

[Exploring the intricate relationship between Fatwa and violence against women from the perspective of Bangladeshi society]

[The role of fatwas in inciting violence in Bangladesh and whether those fatwas adhere to Islamic teachings is a matter of concern.]

BY

[SHAHARIAR AHMED CHOWDHURY]

SUPERVISOR: SERENA BALDARI



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[UNIVERSITY OF OSLO]

[Faculty OF Theology]

UNIVERSITY OF OSLO

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**2023ROLE OF FATWA TO INSTIGATE VIOLENCE IN BANGLADESH AND DOES
THOSE FATWA ARE ACCORDING TO THE ISLAMIC TEACHING**

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Abstract:

This thesis aims to critically examine the issue of violence against women in Bangladesh, specifically addressing its connection to oral “fatwas” (Religious edicts) and their alleged relation to Islamic fundamental teachings. Based on literature review and through an analysis of case studies from both past and present contexts, this research will try to demonstrate that the “fatwas” that are imposed in Bangladesh over time, are not rooted in the true principles of Islam and the punishment imposed by the fatwa giver are not accordingly to Quran as well as not according to the law of Bangladesh government. Additionally, it seeks to present a compelling argument that Islam condemns any form of violence. Besides, I will investigate the reasons behind the violence on women even though discouraged in Islam.

This study uses a multidisciplinary method to bring together Islamic religion, legal frameworks, and sociocultural points of view to clear up misunderstandings about how fatwas contribute to domestic abuse. These misunderstandings are about how oral fatwas keep women from leaving abusive situations. The thesis will also show how misinterpretations and misapplications have led to a culture of violence against women by looking at fatwas that are given in Bangladesh, how those fatwas are interpreted, and how those interpretations affect society. In this study, cases that happened in the past and fatwa instigate cases that are happening right now are looked at using qualitative research methods. It looks at the oral fatwas in question in depth, analyzing their theological roots and comparing them to Islamic principles that stress justice, mercy, and respect for human rights, especially women's rights. Further, this study will highlight the patriarchy using feminist theory by Amina Wadud. As this study found that all the cases dominated by the man so the term Patriarchy will be discussed as well. Ultimately, this thesis seeks to contribute to the existing discourse on domestic violence and Islam, offering a comprehensive understanding of the subject matter. It is the intention of this work to empower individuals, communities, and decision-makers by calling into question commonly held misconceptions regarding fatwas and demonstrating how Islam supports gender equality. They will then be able to speak out against violence on women and work toward the creation of a society in Bangladesh and other places where women's rights and dignity are respected.

Preface:

In Bangladesh, where many different cultures come together, a complicated event has happened that needs our full attention and careful study. As the title suggests, this thesis investigates fatwas and how they encourage violence in Bangladeshi society, focusing on how they affect women. My qualitative research aims to investigate on the inconsistencies between these fatwas and the Quranic teachings, as well as the broader Islamic principles. During this study, I will carefully look at Quranic verses that are related to our topic. I want to find out what Islam really teaches and compare them to the views that have led to the release of controversial fatwas. I will also look at cases involving divorce, adultery, extramarital affairs, and blasphemy, since fatwas have been used a lot as tools for punishment and judgment. Moreover, this study will look at things from the point of view of Islamic feminism, with a focus on what Amina Wadud has to say. I believe that as a Muslim and as a Bangladeshi man, by reflecting feminism theory this research will give idea why the oral fatwas are still on in Bangladesh. I hope to learn more about the role of patriarchy and how it affects the making of fatwas, especially when it comes to divorce, by including feminist points of view. Not but the least, also this research will examine the fatwas that are often declared in Bangladesh are according to Law of Bangladesh or not.

The reason I am starting this research journey is to add to a more complex and complete conversation about fatwas and what they mean in Bangladesh "The goal of my study is to show that these fatwas are not in line with what the Quran says." I want people to think about what this means for the rights of women and fairness between men and women in Islamic culture.

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Chapter 1: Introduction:

1.1 Motivation and Background:

Over the course of the past few decades, the way people in Bangladesh live their lives, the things they believe, and the way they practice their religion have all seen significant shifts. A cultural phenomenon known as a "fatwa" has emerged as a focal point of significance in Bangladesh. In Islam, a fatwa can be thought of as a religious ruling or a decision. In accordance with Islamic law, it is utilized to instruct people on what constitutes right and incorrect behavior.

Now, the issue is that these fatwas are occasionally used in a manner that is not beneficial, and this is the difficulty. Certain individuals are utilizing them to continue justifying and carrying out acts of violence against women. This is a really concerning development since it indicates that women are being harmed, which is not acceptable.

Therefore, there have been shifts in Bangladeshi society, culture, and religion, and these fatwas have developed into a significant topic of discussion. On the other hand, when they are used to damage women, it is an issue that must be addressed and dealt with. This thesis will look at the complicated link between religious decisions called "fatwas" misused on women and violence against women in Bangladesh. It also tries to find out how this problem has changed over time, how it has affected culture and society, and whether misunderstood Islamic beliefs might have something to do with it.

As I am from Bangladesh, I have witnessed certain types of violence around my place when I was young during the 1990's. Women especially women were mostly victims from those violences. As Bangladesh is Muslim based state, I often heard that women cannot go out frequently when they are married. When women don't follow the rules that are set by the society and husbands, different kinds of fatwas impose on women. I am doing this study to find what types of fatwas were visible in Bangladesh on women during the Nineteenth and twentieth centuries and how those fatwas related violence created political buzz during that time. In Bangladesh, where a centuries-old patriarchal societal system coexists with acute economic and social poverty, women's vulnerability is widespread and endemic. Regardless of ethnicity, religion, or socioeconomic level, male dominance and female submission pervade all aspects of society. Early marriage, dowry, polygamy, and domestic

abuse are all widespread. In Bangladesh, many women are restricted to their homes and are not allowed to go without being escorted into public places. Confronting women in the name of fatwas still going on in rural places of Bangladesh, however not all fatwas instigate violence on women news breaks out. Hence misleading fatwas on women imposed by local powerful people go on. In these studies, we will look at recent fatwas that instigate violence as well as with old cases in Bangladesh.

1.2 Research Aim and objective:

This study will investigate the following primary objectives:

1. The objective of this study is to examine the occurrences of fatwas that have incited acts of violence targeting women, spanning from 1993 to the contemporary era.
2. To assess the extent to which these fatwas agree to or diverge from conventionally authoritative interpretations of Islamic teachings.
3. In order to examine the correlation between the fatwa practice and Bangladeshi civil law.

1.3 Research question:

The study will be guided by the following research questions to achieve the following objectives:

How do fatwas that instigate violence on women in Bangladesh align with or diverge from Islamic traditions, as described by Quranic verses, and does that punishment through fatwas is legitimate according to Law of Bangladesh

1.4 Research design and Methodology:

Research Design:

This study employs a qualitative research design to investigate the misuse of fatwas to incite violence against women in Bangladesh that started during the 1990s. Qualitative research is appropriate for exploring complex social phenomena and understanding the nuances of religious interpretations and their implications for women's rights.

Data Sources:**Primary Resources:**

The Quran and Sahih Hadith Al Bukhari: This study relies on mostly the translation of the Quran by Dr. Muhammad Taqi-ud-Din Al-Hilali and Dr. Muhammad Muhsin Khan and translation by and tafsir by the Ibn Khatir that I quoted from alim.org. Also, this research uses the interpretation of Sahih Hadith Al Bukhari by Dr. M. Muhsin Khan. These texts serve as primary sources to examine Islamic teachings and principles relevant to the research.

Selected Quranic Verses: Specific verses from the Quran related to women's rights and non-violence will be analyzed. For instance, verses from Chapter talak (Divorce), known for addressing women's rights on divorce and the process of Divorce, will be examined. I have selected most of verse that already mentioned in the secondary resources which is relevant to these studies.

NGO Reports: Data from the NGO Ain o Salish Kendra (ASK), which documents instances of fatwas inciting violence, will be used to support the research. These reports are derived from newspaper sources and provide valuable insight into the frequency and nature of such incidents during the 1990s. ASK also provide recent data on Fatwa Cases. Through the data from ASK, I can realize the extent of fatwa instigating violence on women in Bangladesh in Present time.

Secondary Resources:

Books, Articles, Journals: Existing literature on fatwas, Islamic teachings, and violence against women in the context of Bangladesh will be reviewed to provide a comprehensive understanding of the subject matter.

Data Collection:

Textual Analysis: The Quranic verses and the ideas of feminist Amina Wadud will be carefully analyzed for information regarding women's rights, violence, and the misuse of

religious teachings. This analysis will be guided by Islamic scholars and experts in Quranic interpretation.

Documentary Analysis: Reports and publications from the NGO ASK will be examined to quantify and qualify the incidents of fatwas that have incited violence against women. This analysis will help establish patterns and trends in the data.

Data Analysis:

Content Analysis: Data from textual sources, including the Quran, Sahih Hadith, and relevant literature, will be subjected to content analysis to identify themes, patterns, and contradictions regarding the misuse of fatwas and their alignment with Islamic teachings.

Thematic Analysis: Data from ASK's reports will undergo thematic analysis to identify common themes and narratives related to fatwas and violence against women during the 1990s.

This qualitative research methodology aims to provide a comprehensive understanding of how fatwas were misused to incite violence against women in Bangladesh during the 1990s. By analyzing primary and secondary sources, the study will evaluate the alignment of such fatwas with Islamic teachings, emphasizing key Quranic verses and their interpretation. The research findings will contribute to a nuanced discussion on women's rights and religious interpretations in Bangladesh.

1.5 Literature review

The issue of fatwa-instigated violence against women in Bangladesh has garnered considerable scholarly attention, reflecting the intricate interplay of religious, social, and political factors. Van Beveren's analysis (Beveren, 2014) of the punitive fatwa phenomenon during the 1990s provides insights into the historical backdrop and power dynamics that contribute to such violence. The study concentrated on fatwas that encourage or justify violent actions against persons or groups that are thought to be violating religious or societal norms,

as suggested by the emphasis on the "punitive fatwa phenomenon." This emphasis suggests a potentially critical study of the influence, justification, or prevention of violence by religious authority.

It is likely that the study places the occurrence within a historical, social, and political framework given that the paper focuses on the 1990s in Bangladesh. Such punishing fatwas may have been issued and received differently depending on the political climate and religious climate of the time. The article may look at how these fatwas were created, disseminated, and implemented to give light on the beliefs and motivations that lead people to commit violent acts in the name of religious law.

Farzana Rahman (2017), on her research, she discussed effects of fatwa decisions on women in rural Bangladesh. The author, Rahman, wanted to comprehend what occurs when religious fatwas against women are issued in these regions. Fatwas are like religious regulations or religious authorities' opinions. Rahman examined a real-world scenario to determine what changes occur when these fatwas are issued. Further, the article examines how fatwas affect the rights and duties of women. In rural areas, women frequently adhere to traditional roles and regulations. But when a fatwa is issued against them, their lives can be drastically altered. Rahman wished to determine whether these modifications are equitable and how they affect the lives of women. The research investigates the actual experiences of these women. It discusses their liberties and the shifting roles they play in society. It is essential because it enables us to comprehend how religious decisions can affect people's lives, particularly in rural areas. The article also provides guidance on how to ensure that religious teachings are equitable and respectful to all (Rahman, 2017).

In her article with Qualitative approach Elora Shehabuddin(1999), investigates the complex dynamics at play in Bangladesh regarding the intersection of gender, politics, and the distribution of fatwas. This research investigates the ways in which religious interpretations, known as fatwas, can be utilized as instruments of social control, particularly in issues pertaining to gender and sexuality. The focus of this investigation is on the complicated dynamics of religious interpretation. The author sheds light on how this religious decree, known as fatwas, can be utilized to strengthen societal norms and power systems.

Shehabuddin investigates the argument over the legitimacy of these fatwas and their impact on gender roles and women's agency within the setting of Bangladesh through a nuanced study. This is done to provide light on the situation in Bangladesh (Shehabuddin, 1999).

Shammy (2002) underscores the vulnerability of women subjected to such violence and the challenges they face in seeking justice. Riaz (2005) examines traditional institutions as conduits of political Islam, illustrating how fatwas are wielded to assert control, often at the expense of women's rights.

In his scholarly work titled "Fatwa: Violence and Discourtesy," Mehdi Mozaffari (1998), offers a comprehensive analysis of the historical development of the fatwa in the Islamic framework, stimulating intellectual inquiry. The author explores the historical roots of the fatwa and its later evolution, charting its progression from a predominantly religious advisory mechanism to a multifaceted and occasionally contentious influence within the Islamic sphere (Mozaffari, 1998). This book is important because it helps us understand how a sacred idea called "fatwa" is used in Islamic law. Mozaffari's (1998), thorough study shows how this old way of teaching in Islam has changed into something more complicated. It is no longer just about religion teachings; it now covers a wide range of topics, like how society works, politics, and even things about armed groups. In basic terms, a fatwa is like an official religious opinion or decision made by Islamic scholars. In the past, it was mostly about sacred things like how to pray or what you could eat. But Mozaffari's (1998) study has shown us that it is used in many other ways. Not only in mosques, but also in politics and talks about society. Some people even use it to defend or back up actions that are violent. This book shows how this idea has changed over time and how it is used in many ways in Islamic life.

Hossain's (2002) reflection contributes historical context to the issue (Belczyk, 2011), legal analysis on the lifting of the ban on fatwas and their enforcement outlines the evolving legal landscape. Rashiduzzaman's study (1997), exposes the tension between Islam, development, and women's empowerment (Rashiduzzaman, 1997). Zaman's perspective (1999) on the Taslima Nasrin controversy adds a transnational dimension. Hasan's examination (2010) of the Taslima Nasrin affair emphasizes the intricate balance between free speech, bans, and fatwas. Skovgaard-Petersen's research (1997) on muftis and fatwas offers a comparative perspective, while Khondakar's work (2015) on modern law, traditional practices, and civil society activism contextualizes the legal framework. Lucas and Kapoor (1996) delve into specific instances of fatwas against women, while Masud, Messick, and Powers (1996)

examine the interpretation of Islamic law through fatwas. Masum's case study (2017) on shalish as a means of justice provides a broader understanding of local justice systems (Masum, 2017). Collectively, these sources help us comprehend the numerous causes of violence against women in Bangladesh when religious edicts, known as "fatwas," are involved. To address this issue, it is crucial to find solutions that address religious beliefs, the legal system, and society. In regards of adultery law, Korb-atieh' (Korbatieh, 2018) article discusses Islamic adultery laws and stoning in modern times. The article also discusses these laws' religious and historical background, including Quran and Hadith information.

