islam inspired by the Prophet and his Companions (Feener, 2013, p. 286), is thriving. At the same time pious notions have increasingly become an inspiring element of Muslim identity/ies (Mihlar, 2019), reinforcing communalism in opposition to the ethnic other (Haniffa, 2008; Mihlar, 2019). Traditionalist Islamic activism, as an aspect of Muslim revivalism, holds that worldly problems are due to bad morals and are thus religious problems (Metcalf, 2002), and considers the regulation of marriages and divorces on the basis of (civil) law as a threat to Islam.

Competition between different movements has also put pressure on Muslim community leadership, represented by the Muslim Council of Sri Lanka (MCSL) in conjunction with the central theological body of Islam, the All Ceylon Jamiyyathul Ulama (ACJU). The ACJU claims legal sovereignty over Muslim Personal Law by shaping the jurisdiction of the law and influencing the appointment of Quazis (Mihlar, 2019). However, despite its claim to sole theological authority, the ACJU lacks coherent outreach because of the many different approaches to reading and interpreting Islamic texts (Faslan & Vanniasinkam, 2015, pp. 20–1). This difficulty is also increased by the different stances towards Sufism in Sri Lanka and by the growing influences of strong local Muslim leaders. These local differences in approaches to, and leadership of, variations of Islam, produce forms of informal sovereignties (Hansen & Stepputat, 2006). These informal sovereigns claim leadership over local Muslim communities and often apply the Muslim Personal Law in discriminatory ways.

The most prominent revivalist movement in Sri Lanka is the Tablighi Jamaat movement, an offshoot of the Deoband movement that emerged in late 1920 in India in response to Hindu efforts to convert peasants. Sufism had its place in the Tablighi Jamaat, disseminating Islamic, especially Hadith texts, in missionary activities (Metcalf 1982, 2002). A more recent revivalist movement is the Towheed Jamaat, concerned to

⁸ Interviews 23, 24 July 2017; 32, 6 August 2017.

remove polytheism and innovations (*shirk* and *bid'a*) and to keep Islam pure (Mihlar, 2019). Towheed Jamaat are also dedicated to the Sharia, drawing on the Shafi school of thought and are known for their opposition, at times violent in nature, to Sufism (Hasbullah & Korf, 2013; McGilvray, 2011).

From these varieties of lived Islam, the ACJU umbrella organisation (with the MCSL) gathers opinions from its own branches and other Muslim movements across the country to deliberate on the amendment of the MMDA, also in relation to different approaches of legal reasoning. Legal reasoning based on the Hanafi school of religious thought tends to foreground human logic, whereas legal reasoning in the Shafi school of thought is guided by predetermined theological criteria. Common to both religious schools of thought is a process of traditionalization, in which legal reasoning tends to be inspired by Quranic exegesis with links to corresponding *hadiths* (the traditions of the Prophet Mohammed) (Vikør, 2005). Such scripturalist approach is inspired and provided by Muslim leadership (Metcalfe, 2007, pp. 5–6), which is particularly picked up by revivalist movements that see any deliberation on the amendment of the MMDA as a matter of the scripture and consider the MMDA “as divine” (Kodikara & Hamin, 2017, p. 1). As one research participant, a teacher and Imam said: “They [ACJU] see Islam in a very narrow perspective. They see it through traditions and madhabs, schools of thought”.⁹

When we asked representatives of the ACJU in July 2017 about their opinions on amending the MMDA, we received very cautious answers. They argued that all interpretations have to comply with a Quranic exegesis combining Shafi and Hanafi religious schools of thought. In addition, official statements by the ACJU mirrored opposition both to allowing women to become Quazi, and to the regulation of polygamy and the mandatory registration of marriages (Abdul Saroor, 2019). Yet as a result of the 2019 Easter attacks, the ACJU has shown more willingness to talk with activists about the MMDA.¹⁰

The historical legacies of the different religious schools of thought, their impact on Muslim movements, the latter’s powers as local informal sovereigns, and the reform and implementation of the MMDA strongly influence the diverse understandings of Muslim femininity across Sri Lanka. In the next section, we show how the embodied understandings of Muslim femininity intermesh with diverse local geo-legal constellations of Muslim movements and Quazi courts in Batticaloa and Puttalam as a result of different degrees of militarisation, displacement histories, Islamophobia and socioeconomic infringements in consequence of the war.

6. Diverse feminisms and Muslim femininity

... [F]eminism means empowerment of the femininity of the woman and not anything else. If you are a woman, empower yourself in the capacities you have, because the kind of ability of the capacity that you have is much greater than anything else. Don’t even compare to masculinity. It’s not necessary: we stand on our own. That is my idea of femininity which embraces feminism and so this is the thing about MMDA...¹¹

In this activist’s view, feminism enables women to make use of the precious resources they have at their disposal. The MMDA is not only about defining rights of women and men: in her view, it is a space in which to negotiate all aspects of a marriage - including the politics - based on one’s femininity.

Activism on Muslim women’s rights on a national scale in Sri Lanka has been documented by Muslim women’s networks that address the situation of Muslim women across the island, most famously the Muslim

Women Action Research Fund (MWRAF) (Hanifa, 1995; Kodikara, 2011; Marsoof, 2011 [2001]; Kodikara & Zackariya, 2014), and later also the Women’s Action Network (WAN) (e. g. Abdul Saroor, 2014). From the 1980s onwards, these organisations started comprehensive documentation of the violation of Muslim women’s rights and undertook study visits to the Quazi Courts that revealed mismanagement in terms of interpreting and applying the MMDA.¹² They also discussed these findings with international Muslim women’s rights organisations such as Sisters in Islam and Women Living under Muslim Laws. These insights helped Muslim feminist activists to understand the reasons behind Quazi judgements, which drew on the Quran, on gendered norms and/or on misconceptions of the MMDA itself.¹³ In 2017, young Muslim women formed the Colombo-based group, Muslim Personal Law Reform Action Group (MPLRAG) that is particularly active on social media.¹⁴ These groups have started to work more closely with each other in complementary ways, and to exchange information on a regular basis.

My research builds on these findings and points to the geo-legal constellation as a crucial space of Muslim institutions, such as Muslim movements and mosque federations, in which Muslim feminist activists operate. The influence of such movements depends on internal tensions in Muslim society as well as on the post-war context. First, not only was the war present in everyday atrocities, increasing the tensions between ethnic communities (Thaheer et al., 2019), but it also created room for some Muslim movements to push further the drive for the purity of Islam, while the divisions within Muslim society deepened. Second, in the case of Puttalam, the displacement and settlement of Muslims from the North resulted in two separate Muslim communities – the original inhabitants and the resettled groups. Nevertheless, in Puttalam, state administrative structures have been more or less functional and divisions between ethnic groups have been reportedly low. In contrast, in Batticaloa, a former war area which had partly been controlled by the Liberation Tigers of Tamil Eelam (LTTE) and partly by government forces, political tensions between ethnic groups, especially Tamils and Muslims, have been present in everyday life. In turn in some areas, civil administration was largely dysfunctional, and Muslim movements developed a political presence in this vacuum, whether in relation to questions of land management or to definitions of the limits of appropriate Muslim behaviour.

The political influence of Muslim movements has effects upon gender divides: the Quazi has to be male, the mosque federation committees are frequently male-dominated and also often preselect the (male) candidates for the Quazi Courts. Feminist activists in this field are often women teachers in primary or secondary schools, while supportive men remain rather less vocal. The gender divide has an enormous impact on the outreach of counselling activities supporting women in addressing domestic violence or wanting a divorce: it influences the extent to which Muslim feminist activists can visibly collaborate with legal structures such as the Quazi Court and the support committees of the mosque federations.

A male senior official of the Muslim judicial system explained the geo-legal constellation in which Muslim feminists operate in both regions:

“[...] any attempt to promote reconciliation is better than letting a marriage break up. Perhaps you could look at it how Eastern culture operates: there is always promotion of family life. If you look in terms of black and white you might see a demarcation in the role of the judge, you see it in terms of addressing just a legal issue.”¹⁵

The senior official thereby highlighted the importance of Muslim family life that cannot be judged purely in legal terms as a ‘black and

⁹ Interview 21, 20 July 2017.

¹⁰ Interview 1, 15 May 2020.