Korbatieh(2018), also examines how these laws are applied today and their compatibility with social and legal norms. Stoning for adultery may be discussed in terms of modern fairness, justice, and human rights. Moreover, this article discusses Islamic adultery laws and modern stoning. It illuminates a complex and important topic by examining religious teachings, cultural practices, and human rights (Korbatieh, 2018)._As this study examines one blasphemy case I also research articles that related to religion and blasphemy. In Riaz Hassan's article, the focus is on how religion is shown and how blasphemy is done in modern societies. The author probably looks at how people express their religious beliefs in the modern world and how they react when they think something is disrespectful to religion(Hassan, 2007).

To get the view of Blasphemy and Islam I studied the article Blasphemy and Violence by Ron E. Hassner. Ron E. Hassner writes this piece that looks at the link between blasphemy and violence. When you say or do something that hurts religious views or figures, you are committing blasphemy. The author talks about how these things can cause harm in various parts of the world.

Hassner(Hassner, 2011), looks at a number of cases and situations in which defame has led to arguments and even violence. He tries to figure out why some people take slander so seriously and often attack in response. This is important because it helps us figure out why religious disagreements happen in the first place. The author also talks about how blasphemy cases are handled by governments and foreign groups. Some places have laws against blasphemy, while others let people say what they want, even if it means criticizing faiths. In this paper, Hassner looks at how these various methods change the connection between blasphemy and violence. Overall, this study goes into a complicated subject and shows that blasphemy can sometimes

lead to violence. To avoid pointless arguments, it shows how important it is to find ways to respect religious views while also protecting the right to free speech.

In regards of Patriarchy and Islam Authors Amy C. Alexander and Christian Welzel look at the connection between Islam and supporting patriarchal, or ideals that are dominated by men. A lot of research is done to find out how seriously Muslims believe in these values. The authors do study and look at data from many Muslim-majority countries to find out what people think and feel about patriarchy. They want to know if being a Muslim is linked to having stronger support for patriarchal values or if this link is more complicated and depends on other things. According to what they found, there is not a simple link between Islam and sexism. Some Muslims may support patriarchal beliefs, but the authors say that people's views can be changed by things like education, economic growth, and urbanization. It is possible that these things will make Muslim communities more open to female equality in some cases. In short, this study challenges the idea that Islam and patriarchy are always intricately connected. It also shows how important it is to look at a range of social and economic factors when researching how Muslim groups feel about gender roles and equality (Alexander and Welzel, 2011). On the other hand, Asma Barlas writes this her article - The Qur'an and Hermeneutics: Reading the Qur'an's Opposition to Patriarchy to know about how the Qur'an, which is the holy book of Islam, can be read to fight against patriarchal, or male-dominated, ideas and actions. "Hermeneutics," the study of how to read and understand sacred books in diverse ways, is what she does. Barlas looks closely at the verses and lessons of the Qur'an to show that some parts of it go against traditional male-centered ideas. In her argument, she says that the Qur'an can be seen as supporting equal rights for men and women if it is read in a more modern way. The article stresses how important it is to reinterpret religious texts to question and change Islamic societies' male-centered norms. Barlas says that by looking at the Qur'an in a new way, I can find support for equal rights for men and women and fight against oppressive practices that have been justified in the name of faith in the past. Moreover, Asma Barlas's work shows that the Qur'an could be interpreted in a way that is more open and fairer for everyone. This could help Islamic communities deal with gender inequality. It asks people to rethink standard ideas about women's rights and empowerment in Islam and think about more modern ways of looking at these issues (Barlas, 2002).

However, there has not been sufficient research on this topic. This research lacks sufficient information about the relationship between fatwas, violence, and Islamic teachings in the

context of Bangladesh. While there have been many studies on Islamic rules, how fatwas are used, and how religion is understood, this specific issue has not received sufficient attention. Simply put, more research is needed to figure out why and how these religious rulings, known as fatwas, can sometimes lead to violence against women in Bangladesh. We must decide how religion, the law, and society all contribute to this to discover more effective solutions to stop it. Currently, this study lacks sufficient information, which is a fundamental problem.

The fact that not many scholars have looked closely at this topic raises some important questions about how complicated and sensitive it might be. Filling this gap is important because it helps us better understand the problem of violence related to fatwas and gives us a chance to carefully look at whether these violent acts are in line with the main ideas of Islam.

So, the main goal of this research study is to help scholars learn more by looking more closely at cases of violence in Bangladesh that are linked to fatwas. I'll look at these events from the point of view of how well they fit with Islamic values and laws. So, this research can learn more about this important topic and see if it fits with what Islam really says.

1.6 Statement of the problem:

I am studying on a troubling problem in Bangladesh, where fatwas are being used to encourage violence against women. This is a particularly prominent issue that worries the society in Bangladesh in present days especially in rural areas. Most of the time, these fatwas are about things like having relationships outside of marriage, being accused of illegal sexual behavior, or even blasphemy. In this study, I argue that s that these fatwas not only go against the most important parts of Islam, but also help start fights and put women down.

To put it simply, I want to know how some religious rules in Bangladesh are being used to hurt women. Most of the time, these choices are about things like cheating in a marriage or

accusations of wrongdoing. I am sure that these decisions are not in line with the real teachings of Islam and lead to violence against women and unfair treatment of them.

1.7 Limitation of the study:

The purpose of this thesis is to investigate the root causes of the violence against women in Bangladesh that has been linked to fatwas. However, it is crucial to note that there are some restrictions on the scope and depth of this study's investigation.

One noteworthy disadvantage of the study is the lack of direct interviews conducted with women who have experienced violence because of fatwas. Gaining access to direct testimonies from these individuals has the potential to yield significant insights on their personal encounters, viewpoints, and the terrible consequences of such acts of violence on their existence. It is possible that leaving out these individual stories will make it more difficult for the research to fully account for all the ways in which people are affected by the issue.

Additionally, the absence of interviews with the individuals responsible for issuing these fatwas presents a limitation to the research. A more thorough knowledge of the elements contributing to the issuance of fatwas supporting violence against women may have been achieved by gaining insights into the rationale, beliefs, and goals of the individuals responsible for issuing such fatwas. The absence of these perspectives may impose limitations on the study's capacity to further explore the underlying causes behind these fatwas.

Using a qualitative research method helps us investigate the specifics and setting of cases of violence connected to fatwas in more depth. It is like reading the whole story very carefully. But it is important to keep in mind that this way does not show us everything that is going on in society. Together with the qualitative results, I could have used quantitative methods, which use numbers and statistics, to get a better picture. I might have missed bigger patterns and trends if I had only used a qualitative method. This mix could have helped me find them.

To put it more simply, using both approaches together might give you a fuller picture of what is going on in Bangladesh about fatwa instigate violence.

Furthermore, it is worth noting that the chronological scope of the study, which encompasses the period from 1993 to the present, may not adequately encompass the latest advancements or emerging patterns in occurrences and responses linked to fatwas in Bangladesh. The study's period may not fully capture the diverse perspectives that could emerge from the continuously changing socio-cultural and religious landscape.

In the end, because religious interpretations are so complicated, it is possible that this study does not cover all the details about Islamic teachings about fatwas and how they could be misunderstood. The scope of the study is limited to the information in books, papers, and other published sources. This could mean that views or interpretations that are not as well documented will not be included.

The restrictions are duly recognized as inherent constituents of the research process. Although the inclusion of these limitations may influence the overall scope of the study, they also provide opportunities for future research to address these gaps and contribute to a more comprehensive understanding of the complex relationship between fatwas, violence against women, and their conformity with Islamic teachings within the specific context of Bangladesh.

Chapter 2: Theoretical framework:

2.1 Defining violence on women:

Historically, the issue of violence against women did not receive significant international attention or concern. Since the 1980s, there has been a big change in our culture. At this point, women began getting together to form groups and organizations. They did this all over the world, not just in one spot. Why did they do that? Yes, they did want to talk about how hard things were for them. These women wanted people to know that they were having a lot of problems, such as being harmed physically, being incredibly sad, and not having enough money to live a good life.

As the years went by, more and more people understood how important it was to pay attention to the pain women were going through. It was clear to them that it wasn't a small matter; it was important. Not only were the issues women were facing important, but so were their basic human rights. People started to understand that when women are harmed or treated badly, it affects more than just those women. All women's health and well-being are affected by it in a big way. Because of this, these women's groups, and the work they did were particularly important in making the world a better and safer place for women. (Ellsberg, M.; Heise, L. 2005. *Researching Violence against Women: A Practical Guide for Researchers and Activists*, 2005). The initiation of this process was observed in Europe and North America. However, even in the United States, where this phenomenon was particularly prominent, it took a span of 20 years for the increasing awareness to translate into the enactment of legislation and the implementation of potentially efficacious preventive measures. It was not until the early 1990s that comprehensive laws were implemented, and adequate resources were allocated to address the issue of gender violence (Gelles, 1997).

Despite the ongoing proliferation of studies and the development and examination of various theories, a notable absence within the field of research on violence against women is a universally accepted and well-established definition. According to Kilpatrick (2004:1218), the ongoing dispute regarding the appropriate scope of defining violence against women is characterized by its longevity, intensity, and the unlikelihood of reaching a resolution in the foreseeable future.

2.2 Defining fatwa:

The practice of issuing fatwas existed during the lifetime of Prophet Muhammad, and it is believed that verses 4:127 and 4:176 in the Qur'an serve as the foundation and rationale for this tradition. In essence, a fatwa can be defined as a response provided by a mufti or jurisconsult to an individual's inquiry. The inquirer, referred to as the Mustafti, seeks guidance from a knowledgeable individual, known as the mufti, regarding a matter pertaining to religion or law. Subsequently, the mufti proceeds to deliver an authoritative statement or judgment on the subject (MASUD, 2009). The issuance of fatwas, as a practice, originated from the Qur'an and can also be traced in the hadith literature. Nevertheless, in the context of

the Qur'anic discourse, when the Prophet Muhammad is posed with a question, he responds only after receiving divine revelation from God. However, in the hadith literature, Muhammad provides prompt answers based on his own authority. The hadith literature serves as a complementary aspect to the triangular relationship outlined in the Qur'an, highlighting the direct connection between the Prophet and the Muslim community. This relationship also sets a precedent, enabling the Prophet's companions to issue fatwas even after his demise (Masud, Messick and Powers, 1996).

Initially, the issuance of fatwas was conducted in a private manner. However, over time, this practice gained recognition as a means of establishing authority and legitimacy, leading to its integration into the public sphere. The leaders of various regions sought to exert influence over the authority wielded by the muftis, leading them to initiate the appointment of scholars deemed to possess the necessary qualifications. However, it is important to note that the muftis still maintained their independent status. The fatwas that held the greatest significance were compiled into collections, which are frequently associated with a specific school of Islamic jurisprudence ((MASUD, 2009, p. 357).

2.2.0 Define Salish:

At the sociological level, the nation has observed the evolution of numerous conventional social customs and institutions. Since the 1990s, two conventional practices/institutions have acquired unexpected connotations. The two concepts being discussed are Salish, which refers to village arbitration, and fatwa, which pertains to religious edicts.

Shalish is an old, aged institution that has been catering to the requirements of the community for many years (Rafi, 2003). Prior to the British invasion and subsequent development of a colonial court system in the South Asian region, native people of South Asia customarily resolved their issues via the utilization of the Panchayath system in India and the Shalish system in Bangladesh. The dispute resolution processes of Panchayath or Shalish have a long-standing historical foundation and continue to be prevalent in contemporary times. India has a rich historical tradition of Panchayats (Masum et El, 2017), which may be traced back to numerous centuries before the birth of Christ. Likewise, Shalish is a longstanding tradition in Bangladesh. During the 1990s, the practice of Salish gained popularity in many regions of

Bangladesh, notably in rural areas. This practice involved the involvement of local religious leaders or clerics, primarily the mullahs associated with the local mosques. These religious leaders often had close affiliations with religion-political parties. A discernible pattern of these Salish individuals became obvious, despite their localized organization and focus on seemingly trivial matters. Their judgements exhibited a political undertone, subsequently enforced by the regional religious authority. The Salish primarily targeted women and development organizations, which faced criticism from Islamist parties due to perceived non-Islamic activities. The purpose of these Salish was to designate a regional cleric as the guardian of a moral framework and the purveyor of "knowledge," highlighting the sharia as a viable alternative to the prevailing civil legislation and posing a challenge to the indigenous governing bodies (Riaz, 2012).

The term "Shalish" originates from the Arabic word "Sulh," denoting peace or reconciliation, particularly in the context of resolving conflicts between spouses. The lexical definition of this term in the Bengali language is 'arbitration.' In colloquial Bengali discourse, the term "shalish" typically refers to the practice of mediation and the resolution of disputes ((Khondker, 2015). The practice and regulations surrounding shalish exhibit regional variations within Bangladesh. In this study, the term 'shalish' was designated as a form of informal arbitration. The process of mediation, which typically commences in an informal manner and adheres to customary protocols, ultimately culminates in arbitration, the rendering of a judgment, and the subsequent imposition of either punitive measures or acquittal. In rural communities, shalish proceedings are overseen by either the traditional village headman or by an elected chairman, alongside other esteemed village members commonly referred to as Murobbis (powerful people). This thesis examines the phenomenon of shalish that arises from religious fatwas, which are frequently issued by religious leaders who lack the necessary expertise and authority to do so. The utilization of Shari's in Bangladesh presents a perplexing situation due to the coexistence of a pluralist legal system. While certain aspects of the legal framework, particularly those pertaining to marriage and property inheritance, demonstrate a degree of adherence to Shari's principles, most of the the country's laws are derived from colonial legal traditions. In certain instances, the maulvi's or imams of mosques are recognized as individuals who fulfill the roles of religious leaders and community leaders within the village (Hasle, 2013). According to ((Hasle, 2003), the shalish

typically consists of only male participants and is not recognized for its dedication to social justice or adherence to legal principles. Contrarily, the shalish has been employed as a proactive mechanism for social regulation, encompassing the reinforcement of gender and social stratification. Drawing upon the insights of Foucault, it is pertinent to note that historically, the shalish has served as a significant mechanism for the regulation and penalization of rural women, who constitute the predominant demographic among women in Bangladesh.

2.2.1 The significance of fatwas to the development of Islamic law:

The initial Western comprehension of Islamic jurisprudence (Fiqh) frequently revolved around the presumption that it exhibited a high degree of rigidity and primitiveness. The notion that Sharia law was inherently absolute and immutable can be contrasted with the concept of Western law, which is perceived as being influenced by contextual factors and universally applicable. Furthermore, it is commonly perceived by external observers that the application of Sharia law is flawed, primarily due to the inherent disparity between its theoretical principles and its practical implementation. Consequently, these observers hold the belief that Sharia law, as a framework for establishing legal norms, lacks effectiveness. Fatwas have been perceived as originating from a genuine social context and serving as an expression of the evolving needs and circumstances within the community throughout the course of history (Hallaq, 1994, (Skovgaard-Petersen, 1997).