¹¹ Interview 8, 9 September 2019.

¹² Interview 3, 19 January 2018.

¹³ Interviews 26, 11 July, 3, 19 January 2018 and 27, 1 July 2018.

¹⁴ www.mplreforms.com.

¹⁵ Interview 32, 6 August 2017.

white' issue, i.e. in terms of legal clauses and the role of the Quazi. The geo-legal constellation in which Muslim women's rights are negotiated, is made up of informal sovereignties that are performed by Muslim movements to govern Muslim family life beyond and besides the law. We examine these geo-legal constellations in the next sections comparing the cases of Puttalam and Batticaloa.

6.1. Case 1: Puttalam

In 2012, the population of the district Puttalam was 19% Muslim, 74% Sinhalese and 6.5% Tamil (Government of Sri Lanka, 2012).¹⁶ The region is marked by a violent history: as a result of the LTTE's eviction of Muslims from Northern Sri Lanka in 1990, about 75,000 Muslims settled in Puttalam (Hasbullah, 2001; De Alwis, 2004, pp. 213–231; Caron, 2005; Haniffa, 2015). During the ceasefire in 2002–2006 and after the end of war (2009), these Muslims tried to return to their homes in the North, but with limited success. Their re-settlement in the North was not sufficiently supported by the Sri Lankan state or international humanitarian agencies, while there was limited access to state benefits in the North. In Puttalam, the Northern internally displaced persons (IDPs) had better access to state assistance, such as health care, education, and other services than in their hometowns. These benefits, exclusively available to IDPs and often provided by humanitarian agencies, resulted in tensions with Puttalam's Muslim host community. There is competition between the groups for access to education and business support; and IDPs face barriers to acquiring property (Brun, 2003; Caron, 2005; Thiranagama, 2011).¹⁷ This socio-economic situation has had severe effects on family life: most parents want to find suitable partners for their children, and they need to be able to afford a dowry for their daughters. For Muslim and Tamil families, the practice of dowry functions as "premortem matrilineal insurance"; providing a daughter entering marriage with assets, such as property (McGilvray, 2008, p. 38; Thiranagama, 2011).

These circumstances also affect current marriage practices and norms. Discussions with research participants indicated that low incomes and lack of dowry assets, especially among the Northern Muslims displaced to the Puttalam region, put enormous pressure on families to agree to marriage arrangements that do not accord with the usual customs of their class. Thus, for instance, a previously wealthy family might choose a less educated groom, in order to reduce the price of the dowry. However, such cross-class marriages often involve marital disputes, because if the groom appears unable to match the educational attainments of the bride, the bride can appear to be more intelligent than the groom, which can cause difficulties in a patriarchal environment.¹⁸ Furthermore, there are differences between the dowry (*kaikuli*) practices of Muslims from the North and the original Puttalam Muslim population. In Puttalam, dowry is not considered necessary: one local Muslim leader even considered it as un-Islamic because Islamic texts do not mention it,¹⁹ and it is not recognised in Muslim law; rather, dowry stems from Hindu marriage practices (Kodikara, 2011, p. 44).

These struggles around marriage practices proliferate in an environment of increasing tensions between different Muslim movements that struggle for influence in the mosque federation and this is particularly so in Puttalam where Muslim movements are reported to be active and diverse. One Muslim feminist activist said in an interview in September 2019²⁰ that there were 120 registered mosques (this was confirmed by an NGO member), while at least 200 mosques were said to

be unregistered (numbers vary in different interviews). Some Northern mosque committees continued to function in collaboration with their original mosques in the North, while other mosque committees were set up by the IDPs themselves in Puttalam (Thiranagama, 2011, p. 157). When talking to two influential Muslim leaders in July 2018,²¹ we were assured that the ACJU coordinates all activities in consultation with the representatives of Muslim movements. These pledges, however, do not take into account that some activities are coordinated with mosque federations in the North, meaning that the influence of the regional representation of the ACJU might be limited.