Even though fatwas are often seen as not very theoretical and not the most powerful source of law, they have had a big impact on how the law is made. What's interesting is how closely they relate to real-life situations in the community, which is more important than we might think at first. Because of this, they often end up at the upper levels of the legal system. In fact, fatwas have been a big part of what Islamic law is all about.

In a nutshell, fatwas might not seem important, but they have a big impact on how laws are made. They aren't just abstract ideas; they come from real life, which makes them important. Sometimes they are so important that the law can't work without them. So, even though fatwas aren't the most reliable source, they have a big effect on Islamic law. According to Hallaq (1994:57), the significant impact of the fatwa on the development of substantive law is

particularly apparent in the interdependent connection between the fatwa and madhhab, the recognized and authoritative legal doctrine of the school. It is not an overstatement to assert that the madhhab was primarily delineated by the implementation of fatwas', whereby the fatwa's determination of the legal ruling constituted the essence of the madhhab.

2.2.2 Fatwa in the Modern Era

The argument has been presented that fatwas have consistently held a prominent position within the legal frameworks of Muslim societies and have also exerted influence on the daily experiences of Muslims (Skovgaard-Petersen, 1997). I am going to examine more closely at how these religious decisions, known as "fatwas," affect Muslims' lives today. Fatwas are basically religious views or decisions that Islamic scholars make about different things. More than anything, this want to examine if these fatwas are being used to hurt women, especially in Bangladesh. A close look at current events and cases in the real world will help us get to the bottom of this. I will use these cases to see how these religious rules are being put into practice and see if they are being used in ways that keep women in violence or unfair treatment. To put it more simply, our goal is to find out how these religious beliefs affect the lives of Muslims today, especially when it comes to the health and safety of women. We want to get a better idea of what's going on now and what it means for the people involved by looking at recent events. The results of this study will help this study to understand how religion rules affect people's and groups' lives today. According to Skovgaard-Petersen (1997), there exists a fundamental distinction between contemporary fatwas and those that came before them. The current publication methods, modes of usage, and sources of authority exhibit significant disparities compared to their previous counterparts. An essential element to consider is the gradual erosion of the historically in dependent status of muftis, leading to the emergence of State Muftis who issue official fatwas. These State Muftis are subject to limitations in their interpretations due to the political dynamics of the government that employs them (However, in this study I will discuss the case of Taslima Nasrin where government forced to imposed fatwa by the religious Muftis). The extent of the audience that contemporary and historical fatwas are able to reach is a significant differentiating factor. These days, new technology makes it easier and faster to make and share faith rules called "fatwas." This has made the web of views and interests more complicated, which changes how written words are understood. Different groups can have a bigger say in how religious books are interpreted now than they could in the past because of technology.

Recently, there has been much discussion regarding who has the authority to issue a fatwa. A fatwa is comparable to a religious decree or opinion. In the past, these decisions were primarily made in private, but as they became more public, people began to accord them a great deal of importance. Back then, it was all about the level of education and expertise of the person issuing the fatwa and whether others respected their religious views. This was since education and literacy were uncommon. However, we must consider this from a historical standpoint. In the past, knowledge and expertise were extremely valuable. It inspired people to have faith in their religious judgments. However, things have changed significantly in modern society. Therefore, we can no longer rely solely on education and traditional religious beliefs. There are new obstacles and alterations to consider. Therefore, having knowledge and adhering to ancient religious practices may not be sufficient in the modern world. The Amman Message (2009), underlines that the legitimacy of issuing a fatwa is dependent upon compliance to the prescribed methodology and qualifications set by the respective school of jurisprudence accepted by a Muslim individual. This is because the legitimacy of issuing a fatwa is contingent upon adherence to the prescribed methodology and criteria. It is forbidden to make the claim that one can engage in the practice of absolute ijtihad, which requires one to engage in independent interpretation.

2.3 The history of fatwa in Bangladesh:

The use of fatwas in Bangladesh shows that there is a lot of social disorder in the country, which is very upsetting. For some historical background, cases involving these troubling fatwas were very rare before Bangladesh got its freedom. It is known that this kind of fatwa-related news did not appear in national media before 1992. But in 1992, something important took place. News came out for the first time that violence against women was okay because of a ruling. This was a worrying change that showed a shift in how religious rules are used to defend bad behavior. There was a clear rise in the number of widely read fatwas between 1992 and 1995. Many of these were about women's non-governmental organizations (NGO) projects that were meant to help the community. A lot of people paid attention to these fatwas, and they caused worry in the community. During this important time, religious views were used in a more public and controversial way, especially against programs that were meant to help women gain power and independence. When looking at how fatwas have affected women's lives in Bangladesh, this change is very interesting and worries us a lot. Punishments such as caning, stoning, and ostracization were administered to women during proceedings

conducted in informal village tribunals((Siddiqi, 2011). Since the early 1990s, there has been an average annual report of fatwa cases ranging from thirty-five to sixty(Siddiqi, 2011:47). The overwhelming majority of these instances pertain to disputes that predominantly revolve around women, specifically pertaining to their sexualities. Dina Siddiqi's research has demonstrated that instances of violence against women, which have been justified through the issuance of fatwas, can be attributed to the manipulation of Islamic law and the language of Islam by rural elites. This manipulation serves as a means for these elites to enforce and penalize the violation of gender-based hierarchies within village communities. In various regions of Bangladesh in the year 1994, a minimum of twelve young women were subjected to fatwas and subsequent punishments, including instances resulting in death. The incidents in question were documented by ASK, relying on newspaper reports as a primary source of information (Lucas and Kapoor, 1996). The 1990s were an important decade for many reasons, including the return of official parliamentary democracy, the re-legitimization of Islamist groups in national politics, and the growing popularity of policies on economic liberalization. The military had been in charge for the previous 10 years, and during that time there was more political control than ever before. Oddly enough, this was also a time when it was easy to get permits without following the rules, which led to a rise in the number of print media sources. As expected, serious political criticisms moved into the world of culture as tabloid media became more popular. During the same time, the feminist movement had finally succeeded in bringing the problem of violence against women to the public's attention. During that time, the news was full of explicit and offensive stories about violence against women, especially when it came to women's issues. In this situation, the national media could find and spread stories of violence against women that was connected to fatwas.

2.4 Significant Fatwa cases on women that imposed on during 1990-2020:

2.4.1 Case Study of Noorjahan:

The following case study denoted by several scholars, this study uses source “Traditional Institutions as Tools of Political Islam in Bangladesh,” 178-179 by Ali Riaz (2005), *Contesting the Illicit: Gender and the Politics of Fatwas in Bangladesh* by Elora Shehabuddin, (1999), and *social life of Bangladeshi Fatwa* by Dina Siddique.

Brief story:

According to above Mentioned authors, Noorjahan was an attractive young woman who resided in a remote village in the Maulvi Bazar district of northeast Bangladesh. She was born in 1971, the year Bangladesh was founded, into a large, poor family; she endured a difficult adolescence.

When she was 16, her family set up a wedding for her. One day they had a fight and her husband divorced her orally hence, the marriage didn't last, and Noorjahan's husband left her after a year and a half of marriage. After another 18 months (about 1 and a half years), her husband came back. He said that he hadn't meant to divorce her, and since the divorce wasn't legal, she should come live with him again as his wife. Noorjahan and her parents did not go to his plea, so he went back to the country where he grew up. A few days later, Noorjahan's parents agreed that she should get married again. Her father met with her ex-husband and got a written confirmation of the split from him. The leader of the local mosque was shown this document by Noorjahan's father. In exchange for some money, he signed off on the divorce paperwork. Noorjahan found a new husband named Mutalib, and they got married again. But the local leader who had signed off on the divorce and other important people in the area spread rumors that Noorjahan's second marriage was against the rules of Islam and that she should be punished for it.

On January 10, 1993, the village elders, important locals, and the village clergy met in a Salish, which is a kind of village council, and came to a decision. The next day, Noorjahan's husband, her parents, and those who had been at the wedding were called to the Salish, where the head of the local mosque gave his fatwa. According to (Shehabuddin, 1999), the fatwa in the Salish that was declared, "Nurjahan and Mutalib should be punished for doing unlawful sex and the divorce was not valid".

When the Noorjahan opposed the fatwa that had been issued against her, even as she was being taken into the waist deep pit in the ground, the Salish committee kept repeating, "The law is in our hands follow our instructions exactly" (Ain-o-Salish Kendra (1994) cited in (Shehabuddin, 1999)). However, those mullahs keep repeating that the marriage was not legal and that Noorjahan should be stoned 101 times and buried up to her hips. Her husband

was to get the same sentence, and each of her parents got 50 lashes for doing something that wasn't Islamic. Noorjahan was also brought to the Salish to hear the fatwa after it was given. Later she drunk poison and died (Shehabuddin, 1999)

Analysis:

In the above case my argument is that the fatwa that was given is not valid, the argument of fatwa giver is that, “the divorce was given by the first husband was not according to the law and Noorjahan was done unlawful sex with person named Mutalib”(Shehabuddin, 1999) .To support my argument In the following paragraph I will mainly focus on the verses in Quran that described the divorce law and waiting period of divorce.

Quranic Guidance on Divorce:

In the Holy al Quran, the certain verses which explain how to divorce a woman and when it will be valid. There is also one chapter called Talaq (Divorce) that also illustrates the rules of divorce, First and foremost, I will explain the verse from chapter 2, then chapter Talak.

In the Holy Quran, Allah (SWT) talks about a husband who has taken an oath not to have sexual relations with his wife. This is in Chapter 2, Verse 226,227,228 to be exact. In the verse Allah (SWT) mentioned,

Those who take an oath not to have sexual relation with their wives must wait for four months, then if they return, verily, Allah is Oft-Forgiving, Most Merciful. 227. And if they decide upon divorce, then Allah is All-Hearer, All-Knower(Al-Quran Ibn Kathir Tafsir | Alim.org, no date a).

Also, in verse 228 Allah mentioned clear instruction about divorce. This is the basis upon which the Islamic law of divorce is built(Bell., 1939). Allah mentioned in that verse:

” Divorced women remain in waiting for three periods, and it is not lawful for them to conceal what Allah has created in their wombs if they believe in Allah (SWT) and the last day. And their husbands have the right to take back in this (period) if they want reconciliation. And due to the wives is similar to what is expected of them, According to what is reasonable .but they have a degree over them(in responsibility and authority).And Allah(SWT) is exalted in might and wise”(Surat Al-Baqarah [2:228] - *The Noble Qur'an* - القرآن الكريم, no date)(translated by Dr Ghali).

This verse has a lot to do with how to understand the Quran's advice on divorce and the underlying Islamic ideals of forgiveness and compassion. In this verse, Allah (SWT) talks about how important it is to keep relationships peaceful and try to make peace, even when things are hard. When a husband swears an oath that he won't have sexual contact with his wife, it can put stress and tension on the marriage. By talking about this situation, the Quran tells couples that they should try to solve their problems with an attitude of peace, mutual understanding, and compassion. The verse also brings up two of Allah's qualities: that he is forgiving and kind. This is meant to remind people who think that Allah's qualities of forgiveness and mercy should be shown in how they act even when things are hard and there are fights. It encourages people to look for solutions that put reconciliation and understanding first, so that their acts are like those of God. When talking about divorce, the fact that there is a four-month waiting time is important. This waiting time, called "iddah," gives the husband and wife a chance to think about what happened, change their minds, and maybe get back together. It's a time to think about yourself and the situation. This gives everyone a chance to calm down and look at the situation with a clear head. But if the husband sticks to his word and doesn't change his mind about getting a divorce, the split is finalized. This means that the waiting time is over and that the parties agree that reconciliation is no longer possible. The verse in the Quran says that there are times when trying to get back together doesn't work, and in those cases, divorce is a valid option. In short, this verse from the Quran gives important information about how Islamic beliefs view marriage, reconciliation, and divorce. It talks about how important reconciliation and understanding are in marriages, while also acknowledging that divorce may be the only option if reconciliation attempts fail. A divorce involves several different procedures. When a husband and wife no longer live together as a married couple, it is the beginning of the end of their marriage. After what is known as a 'iddah' period has passed, only then will it be considered final. Therefore, the divorce won't be finalized until after this waiting period has passed (Bell., 1939).

Throughout this process, believers are told to be like Allah in that they should show forgiveness and mercy. Also, In the verse 226 chapter 2 of Holy Quran, Allah (SWT) talks about a particular case in which a husband swears not to have sexual relations with his wife. This situation shows how complicated things can get in a marriage and how Islam takes a diverse approach to solving these kinds of problems. The fact that this is a big deal in the Quran shows how important reconciliation is within the Islamic system. Marriage is more than just a formal agreement; it is a sacred bond between two people. It's a relationship that

should be cared for, loved, and kept safe. The verse talks about the husband's promise to stay away from closeness, not as a one-time thing, but as something that upsets the normal way the marriage works. It gets both partners to think about how their acts will affect the rest of their relationship.

The verse also calls attention to two of Allah's divine qualities: that he is forgiving and kind. By doing this, the Quran shows how people who believe in it should deal with disagreements and conflicts, especially in the setting of marriage. This reminder fits in with the larger teachings of Islam, which tell people to show forgiveness and kindness in their relationships, just like Allah does.

The four-month waiting time, called "iddah," is something that is unique to Islamic divorce law. This time of waiting is important in many ways. First, it gives people a chance to calm down so they can think more clearly. This time gives both sides a chance to step back from their instant feelings and look at the situation with a clearer head. Second, the waiting time keeps people from making hasty decisions and gives them a chance to make up. During this time, people are not only allowed to try to make peace, but they are also pushed to do so. It's time to think about the connection and how to fix it, if possible (Ahmad Bello, 2009). But if the husband keeps his promise to stay away from intimacy during this four-month waiting time, it shows that he is very sure he wants to end the marriage. In this situation, the breakup is over. This acknowledgement of finality shows how important the decision is and how the waiting time is not meant to prolong conflicts but to give real chances to solve them.

Therefore, I believe that the direction that is given in the Quran regarding divorce is full of wisdom for several different reasons. To begin, it highlights how exceptional and holy the institution of marriage is. When there are issues, it teaches us that it is necessary to try to solve them and find common ground with others. It also encourages partners to be forgiving of one another and kind to one another. However, it is also practical and acknowledges the fact that there are circumstances in which divorce is the choice that is in the best interest of the well-being of both parties. This strategy achieves a satisfactory level of harmony. On the one hand, it maintains marriage's status as an important social institution and draws attention to the value of the institution. On the other hand, it recognizes that human relationships can often be quite complicated, and that there are circumstances in which it is best for all parties involved to go their separate ways. Therefore, the issue is not simply about maintaining the

marriage at any cost; rather, it is about taking into consideration what is most beneficial for the parties involved. Also, I believe that divorce is gradual process, in the case of first Noorjahan her first husband gave her orally and did not come back to due time.

In general, Chapter 2, Verse 226 of the Holy Quran gives an all-around look at divorce from an Islamic point of view. It helps people get along while recognizing how people really act and make decisions. It tells Muslims to deal with conflicts with compassion, patience, and a strong sense of responsibility. In the end, they should try to uphold the Islamic ideals of justice and kindness.

Further there are some verses that denoted the rules and regulation of Divorce in Chapter name Talaq. In this chapter verse 4 also mentioned about the waiting time which is three months. Allah (SWT) mentioned.

Women who are past menstruation age must wait three months. This goes for women who have never had their period. For women who are pregnant, their waiting period stops when they give birth.¹ And those who remember Allah will have things made easy for them (Dr Muhammad Taqiuddin Al-Hilali and Dr muhammad Muhsin Khan, 2011).

Misinterpretation of Divorce Laws:

Noorjahan's case shows how a basic misunderstanding of Islamic divorce law, and the issuing of a religious rule (called a "fatwa") can have a big impact on a person's life. Her sad story shows some of the problems that Islamic rules about divorce can cause. This shows how hard it can be to figure out how verbal divorce statements and written divorce papers work together. People like Noorjahan can be very confused and face consequences they didn't expect because of this situation.

In the case of Noorjahan, the chain of events started when her husband broke up with her verbally. Even though the action seems relaxed, it has a big impact on Islamic divorce law. For a verbal divorce to be legal, the purpose, context, and clarity of the statement must be

carefully looked at. The fact that Noorjahan's husband asked for a divorce out loud set off a chain of events that would have big and far-reaching effects on her future.

Significantly, almost eighteen months after the initial announcement of the breakup of their marriage was made verbally, her partner issued a written statement regarding to breakup their marriage. This marked a significant turning point in the situation. A valid approach to end a marriage according to all schools of Islamic legal thought is to issue a divorce decree that is not only verbally but also in writing. However, the specifics and guidelines of these divorces are laid out in detail, and any misunderstanding of them or refusal to adhere to them could result in confusion and an imbalance of power.

The most important question that we need to answer is not just whether or whether divorce is permissible under the law, but also what the outcome of the divorce could signify for Noorjahan's life. The fact that there was an interval of time between when the divorce was discussed and when it was officially documented contributes to the complex nature of the situation. This gap in time can cause people to ruminate on a variety of topics, including what should happen to Noorjahan when the divorce is finalized, how other people will perceive her, and how she will manage financially. It is essential for us to have a solid understanding of the Islamic divorce rules and to communicate with one another clearly and effectively if we wish to avoid causing complications for everyone involved.

Moreover, the issuance of a fatwa, which is a legal opinion grounded on Islamic jurisprudence, has the potential to exert a substantial impact on the interpretation and perception of the legitimacy of a divorce. A fatwa that is based on extensive knowledge and thoughtful consideration can offer valuable insights and direction, facilitating the understanding and application of Islamic principles pertaining to divorce. Nevertheless, a fatwa that is hastily issued or based on incorrect information, especially in situations that are intricate like Noorjahan's case, has the potential to intensify the state of bewilderment and potentially result in outcomes that contradict the fundamental principles of justice and fairness advocated by Islamic jurisprudence. According to the Sunni schools of jurisprudence, it is prescribed that after each utterance of talaq, a waiting period known as "iddah" should be observed. This waiting period consists of three menstrual cycles for women or a duration of three months. During this time, the couple is encouraged to engage in efforts of reconciliation, facilitated by mediators from both families, until the pronouncement of the third and final

talaq. There are certain Sunni individuals who hold the belief that the practice of instant triple talaq is erroneous. Nevertheless, it is widely acknowledged and regarded as definitive, particularly within the Hanafi schools of jurisprudence (Bani and Pate, 2015).

Noorjahan's case exemplifies the significant significance of precise understanding, well-informed interpretation, and strict obedience to Islamic divorce regulations. This highlights the necessity for legal experts, religious authorities, and the wider society to handle these issues with a profound sense of duty and a dedication to maintaining the principles of justice that form the foundation of Islamic jurisprudence. By adopting this approach, situations like that of Noorjahan can be addressed in a manner that upholds the legal nuances and multifaceted human aspects, eventually aiming for results that are consistent with the principles of equity and empathy within the Islamic heritage.

Tragic Consequences of Misguided Fatwa: The fact that the community leader issued a fatwa in the matter of Noorjahan's divorce demonstrates a troubling deviation from the teachings on divorce found in the Quran. The fatwa made Noorjahan's situation significantly worse since it incorrectly interpreted the fundamentals of Islamic law. The endorsement of the fatwa led to an increase in the amount of social pressure and persecution she was subjected to, which ultimately resulted in her being disowned by her family and shunned by her community.

Misinformed Religious Leaders: The role of religious leaders in guiding communities with proper interpretations of religious teachings is highlighted by the case of Noorjahan. Noorjahan's terrible decision to end her own life was a direct result of the issuing of a fatwa without enough knowledge of divorce rules.

The need for knowledgeable religious leaders who are fluent in Islamic jurisprudence and able to give sound advice to people in difficult circumstances is underscored by this example. Especially when they go against long-standing religious norms, misguided fatwas have the potential to have devastating effects on people's lives and entire communities.

Religious and Legal Education Lessons: Noorjahan's story is a sobering reminder of how critical it is to have a firm grounding in both religion and the law. To prevent such serious misconceptions, the public and religious leaders must have access to reliable sources of information. Preventing the spread of misguided interpretations and catastrophic effects requires the promotion of religious literacy, critical thinking, and discourse.

In conclusion, Noorjahan's story is a heartbreaking example of how a faulty fatwa and a misunderstanding of religious beliefs can lead to unimaginable pain and loss. It stresses the importance of education and awareness in creating a more knowledgeable and empathetic society, and it calls attention to the pressing need for religious experts who can provide sound counsel.

The "advice" that the local leader gave in his fatwa was used right away by the people who planned the village meeting. Because of the fatwa, Noorjahan was subjected to intense social pressure and harassment. She was reportedly disowned by her family and ostracized by her community. Noorjahan committed suicide as a direct result of the situation's tension and trauma ((Riaz, 2005).

In the above case we can see that Noorjahan first husband gave her divorce orally and away for her about 18th month and her husband gave the written statement for divorce. Therefore, that divorce is valid, and she had the right to marry a second time. In the Al Quran chapter 2 verse 226 Allah (SWT) mentioned that:

Those who swear not to have intercourse with their wives must wait for four months.¹ If they change their mind, then Allah is certainly All-Forgiving, Most Merciful.

That verse addresses the issue of a husband who takes an oath to abstain from having sexual relations with his wife. In such a case, the wife must observe a waiting period of four months. If the husband retracts his oath within this period, then reconciliation is encouraged. Allah (SWT) is described as Forgiving and Merciful, implying that it is preferable for the couple to

resolve their differences and continue their marriage. But the husband did not come back within the four month and when he came back after eighteen months, he and the local chief announced the fatwa which is completely against the rules of divorce that mentioned in the Al Quran.

2.4.2: 2nd Noorjahan case:

Brief story:

The news of Noorjahan's untimely passing quickly captured the attention of people across the country, turning it into a significant event as a result. People all over the country quickly became interested in the sad news of Noorjahan's untimely death, which made it a big deal. Because of this, the local authorities were eventually forced to start looking into who was to blame for what had happened, even though they didn't want to at first. As the investigation went on and more time passed, it became clear that what had happened to Noorjahan wasn't a one-time thing but was part of a pattern. It turned out that this kind of violence was happening in certain places, not just in random places here and there. In everyday language, Noorjahan's death became a big story that everyone was talking about, and after some hesitation, the local authorities started looking into how she died. As they investigated it more, they found that this wasn't a one-time thing, but was part of a pattern of violence in some areas. As they kept looking into things, they found out about this. In rural regions of Bangladesh, it is frequent for impoverished women to be subjected to such capricious "administration of justice." Another woman, coincidentally named Noorjahan, was sentenced to death by a Shalish in the Faridpur district, located approximately 80 km (about 49.71 mi) west of the capital city of Dhaka, on May 5th, 1993, within six months of the incident. She was 'guilty' of adultery by the local chief of the Salish. They declared the fatwa she should be burn by the fire until death(Riaz, 2005). The second incident of Noorjahan's case wasn't all that dissimilar from the first Noorjahan case. Noorjahan got married to Torab Ali before her teenage years. Over the eight years of marriage with Torab ali she had two sons and a daughter. But Noorjahan started to fall in love with a young person named Farid. Noorjahan and Farid left their house for capital city Dhaka in late April. They went back home three days later. If Noorjahan came back, she was confined instantly at one of Farid's uncles' homes. Later the Farid family and Torab family tried to sort out the situation along with the local people. However, the meeting ended without any result. Later in the night Noorjahan was dragged into the yard by Torab ali, and Farid's father with the help of other people. They put cloths in her face and burn her alive (Daily Sangbad, 1993 cited in (Riaz, 2005). As time progressed, it became apparent that the

incidents were spreading geographically, and the enforcement of these fatwas was becoming increasingly severe. The ensuing case studies of Noorjahan not only illustrate the victimization of women because of fatwa-induced violence, but also evince efforts to validate such actions (Riaz, 2005).

Analysis: The issuance of a fatwa prescribing the punishment for the offense of adultery underscores a notable divergence from Islamic teachings. Although the Holy Quran does make references to the punishment as burning alive for adultery, it is important to note that the mandated penalty does not entail capital punishment. Indeed, the Quran does not clearly mention execution punishment as a penalty for adultery. This situation shows that the main rules of Islamic law have been broken. In Islamic law, there is a lot of emphasis on being fair, being kind and merciful, and doing things the right way. What seems to be going on here goes against these ideas. Islamic teachings tell people to be fair and kind when dealing with situations like this, and they stress how important it is to follow the law. To put it more simply, the way things are going doesn't match up with the basic values of Islamic law, which are fairness, kindness, and doing things the right way. For instance, if someone done a sin and the person regrets it Allah (SWT) will forgive him. In the Holy Al Quran Allah (SWT) mentioned,” Do they not know that Allah alone accepts the repentance of His servants and receives ‘their’ charity, and that Allah alone is the Acceptor of Repentance, Most Merciful”(Surah At-Tawbah - 104, Quran.com)

In the Holy Quran chapter 24 verse Allah mentioned,

“The adulteress and the adulterer, flog each of them a hundred stripes (that affects the skin only) and let not pity for them detain you concerning (the application of) Allah’s Religion, if you believe in Allah and the Last Day, and let a party of the believers witness their torment”(Dr Muhammad Taqiuddin Al-Hilali and Dr muhammad Muhsin Khan, 2011)

According to translation by the Dr Dali,” The woman who does fornication and the man who does it. (In Arabic, Zaniyah and Zan are words for people who do fornication or adultery. By comparing this verse to others and to Hadiths, this verse is talking about fornicators (i.e., unmarried people who have sexual relations with other people without being married). Then give each of them a hundred lashes, and don't feel sorry for them if you believe in Allah and

the last Day. Let a small group of believers watch them suffer(*Surah An-Nur Ayat 2 (24:2 Quran) With Tafsir*, no date).

So, in the light of the above verse my argument is that in the regards of in regards of extramarital affairs, The Quran does not prescribe a specific punishment for adultery committed by married individuals, which is a noteworthy observation. Certainly, the consequences of unmarried people engaging in sexual activity outside of marriage are discussed in verse 2 of Chapter 24. However, it is interesting to note that the text does not really address the issue of what should take place when married people engage in the same behavior. This can make it more difficult to comprehend the teachings of various religions. It also demonstrates how essential it is for religious leaders to exercise extreme caution whenever they offer counsel or issue religious decrees (also known as fatwas). When it comes to people who are not married, the rules in the text regarding adultery are more straightforward, but when it comes to married people, it is not as clear what the rules are. This teaches us that it is essential for religious leaders to make decisions based on these texts with the level of wisdom and consideration that this situation requires.

Now if we see the from the perspective of law of Bangladesh, the law also does not the fatwa giver to give permission to impose that kind of punishment. The legal framework in Bangladesh is characterized by its recognition as a republic where the Islamic sharia law does not serve as the ruling legal system. The legal system of the nation is grounded in secular laws, and the application of punishments driven by religious motivations, such as capital punishment for acts of adultery, represents a significant deviation from the prevailing legal principles inside the country.

The act of adultery refers to the voluntary engagement in sexual relations by a married individual with someone as per the provisions outlined in the Penal Code of Bangladesh:

The legal framework surrounding the act of adultery in Bangladesh is delineated under the provisions of the Penal Code of 1860. Adultery is defined and its corresponding penalties are

stipulated in Section 497 of the Penal Code. According to penal code,1860(Act No XLV,1980), It mentioned that,

Adultery 497:”Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punished as an abettor” (*The Penal Code, 1860 | OF OFFENCES RELATING TO MARRIAGE*, no date)

It is worth noting that this rule does not mandate capital punishment for the act of adultery. Alternatively, it involves the potential imposition of a maximum prison sentence of five years, monetary penalties, or a combination of both(*The Penal Code, 1860 | OF OFFENCES RELATING TO MARRIAGE*, no date). Significantly, this legislation emphasizes the non-punishment of the wife in the role of an abettor, so recognizing the necessity of considering the intricate dynamics associated with such instances. When a fatwa is used to back up the idea that the death penalty should be given for adultery, it shows how religion, and the law are mixed. This makes me very worried about fairness and human rights. When a punishment is so harsh and not the same for everyone, it makes us wonder if people's rights are being respected, if the right steps are being taken, and if things are fair. Even more complicated is the fact that religious teachings, the laws of a country like Bangladesh, and how these fatwas are enforced can all be different. This shows that religious power can be used in the wrong way if people don't understand it. When religion and the law mix like this, and people get harsh punishments for things like adultery, it can be bad for human rights and fairness. It can also be confusing because there are different rules and ways of looking at them, and sometimes these rules aren't used the right way.

Certainly, this situation shows how confusing things can get when religious beliefs, the law, and cultural norms are all mixed. When a fatwa says that someone should be killed for adultery, it goes against what the Holy Quran says and what Bangladesh's laws say. This is a clear example of why it's so important to carefully study and understand religious texts, especially when they come up in legal and court matters.

Also, what's going on here reminds us of how important it is to be fair and make sure everyone is treated the same. It's very important to follow the principles of human rights, which mean respecting everyone's rights and dignity. We should also know the rules of both religion and the law very well. Simply put, this case shows how complicated things can get when religion, the law, and culture all come together. A fatwa that says people should be put to death for adultery goes against what the Quran mentioned and it's also against the laws of Bangladesh. This really shows how important it is to study religious texts carefully, especially when they are used in the law, to make sure that everyone is treated fairly, and their human rights are protected.

2.4.3: Case study of Roquaiya:

The following case study collected from the article name Fatwa-Instigated Violence and the Struggle for Authority an Analysis of the Punitive Fatwah Phenomenon Prevalent in Bangladesh during the 1990's by Beveren, C.C.H. van.