While the ACJU wields influence over the legislation and interpretation of the Muslim Personal Law, the mosque federation is responsible for the implementation of social programmes (e. g. mediation of family disputes, support for poor members, regional development) and coordinates with the Ulama Board over issues such as a joint campaign on waste management.²² On the other hand, another research participant emphasised the competition over Muslim revivalism between the Towheed Jamaat and Jamaat Islamii (another revivalist movement) and to a lesser extent Tablighi Jamaat.²³ The diversity of these groups and the fragmentation of power within them produces only weak forms of informal sovereignties and allows more diverse feminisms to thrive in Puttalam, unlike in Batticaloa.

6.2. Feminisms in Puttalam

The most pressing marital problems are often related to different expectations about sexual intimacy and unsatisfied expectations about the dowry, most apparent in tensions between the IDPs and Puttalam's host population. Counselling services often address questions of sexual intimacy with both partners, while dowry issues can be more legally complicated because they usually involve property in the North.²⁴ One strategy is to argue, as one Muslim leader did,²⁵ that the custom of dowry does not comply with Islamic texts and no longer serves as security for daughters. This Muslim leader recommends that struggling families should depart from dowry practices and instead adopt the *mahr*, the gift by the bridegroom. He emphasised that in suggesting this, he wants to reduce potential tensions arising from different marriage practices among the host community and the IDPs.

Another strategy is to separate dowry expectations from any connection to previous property ownership in the North, as an activist in Puttalam explained to us.²⁶ Claims on property remain hypothetical in their nature when the property and cultivated land are located in the North, where they are often difficult to access. To keep a check on expectations of a favourable dowry from the beginning of a marital relationship, Muslim feminist activists recommended differentiating between moveable and immovable goods in a separate marriage contract. Immoveable goods, such as a house in the North might materialise sometime in the future, without a specific date. Listing moveable goods, such as mobile phones, cars, or even a property in Puttalam helps the groom's family to take a reasonable approach and avoids quarrels about unrealistic expectations of the dowry. In effect, this disconnects the idea of 'home' from the North and links it to the place where the marriage actually takes place, namely in Puttalam, and thus takes "displacement itself as an orientation" (Thiranagama, 2011, p. 147).

Strengthening non-blood related kinship structures is another strategy around accepting Puttalam as a new home. Activists explained that defining a male guardian (*wali*) of a marriage can be crucial to addressing marital problems. Not only is the *wali* present at the marriage

¹⁶ The 2011 Census provides only absolute numbers, while the percentage for both sites is calculated by the author. The figures do not include small groups such as Malay, Sri Lankan Chetty and Burgher.

¹⁷ Interview 32, 12 July 2018.

¹⁸ Interview 26, 12 July 2018.

¹⁹ Interview 34, 13 July 2018.

²⁰ Interviews 4, 9 September 2019.

²¹ Interviews 33 and 34, 12 July and 13 July 2018.

²² Interview 33, 12 July 2018.

²³ Interview 5, 9 September 2019.

²⁴ Interview 27, 12 July 2018.

²⁵ Interview 34, 13 July 2018.

²⁶ Interview 27, 12 July 2018.

ceremony, but he can also mediate in quarrels and act as an advocate for the bride. Usually a close sibling would take this role, but in Puttalam kinship structures are fragmented due to displacement and distant, but locally-living, relatives are chosen.²⁷ While the currently proposed amendment of the MMDA suggests abolishing the *wali*, activists in Puttalam opposed this provision for these reasons.

In the case of marital disputes, the Quazi is expected to function as a first contact point, but as one activist explained:

“If a woman is punched and she is bleeding from her eye, they [the police] will say ‘Go to Quazi Court’, because the police do not want to take responsibility - they won’t even listen. Quazi doesn’t have any mandate to deal with it [and] will call the husband and say, ‘OK, next time you hit slowly, not like this way, because Quran says ‘hit softly’, right’.”²⁸

The mandate of the Quazi does not cover domestic violence, but nevertheless, in the case of a marital problem, there is a social expectation that Muslim women should first approach the Quazi. Instead of sending women to the Quazi Court, collaborating with the police - a civil authority even though often staffed with Sinhalese officers (Thaheer et al., 2019, p. 102f) - turned out to be a political space in which to seek the rule of law, as one Muslim feminist activist pointed out:

“We [the activists] sent women who had a family dispute and had been affected by domestic violence to the police [...]. We continued to implement the strategy for women who were burned, very brutally beaten up and all. So, the Muslim men terrorised [the activists], because they [the Muslim men] were advised by the Quazi, very gently, to take care of their wives properly, right? Not punish them. Here there was a protection order, somebody was observing them, whether they are hitting their wife again, if they do it, they can go to jail. And the Muslim women started going to the police station, instead of walking to a Qazi Court in the case of domestic violence. [...] We are broadening the spaces for women - Muslim women - to have access to justice.”²⁹

One of the main concerns that the activist raised here is the “protection order”. On the one hand, the involvement of the police puts into question the informal sovereignties performed by Quazis and the claims of the Muslim men consulting them. Going to the police instead of the Quazi opens up spaces for Muslim women to obtain justice beyond these informal sovereignties. On the other hand, this is a delicate balancing act because once it is known a woman has been to the police, it can lead to protracted harassment, both physically and on social media. Muslim activists are at times advised not to enter villages because they are considered to be “doing things against Islam or Muslims, they are working against Sharia” and therefore may be subjected to abuse or violence.³⁰ Involving the police, whose officers are largely non-Muslims, is seen as a ‘betrayal’ of the Muslim community, because Muslim communities expect to solve problems, including those of domestic violence, for themselves, subject to the legally formal but in practice informal sovereignty of Muslim institutions: they do not want to resort to the Sinhalese-dominated state apparatus.

In Puttalam, the resettlement of Northern Muslims in the district produced tensions within the Muslim community, and between Muslim movements and their widely scattered networks of mosques. The ACJU and the registered mosques are aware of the tensions and try to address them, but their informal sovereignty is limited. However, the fragmented geo-legal constellation of Muslim institutions provide space for Muslim feminists to step out of (Muslim) communalism, although it

involves some courage to do so (De Alwis, 2003). Here we can see that Muslim femininity is not necessarily tied to the internal rules of Muslim communalism, yet the case of Batticaloa shows that this is not always the case.

6.3. Case 2: Batticaloa

In 2012, the population of Batticaloa District was 1.3% Sinhalese, 72.7% Tamil and 25.4% Muslim living in villages of nearly homogenous ethnic make-up, creating a mosaic in which each piece is dominated by one ethnic group in densely-populated settlement patterns (Government of Sri Lanka, 2012). Batticaloa suffered tremendously in the civil war due to fighting between the LTTE, the Sri Lankan Army and, from 2004 onwards, the paramilitary Karuna group. The brutal war and the involvement of civilians as perpetrators or victims deepened the ethnic tensions between Tamils and Muslims, the main ethnic groups; and the socio-economic precarity resulting from the war still persists (Ruwanpura, 2006).

This precarity has lasting effects, as we found in the interviews. When we asked about the situation of women in Eravur, a Muslim town in Batticaloa District, a member of the Divisional Secretariat Office Eravur confirmed that out of 12,000 families, 2000 are officially registered as female-headed households (see also Ruwanpura, 2006).³¹ In a focus group discussion with the Governmental Support Team,³² we learned that as the status ‘female-headed household’ is stigmatised and therefore under-reported, the number might be much higher. The official divorce rate is still low, although social workers report that many women have been abandoned by their husbands, often without means of support, but they are not officially divorced, because a request for divorce risks social stigmatisation. The reasons for abandonment are related to the husband being unemployed and/or being addicted to drugs, educational differences, so-called disobedient behaviour by the wife, or love affairs. Women rarely file for divorce, but when they do, it is often because of domestic violence and obtaining post-divorce rights (Ruwanpura, 2006). Early marriage is common, and relations often break up, because of different expectations about sartorial practices, obedience and domesticity. In Kattankudy, part of Batticaloa District, registered marriages for girls below the age of 18 were 22% of total marriages in 2015 (Hamin & Cegu, 2016, p. 8). Even though spouses and registrars are aware of the legal requirements and the fact that records of the age of the bride are being falsified, child marriage is still common practice (Amarasuriya, 2013).