Brief story: Roquaiya and her two children returned to her parents' house in southeastern Bangladesh in January 1994 after her husband died. There, she fell in love with Dulal, a neighbor who pledged to marry her. He declined to marry Roquaiya after she became pregnant. She went to the local court and filed a complaint against Dulal. When local powerful people learned about this, they put pressure on Roquaiya to withdraw the accusations. Dulal came to her residence and raped her shortly after she surrendered to the pressure. The next day, he went back to her house, dragged her out naked, beat her up, and locked her inside in days. A local Salish issued a fatwa declaring Roquaiya guilty of extramarital sex which they refer as zina, for which she should be punished. Following this utterance, she was hauled half nude to an open field in the village. Roquaiya was tied to a tree for eight hours after her head was shaved and her face and breast were coated with soot in front of hundreds of people. She was then clothed in a shoe garland and paraded around the streets.

Analysis: What happened to the victim in this situation is extremely upsetting. In the above case we can see that fatwa givers accused her for zina and punished her not, but the male person and they took her dress away. My argument is here taking the dress does not recommend in Islam and if there any zina happened both parties should be punished, here it wasn't happened.

First, the removal of her clothing as a form of punishment violates the core principles of the Holy Quran. It becomes increasingly obvious as this research examine what the Quran says that the fatwa, or religious ruling, that was applied in this case was being used to distort and misinterpret Islamic principles. Simply, the victim suffered a very distressing experience when her clothes were taken away as punishment, which is against what the Quran teaches. The fatwa that was employed in this case did not accurately reflect the true teachings of Islam, as can be seen when we delve further into the Quranic texts. It was being used to control and deceive people about the true principles of Islam.

The way the victim's clothes were taken as a punishment, which this study talked about earlier, is a striking example of how some people with religious authority can use it to bend and twist religious teachings to suit their own needs. It shows that religious rulings or fatwas given in situations like this don't always have to do with following true Islamic principles. It seems like the fatwa that was given in this case was based more on what the people who made the decision thought than on what Islam says. In simpler terms, it means that people in charge of religious matters sometimes use their power to push their own ideas, even if they don't fit with what Islam stands for. This reminds us that we should be careful about how religious authority is used and if it really fits with what Islam teaches. The Holy Quran places considerable importance on modesty and the prescribed attire, with a specific focus on women. In Surah An-Nur (24:31), the divine commandment is given by Allah (SWT) to adherents, encompassing both male and female individuals, to exercise restraint in their visual focus and preserve their sense of modesty. Allah(SWT) mentioned ,

" And tell the believing women to lower their gaze, and protect their private parts and not to show off their adornment except that which is apparent, and to draw their veils all over their Juyub and not to reveal their adornment except to their husbands, or their fathers, or their husband's fathers, or their sons, or their husband's sons, or their brothers or their brother's sons, or their sister's sons, or their women, or their right hand possessions, or the Tabi`in among men who do not have desire, or children who are not aware of the nakedness of

women. And let them not stamp their feet to reveal what they hide of their adornment. And all of you beg Allah to forgive you all, O believers, that you may be successful "(Al-Quran Ibn Kathir Tafsir | Alim.org, no date) .ⁱ

According to Feminist Lisa M. La Fornara, this verse talks about how women can show off their beautiful qualities, which are often called "charms," in certain situations and to certain groups of people. Women from their own family, like brothers or fathers, and other women are also included. It's also okay to do this in front of male workers who no longer want to be sexual and young children who are too innocent to understand why a woman is naked. The verse stresses how important it is to be modest and appropriate when dealing with these different groups. This means that women can show their charms in certain, non-sexual settings(La Fornara, 2018).

So, it is noteworthy that how the verse emphasizes the significance of modesty and emphasizes the obligation of individuals to uphold their own dignity and that of others by their conduct and clothing choices. Likewise, Surah Al-Ahzab (33:59) of the Quran offers guidance regarding attire, specifically urging the wives of the Prophet to wear outer clothes as a means of safeguarding and identification. Allah (SWT) mentioned,

O Prophet! Tell your wives and your daughters and the women of the believers to draw their Jalabib over their bodies. That will be better if they should be known so as not to be annoyed. And Allah is Ever Oft-Forgiving, Most Merciful(Al-Quran Ibn Kathir Tafsir | Alim.org, no date c).

It is crystal clear that the verses I mentioned above earlier are a clear example of how the Quran stresses how important it is to dress modestly. It seems like the Quran is saying that wearing modest clothes is a way to protect our personal dignity and keep private things private. So, the Quran tells us to dress modestly because it helps us keep our self-respect and keeps our private lives private. This shows that clothing isn't just about how we look; it's also about how we feel about ourselves and how we treat other people's privacy. So, the Quran's message about modesty has more to do with values and principles than just fashion. As a result, the issuing of the fatwa, which led to the victim's clothes being taken away, goes against the Quranic principles of modesty and respect for each person. By punishing the victim in a way that makes him or her look bad in public, the religious authorities kept up a

practice that goes against the basic idea that people should be treated with respect and dignity. By doing things like this, people who say they follow the teachings in the Quran are weakening the most important ideas in those teachings. The occurrence not only demonstrates a lack of respect for the teachings of the Quran but also highlights a concerning inclination to misrepresent and exploit Islamic principles for individual or communal benefit. In this case, the fatwa doesn't match what the Quran says. It shows that religious leaders can sometimes misunderstand and twist Islamic teachings to help themselves. I can say the religious ruling in this case goes against what the Quran says, and it shows how religious leaders can sometimes use their power to change or misunderstand Islamic teachings to suit their own needs.

In short, taking someone's clothes as a punishment because of a fatwa goes against what the Quran says about modesty and respect. This shows how religious authority can be abused and why fatwas need to be given in a more careful and fair way.

What's most important is that we understand and share Islamic teachings correctly, focusing on values like respect, modesty, and kindness that the Quran teaches. It's not enough to just follow the rules; we should also act on these good values, especially when it comes to religious matters. This makes sure that religious authority is used to help people and society, which is one of the most important things in Islam.

2.5 Data from ASK (AIN O SHALISH KENDRO):

The purpose of this paragraph is to look at the problem of violence against women in modern society. Even though the law makes it clear that only trained Muftis can issue fatwas, there is a pattern of violence against women that is linked to fatwas. The information from the NGO ASK, which keeps track of cases of violence linked to fatwas every year, is very important to this study. According to these numbers, there is a worrying trend where regular people, even though they are not allowed to by law, continue to issue fatwas to women and then punish them, breaking their rights and perpetuating violence against women. This study looks at this data and the underlying factors that cause it to give a full picture of the difficulties and complexities that come with putting fatwas into action and how they affect women's lives. Ultimately, it hopes to add to the larger conversation about gender-based violence and legal reforms in these areas.

Ain o Salish Kendra (ASK) is a national legal aid and human rights organization that helps women, working children, and workers with their legal and social needs. Its goal is to build a society built on justice, equality, and the rule of law. It wants to make sure that institutions of government are accountable and open to the public ('About Us | Ain o Salish Kendra(ASK)', 2013). The purpose of the analysis is to data from ASK is to know whether fatwa instigate violence on women still visible in Bangladesh or not.

Here is Recent data By ASK on fatwa instigate violence:



FATWA AND SALISH

(Jan-Dec 2021)

12
Incidents

Source: Prothom Alo, Ittefaq, Samakal, Sangbad, Janakantha, Naya Diganta, Daily Star, New Age, Dhaka Tribune (include their epapers), some online news portals and Ain o Salish Kendra (ASK)



FATWA AND SALISH

Jan - Dec 2022

6
Incidents

Source: Prothom Alo, Ittefaq, Samakal, Sangbad, Janakantha, Naya Diganta, Daily Star, New Age, Dhaka Tribune (include their epapers), some online news portals and Ain o Salish Kendra (ASK)



FATWA AND SALISH

January-July 2023

4
Incidents

Source: Prothom Alo, Ittefaq, Samakal, Sangbad, Janakantha, Naya Diganta, Daily Star, New Age, Dhaka Tribune (include their epapers), some online news portals and Ain o Salish Kendra (ASK)

Violence Against Women January- December 2022

Violence instigated by Salish & Fatwa

Documentation Unit

Reason	Nature	Hilla	Lashes	Social Boycott	Physical and Mental Torture	Divorce/ Marriage	Total	Case file	Death	Suicide
Love Relationship							0			
Premarital Pregnancy							0			
False Allegation on Character					4		4	2		1
Land Dispute							0			
Family Dispute							0			
Getting married again with the divorced wife							0			
Oral Divorce							0			
Attempt to Rape					1		1	1		1
Extra marital relationship							0			
Rape					1		1	1		
Accused of spreading nude pictures of the girl							0			
Total		0	0	0	6	0	6	4	0	2

Source: Prothom Alo, Ittefaq, Samakal, Sangbad, Janakantha, Naya Diganta, Daily Star, New Age, Dhaka Tribune(include their epapers), some online news portals and Ain o Salish Kendra (ASK)

Violence Against Women January- December 2021

Violence instigated by Salish & Fatwa

Documentation Unit

Reason	Nature	Hills	Lashes	Social Boycott	Physical and Mental Torture	Divorce/ Marriage	Total	Case file	Death	Suicide
Love Relationship				1	1		2			1
Premarital Pregnancy							0			
False Allegation on Character					2	1	3	1		1
Land Dispute							0			
Family Dispute							0			
Getting married again with the divorced wife				1			1			
Oral Divorce				1			1	1		
Rape				1		2	3			
Extra marital relationship			1	1			2			
Total		0	1	5	3	3	12	2	0	2

Source: Prothom Alo, Ittefaq, Samakal, Sangbad, Janakantha, Noya Diganta, Daily Star, New Age, Dhaka Tribune (include their epapers), some online news portals and Ain o Salish Kendra (ASK)

The data presented by ASK indicates a concerning rise in incidents of violence associated with fatwas. In the year 2021, a total of 12 instances of this nature were recorded.

Subsequently, this figure experienced an increase to 6 incidents in the year 2022, and further decreased to 4 incidents during the initial half of the year 2023. Furthermore, According to ASK report there were 41 fatwa instigate violence occurred between 2015 to 2019 in Bangladesh.

The pattern suggests that the issue of violence associated with fatwas continues to be a significant concern, despite the fatwa law in 2011 to mitigate its occurrence.

2.6 Feminism Theory and Feminists view on Divorce and Patriarchy:

According to Haifa Jawad, Islamic ideas about women's rights weren't well known until the 1970s. Experts and campaigners have paid more attention to it since then. She says that Islamic feminism is between two other points of view.

If you don't believe in Islam, you can look at the rights of Muslim women from a Western point of view. On the other hand, some Muslims are very traditional and only want to follow Islamic rules from the past. They don't care about how modern life and societal changes have affected Muslim groups. If you want to find a middle ground, you can call it Islamic feminism. People who work for it and study it want to find a middle ground between traditional Islamic beliefs and today's issues and needs, especially when it comes to giving women similar rights and safety (JAWAD, 2003). Some Islamic feminists think that the Quran calls for fairness and treating men and women the same. They believe that the Quran calls for equal rights and chances for men and women. Conservative Muslims think that God sees men and women as equal and that everyone should treat them with respect and kindness in every part of their lives. Some people say that the Quran says that a group's gender shouldn't make it better or more important than another group. A person's worth should not depend on their gender, but on what they do and how they act (Fawcett, no date).

Amina Wahud: Amina Wadud is a professor from the United States who studies Islam and feminist ideology. Regarding gender and Islam, she has written several books. One of them, "Inside the Gender Jihad: Women's Reform in Islam," Published in 2006.

She calls for a new look at Islamic justice, Sharia (Islamic law), and Fiqh (Islamic jurisprudence) in this book. She also supports the idea of changing the way Muslims think and act. In line with Islamic teachings and beliefs, Amina Wadud thinks it's important to work toward fairness and equality for both men and women. In her writings, she calls for a more fair and inclusive understanding of Islamic ideals, especially when it comes to women's rights and equal rights for men and women. There are two major sources for Islamic justice: the Qur'an (Islam's holy book) and the Sunnah (the Prophet Muhammad's teachings and actions). Amina Wadud says that we need to find new ways to understand these sources. She thinks that these sources have been shaped by patriarchal systems, in which men have more power and authority than women.

In a patriarchal society, men have more rights than women and women are often left out of important roles and choices. Wadud says that this method has changed Islamic teachings in a big way. She says that we should read these sources again in a way that fits with current ideas and the way society and culture are changing so that Islamic justice is fairer and includes everyone.

Wadud also says that ideas about Islam and fairness have always been linked to the place and time they were thought of. We can look at Islam in a new and fair way if we change it to fit our world and its problems (Wadud, 2006:48-50).

She says that people who follow Islam should think about modernity (how the world is now), diversity (different cultures and beliefs), and the effects of colonialism (how some countries were ruled by others in the past) (Wadud, 2006:2). Wadud tells women that they can help change Islamic practices without worrying that they are going against Islamic ideals.

Still, she says that many Muslims are afraid of being judged as not following Islamic customs properly if they change their ideas about Islamic justice in a way that challenges men's power. There are now doubts about whether it is even possible to be fair and just in an Islamic setting (Wadud, 2006:21-22).

Amina Wadud talks about how her ideas about Islam have changed over time. She first thought that the main sources of Islam, like the Qur'an, were the best way to find out what Islam is really like. But as she looked at how different Muslim scholars interpreted these sources and came to different conclusions; she realized that a lot of what we think is core to Islam is just how people have interpreted it.

It's important to note, as she does, that the meaning of Islamic writings is not set in stone. Women and their experiences have not been included in most readings of Islamic law throughout history. This means that men have had the most influence in making Islamic laws and rules (Wadud, 2006:22-23).

Wadud says that the cultural norms of Arabia in the seventh century, when the Prophet's lessons were written down, had a big impact on how the Qur'an was understood and used. She says that we shouldn't take the text as something fixed in time so that Islam is more open and fairer. Instead, she says, we should read it in a more fair and liberal way. Instead of being stuck in the past and trying to give advice for all time, Islam can change to fit the needs of today (Wadud, 2006:22-23).

In regards of divorce Amina Wadud talks about how the Islamic divorce rules are unfair because men have more power than women. According to Islamic law, men can end a

marriage by saying "I divorce you," but women usually must go through the courts. In these cases, this shows that men are in charge more. Men can also make women end their waiting time(iddah), which was first used to find out who the father was when a divorced woman got married again. There are better ways to find out who the father is now, but the law still treats men and women's rights the same in this case (Wadud, 2006:25).

Wadud also talks about how Islamic law handles money issues and the role of large families. Islamic law says that a wife or mother doesn't have to work to support herself if she has money from a gift or some other source. Her family is supposed to take care of her if her husband dies. When a woman gets divorced, the man and his extended family pay for her and their kids' needs. It doesn't matter who starts the split. This is supposed to protect women, but because of the way families and towns are set up, many women don't feel this support (Wadud, 2006:144-145).

Wadud thinks that women's rights and roles in society and the law need to be rethought. She thinks that Islamic law doesn't take women's wants and experiences into account enough. She stresses how important it is to think about gender when making new laws that consider women's experiences. Wadud doesn't agree with the idea that the man oversees the family in Islamic law. Even though these images are thought to come from God, she thinks they have been misunderstood and are not related to the Qur'an in the right way. She says we should change these ways of looking at things to be fairer to women (Wadud, 2006:152-153).

Chapter 3: Islam, violence, and women:

Introduction:

In this study all the case is selected where fatwa was used to justify violence on women in Bangladesh. My argument is that those fatwa does not belong to any Islamic teaching and not supported by the Holy al-Quran. Therefore, this chapter will examine how the teaching of Islam does not support any kind violence on women and how the core of Islam gives value to women without any gender discrimination. This study will look at the Qur'an and Hadiths through a lens that emphasizes respect, compassion, and the basic worth of women in Islam. The goal of this chapter is to investigate the myths and misrepresentations that have been spread about Islam through fatwa. By investigating the verse in the Quran that have been misinterpreted to advocate domestic abuse and contrasting them with authentic Hadiths that openly reject such violence on women.

Also, this chapter will give a detailed study that elucidates Islam's clear opposition to violence against women and how by following Islamic teaching we can reduce the violence on women. The analysis will draw on a range of sources, including credible scholarly works, accounts from Bangladeshi newspaper articles, and, most crucially, the Holy Qur'an and Hadith. To be specific Quran chapter 4 verse 34 will be examined because in my personal experience I found that when Imam and others talked about any kind of violence on women in our Muslim society whether it is fatwa instigate violence or dowery related violence or any kind of intimate partner violence on women we try to refer this verse.

In this chapter the Quranic verse is used is translated by the Dr Muhammad Taqi-ud-Din al-Hilali and Dr Muhammad Muhsin Khan

3.1 Violence and Al Quran:

Violence, including physical and emotional abuse, is strictly opposed in according to Islamic teaching. Kindness, compassion, and mutual respect are all emphasized in the Quran and the teachings of the Prophet Muhammad (peace be upon him) in all relationships, including those between spouses.

In the Quran (4:19), Allah says:

"O you who have believed, it is not lawful for you to inherit women by compulsion. And do not make difficulties for them to take back part of what you gave them unless they commit a clear immorality. And live with them with kindness. For if you dislike them, perhaps you dislike a thing, and Allah makes therein much good." (Dr Muhammad Taqiuddin Al-Hilali and Dr muhammad Muhsin Khan, 2011)

This verse highlights the importance of treating women with kindness and respect and prohibits men from using coercion or force to control them. The Quran also commands Muslims to "speak kindly" to their wives (Quran 2:228) and to "treat them with kindness" (Quran 4:19). However, there is one verse that appeared controversial in certain ways and was interpreted in favor of domestic violence.

There exists a significant level of contention and divergence of opinions among Islamic scholars regarding the appropriate interpretation of Qur'anic verse 4:34, particularly in relation to its potential association with domestic violence.

Finally, abuse on women is a major problem that affects women of all races, classes, and faiths. Islam strongly condemns any form of violence or cruelty, including that which occurs within the home, and promotes the development of love, kindness, and mutual respect between spouses. It is crucial that Muslim academics and authorities address the issue of domestic abuse in a thorough and compassionate manner, and that they provide aid and assistance to those who need it. By examining the text of the Quran in the light of its historical and social context, we can gain a deeper understanding of Islam's perspective on domestic abuse and help to promote healthy and respectful marriages.

3.2 Al Hadith on preventing violence on women:

Our Prophet Mohammad (Sm) always showed respect to his Wives. The Prophet is said to have never beaten his wife or anyone else except in self-defense. He never hit his wives and always treated them with the utmost dignity. Prophet Muhammad (S.M) is reported to have said:

"Beating the female servants of Allah is not permitted. "He went on to say that "some women" came to my family and complained about how their husbands abused them. This

(having husbands) does not bring out the best in you.'(Nawawi and Muhammad(1998)cited in Mohammad and Tahir(2011:107).Further, In another Hadith the prophet(S.M) is reported to have said: How is it that any one of you can beat your wife as he beats the stallion camel, and then later he can sleep with her?(Al-Bukhari:68)

What's more, according to other hadith, the Messenger of God, who is revered and blessed by God, stated that it is not appropriate for a man who believes in God to harbor negative feelings towards a woman who also believes in God. He referred to it as a principle aimed at eradicating violence against women. It is implausible that each behavior exhibited by the wife will be met with approval from the husband. It is common for a spouse to have reservations about certain behaviors exhibited by their partner. It is believed that no individual has been created with absolute perfection by Allah. It is a commonly held belief that all individuals possess a certain degree of malevolent tendencies within them. Human beings exhibit both positive and negative traits. Hence, if any aspect of the wife's demeanor is unsatisfactory to the husband, it is advisable for him to exercise patience and approach the matter with a magnanimous perspective. Expressing gratitude to Allah and extolling the positive attributes of one's spouse. The life of the Prophet serves as an exemplary model for husbands in this scenario. It has been reported that the Prophet Muhammad (SAW) would engage in household tasks upon returning to his residence and would actively participate in sharing these responsibilities with his wives. He exhibited good behavior towards them. He engaged in conversations with his spouses. He would engage in conversation with them while displaying a pleasant facial expression. According to Islamic tradition, it is believed that the Prophet (PBUH) did not engage in physical violence towards any of his wives. During the Tahajjud prayer, he would cautiously open the door with a slow and deliberate motion to avoid disrupting the slumber of the occupants within the dwelling.

The individual expressed the sentiment of treating one's spouse with kindness and respect by stating, "Be good to your wives"(Tirmidhi; Hadith1163). According to another hadith, the most exemplary woman is the one who exhibits kindness towards her spouse (Tirmidhi: Hadith-1162)

So, the Hadith, in which the prophet tells followers not to hit women, goes against what people do domestic violence at home. Assaults on the body also go against what the Prophet Muhammad (S.M.) said about controlling your anger, which is an important part of a

believer's spiritual duties. People say that the Prophet Muhammad (s.m.) said that Satan was the source of anger and that he called anger a "living coal in one's heart that leads to other forms of sinning (Mohammad and Tahir, 2011:107)."If a Muslim wants to be taken seriously as a follower of their religion, they should also act like the Prophet Muhammad (s.m.).One's spiritual growth can be seen in how they treat other Christian women. In this way, any committed Muslim who wants to follow the sunnah of the prophet should avoid using any kind of physical force on his wife, no matter what the crime was or how it could be explained.

3.3.0 Value and right of women in Islam:

Islam upholds gender equality as well as the equality of rights for both male and female in every facet of human existence. This is how Islam demonstrates its support for the rights, dignity, honor, and status of women. This prohibits men from exerting dominance over women and maintains their rights, dignity, honor, and place in society. Within the context of Islam, it is the only responsibility of a women to decide whether she possesses legal individuality and whether she is entitled to enter a contract or make a bequest in her own name. This responsibility also extends to the question of whether she is allowed to marry. She possesses the same legal authority as males to dispose of her property, therefore she is free to pursue any line of job or business venture of her choosing, and she is entitled to engage in any area of labor or enterprise she chooses. As a mother, a wife, a sister, and a daughter, she has a right to some portion of the estate. Additionally, she has a claim to the estate in her own right. She is entitled to her dower and maintenance, in addition to having entire autonomy in the matter of choosing her spouse (Patoari, M. (2019). Women also has complete autonomy in the matter of choosing her spouse. In book of Holy Al Quran there are certain verses which mentioned the equality of women. Those versus are 4:1,7,11,12, 19,32,124,30:21,3:195,2:187,49:13,16:97,40:40,31,14,33:35,57:12,24:4

In the light of two above verses this study point out following value and right of women:

Equality and Creation: Men and women share the same origin and are fundamentally equivalent in terms of their humanity, in accordance with the teachings of the Quran. Allah (SWT) stated.

, "O mankind, in truth, we have created you from male and female and made you peoples and tribes so that you may know one another."

The verse "Indeed, the most noble of you in the sight of Allah is the most righteous of you" (Al-Hujurat 49:13) emphasizes how critical it is to acknowledge the inherent equality and value of both sexes. However, due to insufficient knowledge on Quran and Hadith, inequality in Islam between men and women persist. Barlas believed that gender inequality and discrimination in Islam did not originate in the Quran, the central religious text, but rather in the Hadith (prophet Muhammad's sayings and actions) and religious commentaries (interpretations and explanations by scholars). In other words, she argued that the Quran itself does not promote gender inequality, but that these discriminatory notions emerged later in Islamic history through scholarly interpretations and the Hadith(Kassam, 2010).

3.3.1 Partners in Faith and Society:

There is a special lesson in the Quran about how men and women should work together and help each other. It says that they should be like partners and work together in different parts of their lives. This means that they should help each other, like teammates, to do good things and stop bad things from happening. By following the right principles and stopping bad things from happening, they can make the world a much better and happier place. When men and women work together in this way, they can do a lot to make the world a better place where everyone can grow and live in peace. This verse underscores the cooperative dynamic between males and females in constructing an equitable and thriving community. Allah (SWT) mentioned in the holy Quran, the believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong" (Surah At-Tawbah, 9:71).

3.3.2 Spiritual Equality:

The Quran says over and over that men and women come from the same family and have the same ancestors. This idea is a strong and important basis for promoting equality between men and women in the Islamic religion. It means that in Islam, men and women should be treated with the same respect and kindness because they came from the same place. In the Islamic tradition, this deep teaching shows that everyone should have the same chances, rights, and responsibilities, no matter what gender they are. It promotes a society where men and women can share their skills, ideas, and work on an equal level. This helps the community feel more united and fairer.

The verse "O mankind, in truth, we have created you from male and female and made you peoples and tribes so that you may know one another" (Quran, 49:13) indicates that the

diversity among humans is deliberate, and that the purpose of this diversity is to promote mutual understanding and collaboration rather than division based on gender. Believers are exhorted in this verse to recognize the unique qualities that distinguish one person from another while also acknowledging the inherent value that exists in every person.

Also, the verse from Al-Hujurat 49:13 presents a challenge to cultural principles that may favor one gender over the other, asserting that the most upright individual holds the highest nobility in the eyes of Allah. This verse interprets the notion that genuine nobility is discovered by an individual's devoutness and moral qualities, rather than being dependent upon their gender. This perspective serves to promote the notion within Islamic teachings that individuals are distinguished in the sight of Allah based on their spiritual commitment and moral purity, thereby dismantling any barriers that may contribute to the perpetuation of biases based on gender. According to (Hassan, 2020), The Quran places significant stress on the common origin of both men and women, highlighting their shared lineage from Adam and Eve. She highlights the deliberate use of the plural pronoun "We have created you" in the passage, which serves to accentuate the notion of gender equality. Hassan (2020) maintains that the origin of mankind from a solitary couple serves as a testament to the fundamental unity and egalitarianism that exists among all persons, irrespective of their gender.

Further, Women, like males, are held accountable for their conduct and have the possibility for spiritual growth and salvation, according to Islamic beliefs. This is a central theme in Islam. The Quran makes it quite plain that the only criteria for entry into Paradise, irrespective of a person's gender, are their levels of righteousness and faith. In Surah An-Nahl, verse 16:97, it is written that "Whoever does righteous deeds, whether male or female, while being a believer, will surely enter Paradise." This applies to both men and women. "

Marital Rights: The Quran delineates the rights and obligations of both partners in the context of the matrimonial union. The text underscores the significance of love, benevolence, and parity in the relationship between a husband and wife. The verse "And one of His Signs is that He made you mates from among yourselves so that you could live in peace with them, and He put love and mercy between your hearts" (Surah Ar-Rum, 30:21) shows that the purpose of marriage is to create a peaceful and loving relationship between the two people who marry.

All forms of violence against women are strongly condemned in the Quran. It sends a simple but unmistakable message: it's never okay to treat women badly or oppress them. A society free of domestic violence and abuse can only be achieved with the help of this lesson. The lessons in the Quran about how to treat women are clear and direct. They stress how important it is to treat women with respect, not be violent or oppressive, fight for their rights, and be kind. The goal of these lessons is to make society a better place for women by giving them the respect and equality they deserve. By following these rules, everyone can help make the world a fairer and more peaceful place where women's rights and equality are respected and protected.

In Islam the consent of women to marry is very important. Before Islam, women had no right to comment on any issue, and it was considered impractical for a woman to voice her opinion on marriage. The individual with whom the agreement was made could not have said "No." Islam granted the girl the right to offer her consent and opinion on the matter of marriage, which was previously considered immoral and vagrancy. Islam has given great weight to the opinion of the girl's guardian, but Islam also stipulates that the girl's consent is required for the marriage to take place. Her silence will be interpreted as consent. This is evident in a variety of traditions. The following is narrated by Umm Al-Momineen Hazrat Ayesha Siddiqah (RA):

When I(Ayesha) asked the Messenger of Allah whether a girl's consent should be sought before family members married her, he advised me to seek her consent. The Messenger of Allah said that it is appropriate to inquire about permission. Hazrat Ayesha said that she had questioned the Messenger of Allah, saying, "O Messenger of Allah, the girl will be ashamed." The Prophet was heard to say that it is appropriate for her to maintain her silence (Sahih Al Bukari,6971 Translated by Md Dr. M. Muhsin Khan).

3.3.3 Protection and Honor: The Quran, which is the most important book in Islam, says that men should respect and care for women. This shows us that any kind of hurting or harming women is wrong. Also, the Quran tells us how to be fair when it comes to property and things we own. If someone is trying to get back something that rightfully belongs to them, we shouldn't get in their way unless that person has done something clearly wrong.

The Quran says that men should treat women with love and respect. This is one of its most important lessons. In other words, you should meet their needs and treat them with respect. This means that the Quran tells us to treat women with kindness and care. This is one of the most important rules in Islam. Women should be respected and protected not only because of religious teachings, but also because it is the right thing to do. It's about recognizing that every person, no matter what gender, has inherent worth and value. When we are kind and respectful to women, we make society fairer and more peaceful so that everyone can do well. Finally, the Quran's teachings on how to treat women stress how important it is to be respectful, fair, and kind. It reminds us that Islam does not support hurting or mistreating women. Instead, it tells us to live in a way that respects women's worth and works to improve their health. Not only are these teachings important for Muslims, but they also send a message that everyone, no matter their gender, should be treated with respect and equality.

For if you dislike them, perhaps you dislike a thing and Allah makes therein much good" (Surah An-Nisa, 4:19) directs both spouses to treat each other with kindness, respect, and fairness.