For Muslim women, giving a young daughter into marriage can be driven by socio-economic pressures, cultural norms and prescriptions and assuring physical security, which became even more pertinent during the civil conflict (Amarasuriya, 2013). At the same time, land ownership has become problematic due to displacement or dispossession during the war and the 2004 Indian Ocean Tsunami (Hasbullah & Geiser, 2019; Thurnheer, 2009). As a consequence, some parents are not able to satisfy a demand for a dowry made by the family of a suitable groom. In turn, this inability can create leverage on parents (and their daughters) to comply with different religious and cultural norms in order to ensure that the daughter is still a matching choice for the groom’s family. Such socioeconomic pressures strengthen the mosque federations’ position through their provision of counselling on how to match cultural norms and prescriptions.

The war also strengthened Muslim group identity, producing a relentless pursuit of purity by some Muslim movements. This pursuit of purity can be expressed through expectations on behavioural conduct, official announcements in the mosque, but also in violent clashes between adherents of different Muslim movements (Hasbullah & Korf, 2013). For example, rivalry between Towheed and Sufis is responsible

²⁷ Interview 27, 12 July 2018.

²⁸ Interview 8, 7 July 2017.

²⁹ Interview 8, 7 July 2017.

³⁰ Interview 4, 9 September 2019.

³¹ Interview 25, 26 July 2017.

³² Interview 27, 27 July 2017.

for acute intra-Muslim tensions in Kattankudy and beyond (Mihlar, 2019). Other organisations, like the Tabligh Jamaat, present themselves in the mosque federation as moderate revivalists trying to reconcile these tensions. The war further created a political vacuum that allowed Muslim movements, especially the mosque federations, to establish their informal sovereignty. By performing welfare services or mediating land and security issues, mosque federations play a crucial, but underappreciated, role in managing Muslim families, as a Muslim leader in the East of Sri Lanka described:

“Quazi is part of the mosque federation. If the Quazi approaches the mosque federation, they will cooperate to produce solutions. They coordinate all activities and involved organisations. [...] Overall, the mosque federations are doing a good job – they are the backbone of the community. Mosque federations are guiding the communities.”³³

Here the research participant emphasised the important societal role of mosque federations and their close relationship to the Quazis, for example, in providing support for poor families or, importantly for this study, arbitration in case of marital disputes. Here ‘informal sovereignty’ comprises the claim of the mosque federations to be leader of the community, which is also expressed in their involvement in guiding the arbitration of marriages, as a former Quazi judge in Eravur explained:³⁴ In a first meeting, two spokespersons representing the wife and the husband, meet and exchange their opinions. If they identify possible grounds for discussion, then in the second step, the couple is asked to meet in a separate room on the premises of the Quazi to talk to each other directly. If they cannot settle their dispute, the third step is for the two spokespersons to meet again to negotiate a settlement. This informal approach, which is not required by the MMDA, illustrates the powers of the mosque federations to implement their own procedural rules beyond the law. As one research participant, a lawyer from Colombo, put it: “People have a blind faith in the mosques and their leaders”.³⁵ The question of such “faith” in the informal sovereignty of mosques is central to the formation of multiple new Muslim feminisms in Batticaloa.

6.4. Feminisms in Batticaloa

The situation of Muslim women in Batticaloa is very different from that in Puttalam. In Batticaloa, Muslim feminist activists avoided the Quazi Court by working directly with affected women:

“We [the activists] try the maximum not to send them [Muslim women] to the Quazi Court, but to deal with them [ourselves]. We do some counselling and talk with the men, and we try to solve it somehow, because if the case goes to the Quazi Court, then everyone knows that this case came to the Quazi Court, and the people themselves will make it a big issue, and somehow try to separate [the couple], then they won’t be able to live together.”³⁶

Above we described the stepwise approach taken by a particular former Quazi judge in working towards reconciliation in Eravur, but this activist research participant in Batticaloa proposes working around, and avoiding, the step-wise approach of the Quazi Court. Her argument is that the Muslim community perceives any contact with the Quazi as tantamount to getting divorced; and getting divorced bears the risk of being considered a bad wife. Hushing up marital problems can be one strategy to avoid reputational damage, as the Muslim feminist activist pointed out:

“Most of the women never tell anything, [...] not even in the hospital, despite bruises or fractures due to domestic violence. They

somehow protect the husband and say ‘No, I had a slip in the bathroom’ or something else happened like that. So, the same thing, [if] the women [...] make a complaint to the police, they withdraw, because [there is] no other choice for them.”³⁷

Here the activist described the everyday fear that prevents resistance to domestic violence, and which is repeated in self-censorship on other occasions, such as with the police or in the mosque, where speaking out would stir up discussions about Muslim femininity. Beginning to address such an abusive relationship confronts an impasse in which the intimate space of a marital relation comes to function as a constraint. Research has confirmed that women from minority backgrounds seldom report such forms of violence to state authorities because they do not trust them (Thaheer et al., 2019, pp. 102–3). While the work of activist groups is important in providing solutions outside the purview of the informal sovereignty of the mosque federation or the state, their work can become a target of criticism or even hatred by Muslim institutions.

More recently, the confrontational lines between activists and the mosque federation have softened, as the Muslim feminist activist explains, when revisiting her.³⁸ The turn of the tide seems to have been the 2019 Easter attacks after which the mosque federation was accused of having turned a blind eye to Islamist extremism (those behind these attacks having preached in a Kattankudy mosque for years). Without these political pressures on the federation to reform, the internal dynamics might have continued to allow the mosque federation to claim sole authority for addressing marital problems.

In Batticaloa, despite these latest more conciliatory tones, Muslim movements and the mosque federation have had a tight grip on the implementation of Muslim Personal Law. Local Muslim feminists chose to by-pass these assertive informal sovereigns to search for informally-negotiated solutions for Muslim women in trouble, rather than to confront their power. The geo-legal constellation in Batticaloa therefore foreclosed many spaces of feminisms or compromise that the Muslim feminists in Puttalam were able to resort to.

7. Conclusion

This paper has shown that Muslim feminisms rely on a plurality of tactics and strategies to address discriminatory practices of Muslim Personal Law in response to locally diversified forms of informal sovereignties that Muslim movements, mosque federations and Muslim judges exercise. These local politics of Muslim institutions have produced different geo-legal constellations of Muslim Personal Law in Puttalam and Batticaloa: in Batticaloa, the mosque federations have been in constant dialogue with the ACJU in Colombo; in Puttalam, the role of the ACJU is still in the making - mosque federations mushroom and movements have been and still are in open competition. As a result, for Muslim feminist activists the influence by the ACJU was much more difficult to handle in Batticaloa because informal sovereignty of Muslim movements was more centralised compared to Puttalam. In Puttalam, the arbitration of marital disputes was addressed through a collaboration between Muslim feminist activists and mosque federations, which made solution-oriented arbitration possible. In Batticaloa, only recently after pressure on them increased in the wake of the 2019 Easter attacks, representatives of the mosque federations have started to become more accommodative of the concerns of Muslim feminist activists.

The notion of religious purity is central to politics, legal practice and legal reform: they espouse different practices and compete with each other over which movement is the purest in its adherence to ‘real’ Islam. Sri Lanka’s increasing Islamophobia and ethno-religious communalism has intensified these notions of purity and community among Muslims, who feel as a vulnerable minority. The legal arena of the MMDA law has

³³ Interview 24, 25 July 2017.

³⁴ Interview 23, 24 July 2017.

³⁵ Interview 5, 4 July 2017.

³⁶ Interview 27, 01 August 2017.

³⁷ Interview 27, 01 August 2017.

³⁸ Interview 7, 11 September 2019.

not only developed into a proxy to fight over minority rights in a Buddhist nationalist context, but equally is the site of controversies over models of the proper family and the domestic role of women. The different strengths of informal sovereignties that Muslim movements and mosque federations exercise in different regions open up different spaces of resistance, accommodation and compromise.

The concept of feminist geo-legality with its intersectional lens and the relational conception of law allows not only to analyse the entanglement of law, gender and religion in a post-colonial context. It also provides insights how negotiations of stereotyped conceptions of femininity take place. Indeed, competing interpretations and readings of Islamic teachings produce different conceptions of proper Muslim femininity in different places. The existence of a variety of these conceptions allow Muslim feminist activists to navigate them with different degrees of visibility within and beyond the socially constructed boundaries of communalism.

Declaration of competing interest

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