3.3.4 Inheritance right of women: The Holy Quran has rules for women as well as men about how to share money and property after someone dies. The Quran wants everyone, man or woman, to get their fair share. This means that according to Islamic law, the rules for dividing money and property should be fair and just for everyone who inherits, male or female. This way, everyone gets what they deserve and is treated the same.

"Allah instructs you concerning your children: for the male, what is equal to the share of two females" (Surah An-Nisa 4:11). This text says man heirs get two women heirs' shares. This section is generally understood to address men's financial responsibilities, such as supporting families and dependents.

However, this scripture is only one part of Islam's inheritance principles. The Quran recognizes women's rights. "For men is a share of what the parents and close relatives leave, and for women is a share, be it little or much—an obligatory share" (Surah An-Nisa, 4:7). This verse guarantees daughters, sisters, mothers, and wives their inheritance.

Following Islamic rules, which are based on the Quran, makes it clear how to share someone's money after they die. These instructions consider how family members are related to each other and what their legal duties are. It's important to think about what each person needs and what they owe other people when you divide the money.

But sometimes, social norms and cultural practices don't follow these Quranic rules. This can make it unfair for people to share inheritances. But in Islam, being fair and just are very important. Because of this, Islamic law says that women should be able to inherit just like men. In Islam, this means that women should get their fair share of the inheritance, just like men do. As an important part of Islamic teachings, this makes sure that everyone is treated fairly and equally.

3.4 Reasons for Violence Despite its Prohibition by Islam:

After examining the all-fatwa case this study will discuss the following reasons:

3.4.1 Ignorance: Some individuals may have a limited understanding of the fundamental tenets of Islam, which can result in a misinformed perception that acts of violence against women are acceptable. Violence can arise due to a deficiency in knowledge when individuals exist a perspective among some individuals that men are entitled to exert power and control over their partners and children, and that such dominance can be established using physical force. However, this concept contradicts the fundamental principles of Islam, which promote mutual respect, kindness, and compassion between spouses and family members.

Allah (SWT) mention in Holy Quran

O Mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). (Al Quran 49:13)

Further, what I believe is that People don't always know enough commonsense about in how many ways women can be hurt. I may think that, wrongly, that violence against women only

means hurting them physically, like by hitting or beating them up. This narrow view, though, doesn't consider other harmful ways of mistreating a woman, like hurting her mentally, sexually, or financially. When people don't know about or understand these different kinds of abuse, they might not notice the warning signs when they or someone they know is being abused. This can also make it hard for them to ask for help when they really need it. To make a safer and more respectful society for women, we all need to learn more about these problems, raise awareness, and help those who have been hurt by violence in any form.

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Moreover, it is possible that some individuals may possess inadequate understanding of the legal implications of violence on women or may harbor the perception that legal statutes are not applicable to their circumstances. In our societies where people think men are more important and powerful than women, this problem is even more obvious. They believe in "patriarchy," which says that men are in charge and have more rights than women. Some men might think they can do whatever they want in these places without getting in trouble or having to take responsibility for what they do. If they think they are above the law, they might think they can break the rules and not get in trouble. This way of thinking is unfair to some people and can cause problems and unfairness. So, in these countries, it's very important to work for fairness and equality, making sure that everyone, man, or woman, is treated equally and must take responsibility for what they do. In many societies, religion teachings had a big impact on how people lived and what they believed. Most of the time, men in places of power chose these teachings. People started to think that men should be more important and have more power because of this. These leaders chose parts of their holy books that made it seem like women should always listen to men and be less important. Men are better, and this way of thinking has become very normal in many places. Something else troubling happened at the same time as these views that favor men. People also started to think that violence in society was okay or normal. People must have gotten used to seeing bloodshed and didn't do much to stop it. Violence hurts people and makes their lives harder, so this is a big problem. So, when we look at it, these religious teachings and views have done a lot to make men feel more powerful and to make violence seem okay. We need to be aware of this and work together to make things fair and equal for everyone, no matter their gender, and to stop violence from being a part of our lives (Carter, 2015).

It is important to realize that people's lack of knowledge can have a big effect on how often violence happens. This is especially true when people don't fully understand Islamic teachings or don't understand the legal and moral consequences of their actions. Women in the rural area are not well educated as result they don't know about the fatwa rules and regulations. According to Shehabuddin(1999),Secularists are people who think religion should stay out of government. They say that people in rural areas and with less education, especially women, who don't know much about the country's laws are easy targets for dishonest people who say they are acting in the name of religion. In other words, secularists say that when people in rural areas, especially women, don't fully understand their country's laws, it's easy for people who use religion to take advantage of them to take advantage of them. This is because these people use their lack of knowledge and claims of religion to control or hurt them. In the case of first Noorjahan, we can see that divorce paper was not legally registered which cause life of Noorjahan. Noorjahan was "ignorant and that is why she was wrong in not going to the court for an official divorce," says Huda, a prominent woman, and human rights lawyer. Ignorance is solely to blame for this(Fahmida(1993) cited in (Shehabuddin, 1999).

Educational and awareness-raising initiatives have the potential to effectively address the issue of violence on women. These initiatives can provide individuals with accurate information about the features of domestic violence and the harmful consequences it can impose on both individuals and families.

3.4.2 Cultural Norms:

In certain societies, it is plausible that men may perceive themselves as having the right to employ physical discipline on their spouses and offspring. According to Mohammad and Tahir (2011:24), In traditional Muslim societies located in the Middle East and South Asia, women are viewed as possessions. Gender relations are structured in a manner that imposes the expectation that women will be regulated by men. However, Islamic doctrine mandates that men treat their wives with compassion and utmost respect, thereby elevating the status of women to one of respect and honor within the religion (Mohammad and Lehmann (2011) cited in Patwari, M. (2019).

This fallacy could potentially be disconnected from the doctrines of Islam and instead be attributed to patriarchal and misogynistic attitudes.

In Bangladesh, like many other societies, a deeply ingrained belief in the concept of "male dominance" and a "male right to power" within the context of the family unit is prevalent, potentially leading to the justification of domestic abuse as a means of discipline or retaliation. The cultural ideology referred to as "patriarchy" can manifest in various ways within familial contexts, including but not limited to uneven power dynamics between partners and inadequate acknowledgement of women's independence and self-determination. In this regard, the social learning theory can be referenced. According to Bandura's (1962) social learning theory, individuals acquire social behavior through the process of socialization and by observing and imitating the behavior of others. In the context of domestic violence prevalent in Bangladeshi society, it has been observed that families exhibit a predominant male-dominated structure. A prevalent cultural norm in Bangladesh prohibits women from assuming positions of power. As a result, women are exposed to incidents of domestic violence and subsequently become its targets.

However, the divine entity, Allah, has expounded unequivocally that both genders, male and female, are equivalent in their capacity as devotees, and their recompense is commensurate with their trials and actions. Allah (SWT) says, "The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayers and give zakat and obey Allah and His Messenger. Those – Allah will have mercy upon them. Indeed, Allah is Exalted in Might and Wise." (Quran 9:71)

3.3.3 Psychological and emotional factors:

Attitudes and feelings like anger, jealousy, insecurity, and low self-esteem can lead to domestic violence in Bangladesh, as they do in many other places. Taking care of your anger is an important factor. Some people have a hard time keeping their anger in check. When they are very angry or stressed out, it might be hard for them to control their feelings. During these times, they might have violent outbursts, which could lead to hurting their spouses or other family members. A low sense of self-worth can also play a part. People who have low self-

esteem may feel helpless or unimportant, which can make them turn to violence to get what they want or stand up for themselves at home. For example, in the first case of Noorjahan, first husband of her mentioned that he gave her divorce because of his anger.

Overall, it's important to understand and deal with these mental and emotional issues if we want to stop domestic violence, violence on women and make relationships healthier and safer in Bangladesh and other places. Some other examples of psychological factors are the presence of stress or abuse in a person's past. People who have been through stressful events or abuse may be more likely to commit violence on women because they may have learned to use abusive behavior to deal with their pain or trauma. According to Tulshi et al (2016), It was found that psychological abuse occurred more frequently than physical abuse, but both types of abuse were occasionally committed at the same time in Bangladesh. It was customary for husbands and in-laws to scold and insult their wives with derogatory language. Husbands also verbally assaulted the wife's parents, whether deceased or alive, and he frequently referred to his wife as "stupid" and "bitch" in front of in-laws and neighbors. Some husbands and in-laws would explicitly place the blame for the family's misfortunes.

3.3.4 Violence after consuming alcohol, drug etc.:

Abusing drugs and /alcohol can make people more angry and violent. When you abuse drugs, you use them in a way that hurts your body and mind and makes your relationships worse. Substance abuse and intoxication can cause some males to act violently towards women. This might happen because someone wishes to control their family member or partner using these substances, or it can lead to arguments about their use. Sometimes, a person may even attempt to force their companion to use drugs or alcohol(Seiger, 2013). When people abuse drugs or alcohol, they may be more likely to hurt their family members, such as their spouse, children, or other people they are responsible for, in domestic violence cases. So, it's very important to know how drug abuse and dangerous behavior in families are related. For Instant, in a village called Anwara, Bangladesh a person named Forkan himself gave a fatwa to his wife (Zannatul Ferdous) that if she wants to continue the married life with him, she must pay, and she cannot take baby. However, the wife gets pregnant as her husband did not want to take any protection. Jannatul Ferdous alleged that his husband consumes alcohol and drugs too much and after taking drugs he often beats her as she did not pay according to fatwa. Jannatul Ferdous added that Forkan provided information regarding a variety of 'fatwas' at various

points in time. Jannatul Ferdous says, "There was a fatwa of the husband, even if you live with him, you cannot have children (24 ghanta.news.com,2022)."

When people use drugs or alcohol, it can make domestic violence more possible. This is because these drugs can make you think less clearly and act more angrily. A lot of the time, people do bad things when they drink or use drugs. Because of this, they may get annoyed more easily, lash out more often, and have trouble controlling their feelings and actions. This is why drug abuse is a big part of cases of domestic violence.

Some of the things that lead to domestic violence can get worse when you use drugs or drink. Some of these are money problems, fights with other people, and mental health problems. When someone is hooked, they may have trouble with money because they use drugs. This could cause them to fight with their partner or family. If these fights keep happening, they can get worse and more hostile, which can finally lead to harm. All these problems can get worse and happen more often if you abuse drugs.

Women who use drugs or alcohol may be more likely to be abused because of their gender. Men may use these drugs to control and rule their partners from time to time. To stay in charge, they might even hurt them. Over time, this can make women feel scared and weak, which can make them more likely to be abused. So, using drugs can make this kind of violence against women happen again.

It needs to be made clear that being angry at home is not okay if you are high or drunk. People who hurt other people should be responsible for their actions. It is important to know, though, that using drugs can sometimes make violence more possible. Which is why we need a plan that deals with both crime and drug abuse at the same time. Since drugs abuse can make it harder to make good decisions, make other problems that make people act violently worse, and keep violence against women going, it can be a factor in domestic violence. To solve this problem, we need a broad plan that includes both preventative and corrective measures for addiction, as well as actions that deal with the underlying causes of domestic violence. We want to create a society where everyone can live a good life without violence or the bad effects of drug abuse.

3.3.5 Societal pressures:

Society is like a set of rules and ideas that people follow because they think it's the right way to live and act. Some people think that these rules make relationships worse because they tell people how men and women should act.

To some societies or communities, men should be in charge and women should always follow them. This is a big problem. Men may feel like they can control everything, while women may feel like they can't stand up for themselves.

These kinds of abuse on women make it even harder for the people who are hurt to speak out or get help. The reason for this is that family troubles are often kept secret, and the victims are sometimes even blamed for what's happening. This can make them feel alone and stop them from getting the help they need. Some places have the disturbing idea that it's okay for men to hit their wives or kids to teach them a lesson. And this can make people think that people who hurt others won't be punished or held responsible for what they do.

It is very important to make it clear that social pressures are never a reason for intimate violence. People who hurt other people should always be held accountable for what they do.

We need to be aware that these social pressures can make it more possible for violence to happen.

We need to work together to question and change these social norms and standards if we really want to solve this problem. We should work to make the world a better place by treating everyone with respect and honor and not letting any kind of domestic violence happen. We are all working together to make the world a better and safer place for everyone.

In this study the fatwa punishment on Taslima Nasrin imposed by the Government was totally because of pressure from the society.

3.5 Prevention of violence on women according to Islam:

In many cultures, including those where most of the people are Muslim, stopping violence against women is an important goal. While practicing Islam, there are many teachings and concepts that can be used to stop violence against women. One important thing to keep in mind is that different people can have different ideas about how to follow Islamic teachings.

Islam's role in preventing violence against women is ideal and correct. Because Allah (SWT) guarantees women the right to education, property rights, and freedom of expression (Patoari, 2019). Even within the confines of Islamic Sharia, Islam permits women to participate in

economic prosperity equally with males by pursuing labor and also allows women to engage politics(Rezvani, 2013). The Islamic faith has provided comprehensive protection for women. The act of harassing women in public spaces and professional environments is deemed unacceptable. However, it is noteworthy that Islamic teachings emphasize the importance of women being mindful of their physical appearance. Allah (SWT) said :O Messenger! You tell the believers to lower their gaze and guard their private parts. It has a lot of sanctity for them. Surely Allah is Aware of what they do.' (Surah Noor: Verse 30).

Moreover, Islam forbids adultery, prostitution, nudity, promiscuity, obscenity, and women's display. In addition, Islam mandates harsh penalties for raping, attempting to rape, and slandering women. prevent evil people from committing these things.

. Allah Almighty says in several verses:

And do not approach adultery. Indeed, this is an immoral act and an evil way.' (Surah Bani Israel: Verse 32)

"And do not come near to obscenity, public or private." (Surah Al-An'am: Verse 151)

"Those who slander innocent believing women, they are doomed in this life and the Hereafter, and for them is a severe punishment." (Surah Noor: Verse 23)

So, we can see that there are certain instructions in the holy book Al Quran, by following those instructions we can wipe out this negative phenomenon from society.

Chapter 4: Recent Case studies

4.0 Introduction:

The purpose of this chapter is to shed light on the disturbing phenomenon of violence on women in Bangladesh that is stoked by fatwas. What's more, this chapter will further examine both historical and contemporary examples to show the significant consequences people who go against accepted religious interpretation face. This chapter also seeks to answer whether fatwa-related violence against women is still practiced in modern-day in Bangladesh.

All the cases I choose here in this chapter are related to violence on women and all incidents happened due to Fatwa decree. As I am trying to find out in what ways this fatwa instigate violence is related to the fatwa, I believe that this case will demonstrate the answer to the

research question. As the case of Taslima Nasreen is alive and the fatwa is active on her therefore it is a well relevant case of this research.

To research the topic, I used a certain type of scholarly sources, including Riaz Ali's (2005) examination of the utilization of traditional institutions as instruments for political Islam in Bangladesh. Additionally, I examine the perceptive study carried out by Elora Shahabuddin, which explores the gendered dimensions of fatwa politics in Bangladesh, in conjunction with the poignant observations put forth by William Gomes (2009) regarding the severe flogging of a rural woman following the issuance of a fatwa against her. Moreover, the article Rights, Roles, and Rural Realities: A Case Study on the Effects of Fatwa Decrees Against Women in Rural Bangladesh by Farzana Rahman also I used. Farhana Rahman analyses how fatwa decrees affect rural Bangladeshi women. The study examines women's rights and duties in these religious laws. A case study illuminates rural women's lives. The paper uses qualitative research methodologies like interviews, observations, and document analysis. As Farhana Rahman took interviews from the direct victims named Rahima Akter and Kamla Begum, thus this source was also more reliable.

Furthermore, I analyze Manmay Zafar's (2005) investigation into the governance of literature and the circumstances surrounding Taslima Nasrin, a prominent figure who faced persecution due to violence incited by a fatwa. The investigative journalism of the Daily Star and Bangla tribune prominent newspaper in Bangladesh, has been integrated into the analysis for recent fatwa cases in Bangladesh. Those newspapers have extensively reported on the matter and highlighted various cases of violence instigated by fatwas.

4.1.0 Case study of Taslima Nasrin:

4.1.1 Background of Taslima Nasrin:

Taslina Nasreen was born in the year 1962 in the city of Mymensingh, which is in Bangladesh. Between the years 1978 and 1983, she served as the editor of the literary magazine called Senjuti. She graduated from Mymensingh Medical College and Hospital in 1984 with an MBBS degree after completing her residency there. She was employed as a physician at health clinics and public hospitals in Bangladesh until 1993, when a fundamentalist group, infuriated by her criticism of Islam, issued a fatwa against her and set a price on her head. Since then, she has been on the run. She had to go into hiding for quite some time before she was finally given permission to leave the country. She is currently

living in India. In Bengali, which is her native tongue, she has penned a total of 28 volumes, including collections of poetry, essays, novels, and short tales. Her body of work has been translated into twenty different languages (Taslina,2004).

4.1.2 Death Sentence and Fatwa on Taslima:

The fatwa against Taslima Nasrin was a religious decree that demanded her death, citing her purported Islam-related blasphemy (Hasan, 2010). The fatwa provoked widespread demonstrations and violence, with mobs storming bookstores and torching copies of her books. There were growing calls for the writer's execution at this period of broad public unrest, particularly among (often jobless) young men who had more chance of uniting against her. This call for death has both emotional and religious implications. A group calling themselves the Taslima Nasrin Suppression Committee was quickly created by "liberal-secular students at Dhaka University" to actively oppose Nasrin's publications. Those linked with Islamic institutions, who typically do not read the types of books Nasrin publishes, became aware of her anti-Islamic writings, and were offended by them. In September 1993, a tiny Sylhet-based group (Sylhet -a city of Bangladesh), the Sahaba Sainik Parishad (commonly known as the Warriors of Islam), placed a bounty of 50,000 taka (about \$800) on Nasrin's head (Hasan,2010). An international outcry was sparked by the group's death threat, which was widely misrepresented as a "fatwa" and its meaning equated with actual threats of violence. Not a fatwa, but rather the conduct itself triggered a government press release stating that it was a punishable felony to issue death threats against anyone and to offer incentives for their execution" (Deen,2006 cited in Hasan,2010). Later, the authorities ordered Nasrin to go into hiding and restricted her movements. Nasrin has been the target of death threats from radical Islamic groups in Bangladesh for over a decade, most notably the Juaid Al-Islam, which called for her public execution in a fatwa. She was so terrified that she had to abandon the newspaper she was working on and run away to safety. Some extremely cruel Islamic groups even offered rewards for her murder. In 1998, at the time of the release of her most recent novel, she was viciously attacked in the Journalists' Club in Hyderabad. A Bangladeshi magistrate court gave Nasrin a year in prison in 2002 for insulting Islam and upsetting Muslims in her writing, most notably in her novel named Lajja. The fatwa issued against Taslima Nasrin was based on her book "Lajja," which translates to "Shame." The book

was published in 1993 and discusses the communal riots that occurred in Bangladesh as a direct result of the destruction of the Babri Mosque in India (Hasan, 2010). The book is highly critical of the role that Islamic fundamentalist played in stirring communal tensions and exposes the anguish endured by a Hindu family in Bangladesh during the riots as the book narrates their story. Many Muslim organizations in Bangladesh accused Nasrin of blasphemy and insulting Islam in response to the publication of the book, which caused a great deal of controversy in the country. As a direct consequence of the fatwa, Taslima Nasrin was forced to flee Bangladesh and seek asylum in Europe (Hasan, 2010). Since then, she has lived in several other countries, including India, Germany, and Sweden. Although she left Bangladesh before completing her sentence, she never went back to live there (Aljahli,2017). Famous Bangladeshi Writer Humayun Ahmed wrote:

"I don't think people can commit a crime that is punishable by taking the country away from them. People leave people. The country never abandons its children. Those who do not like Taslima Nasreen's work will not read it. If Taslima Nasrin is confused, she will be confused with her confusion, why should we leave her country? All the dreaded war criminals are roaming around in Bangladesh”(Haque, 2022)

Yet, she continues to be subjected to mental assault and persecution from a variety of groups who disagree with her viewpoints, even though she is currently living in exile. She has been subjected to violence in India at the hands of extremists of both the Hindu and Islamic faiths, who view her as a danger to their respective philosophies. She was compelled to leave India in 2007 because of protests initiated by Muslim organizations in response to her comments regarding the treatment of women in Islam.

Analysis on fatwa on Taslima Nasreen:

The fatwa issued against Taslima Nasrin brings up several significant concerns in the Islamic world that are related to religion, power, and politics. According to Hasan (2010)'s argument, the fatwa was a transparent attempt by Muslim clerics to assert their religious authority and legitimacy in the face of challenges to their power. In many Islamic nations, where laws restrict speech that is believed to be blasphemous or derogatory to Islam, the fatwa also brings to light the contradiction that exists between religion and free speech in those countries. The fatwa against Taslima Nasrin is further analyzed by Aljahli (2017), who claims that it might be interpreted as an effort by Muslim clerics to increase their political influence and status.

Aljahli (2017), argues that issuing a fatwa is a rhetorical act designed to bolster the authority of the religious establishment and stifle criticism. There was considerable rioting and riots in Bangladesh after a fatwa was issued against Nasrin in an obvious attempt to frighten and quiet her (Aljahli, 2017).

Nasrin (1994) explains in *Amar Maybelle* that she lost her faith in Islam during her early adolescence, and she has been constantly critical of the religion ever since. Nonetheless, the Taslima issue raises the question of whether Islam tolerates opposing voices and, more crucially, whether it is conceivable for a Muslim to renounce his or her faith (to turn atheist) without fear of retribution. During the height of the Lajja (Book of the writer) issue in 1994, agitators in Bangladeshi streets frequently sought the death penalty for Nasrin and all "other" kafirs (non-believers), as had been the case in this instance with the Rushdie affair. As a Fatwa, most of the Islamic spiritual leader wanted her death penalty as soon as possible, as Taslima Nasreen asked to reexamine the holy Quran in 1994 (Aljahli, 2017), But She insisted that she had requested the removal of the discriminatory Muslim Family Law, which is based on Sharia and governs the lives of Muslim women in Bangladesh, and not the Koran (Manmay ZAFAR, 2005). However, they declared that Taslima Nasreen insulted the Holy Quran and Islam. These petitions for the death penalty are meant to bring public attention to specific concerns or to seek government intervention to resolve an unresolved issue.

Theologically, however, the demands for Nasrin's death were consistent with the widely held belief that any Muslim who insults Islam is subject to the death penalty. Those leaders referred to certain Quranic verses to justify their fatwa at that time. They declared their fatwa, Based on Qur'anic verse 5:33 and a hadith – "anyone changes his faith, kill him" – most Muslims believe that an apostate's penalty is death. A study of the biography of the Prophet Muhammad, however, does not support this theological perspective. Hasan Turabi says that during his leadership in Madina, many people became apostates after joining Islam as "easy and freely" as "a pendulum". Nonetheless, no one was penalized for abandoning Islam or making disparaging statements about him. Nevertheless, the Qur'an does not specify a physical punishment for apostates; rather, it opposes coercion and force in matters of faith. The most specific verse in the Quran regarding apostasy states: "Behold, as for people who believe, and then deny the truth, and again come to believe, and again deny the truth [...] God will neither pardon nor lead them." (4:137). Badawi comments, "If the Qur'an prescribes the death penalty for apostasy, 'again come to believe and again deny the truth' would be

impossible.”. Regarding verse 5:33 and the prophetic accounts that discuss the death penalty for apostasy, Islamic scholars conclude that the judgement pertains to apostasy in conjunction with supporting Muslims' enemy in battle. In other words, these sanctions are not for "a moral act of conversion," but rather for "a military act of resistance" (Safi,2006, cited in Hassan,2010).

According to above discussion this study found following violence that Taslima Nasrin faced:

4.1.3 Psychological violence Through Censorship:

Nasrin's feelings have been hurt a lot because her published work couldn't get to people. This is a big problem because she has the right to say what she thinks and say what she wants. Back in 1993, the government of Bangladesh decided to stop showing the movie "Lajja" because it led to a lot of arguments and disagreements about religious conflicts. This decision to stop the movie wasn't just about Nasrin's writing; it also affected her ability to think freely and share her ideas with others. It kept her from taking part in important talks about the problems in society. So, it's not just about books and movies; it's about having the right to speak up and take part in important conversations. (Bangladesh writer in hiding,1994).

4.1.4 Mental Violence Through Exile:

Because of the contentious nature of her work, Nasrin has been forced into exile, which is another serious type of mental trauma. She was compelled to leave her nation in 1994, and since then, she has resided in several countries, including the United States of America, Sweden, and India (Ansari,2008). Her mental health and emotional well-being have been profoundly impacted as a direct result of the psychological pressure that comes with living in exile, in addition to the ever-present danger of being violently attacked (Ansari,2008)..

4.1.5 Mental Violence Through Social Condemnation:

In addition, Nasrin has been subjected to mental assault in the form of social disapproval. Her outspoken views on religion and women's rights have been met with hostility and criticism, both from the public and from religious fundamentalists. Her opinions have been met with backlash from both the public and religious fundamentalists. This social disapproval has materialized in the form of death threats, a fatwa, and the attribution of "anti-Islamic" sentiments to the individual in question. Nasrin's mental health and sense of safety have been adversely affected because of the mental anguish that was brought on by being in such an unfriendly atmosphere. She was also mentally tortured severely when her mother died. Her discovery that her mother's death had been dealt with in a manner different from the traditional funeral and burial was a traumatic event for her. Even though she was a committed Muslim, the ritual prayer that was being performed was not led by a Muslim from any mosque because she was Tashima's mother. A second time, in 2002, she said, "I tried, and I cried to return to my country to see him (my dying father) for the last time." But the authorities would not allow me to travel back to my own country. My father passed away by himself, without me by his side (Ansari,2008).

4.1.6 Blasphemy, Islam and write Taslima Nasreen:

This paragraph will discuss why Taslima Nasrin was accused of blasphemy and whether the fatwa issued against her was justified. This fatwa on Writer Taslima justification is debatable, as it raises concerns regarding freedom of expression and religious beliefs. In the Holy Quran, blasphemy is considered a grave offence, and those who disparage Allah (SWT), or the Prophet Muhammad are condemned. The Quran does not, however, specify a specific punishment for blasphemy, leaving room for interpretation. Therefore, I will try to investigate what Quran say about Blasphemy and what is punishment for Blasphemy in Law of Bangladesh.

The main accusation of the writer by the certain people of Bangladesh is that she insulted the Holy Quran. Nasrin was quoted by Habiba Zaman, a reporter for the Statesman, a local English-language daily newspaper, as stating that the Quran was written by a human and, as such, should endure a thorough revision. (Riaz, 1995; Wright, 1994). However, Subsequently, Nasrin denied the claim and asserted, "The misquote can be attributed to the Statesman reporter's lack of understanding." (Wright, 1994, p. 20 cited in Riaz 1995). Nasrin claimed her

efforts for modifications to the Sharia, the legal framework of Islamic jurisprudence, while stating unequivocally that she did not intend to change the content of the Quran. Based to a scholarly journal, Taslima Nasreen provided the previously mentioned clarification (Riaz, 1995)

So according to the above declaration by Taslima this is obvious that she was talking about sharia law not about the Holy Quran. Hence the fatwa was imposed to her is a deliberate attempt to remove her from the country as that Islamic parties also was involved in government. In Bangladesh during 1994 Ruling party was time was Bangladesh National Party and their big supporter was Islamic party ,so government cannot make unhappy them and on the other hand the pressure from the western world to release to Taslim was getting high as a consequence Government allow he to leave the country (Wright, 1994).

Even Is she did Blasphemy, giving her capital punishment for this is debatable. The government cannot give punishment to someone which is controversial. According Bangladeshi Law the Punishment for Blasphemy is Maximum tow year imprisonment (*The Penal Code, 1860 / 295A. Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs*, no date).

4.2: Case of Hamida sultana:

The following fatwa case was reported in several newspaper including Al Jazira. This report was made by the reporter Faisal Mahmud that reported on 11th April 2023 in Al Jazirah newspaper. This fatwa instigates violence report also published in some popular newspaper in Asia including Times of India, the Dawn, South Asia Times etc.

This fatwa case related with extramarital affair where a married women named Hamida, engaged romantic relationship with one local auto rickshaw driver in the absence of her husband who lived in Oman. After coming from the Oman her husband came to knew about the affair so he went to local leaders and to the imam for justice, and they gave the fatwa that it's a sin and Hamida will receive 82 lashes and 80 strikes with small bricks. According to law enforcement officials in Bangladesh, the woman received a punishment of 82 lashes with a

cane and 80 strikes with small bricks, as per a religious decree or fatwa issued by an imam, which was carried out after few days of fatwa announcement. As per the statement of Police Inspector Zakir Hossain on Tuesday, a total of four individuals, comprising the imam of the mosque in Habiganj located in the northeast region, were detained after a criminal case being registered by a woman against 17 individuals on April 7(Faisal, 2023).

Discussions: Most of the other case described in these studies was in past time, but this fatwa instigate violence happened in this year which is very upsetting. When they imposed the fatwas, they mentioned that according to sharia law they did the punishment which is not acceptable. Because Bangladesh is not under the sharia law and according to the fatwa law of Bangladesh ,2011 no fatwa givers cannot implement punishment and fatwa givers had be educated with Islamic education which means only Mufti can give fatwas.(*fatwa law in bangladesh 2011 - Google Search*, no date).

4.3 Fatwa on women who study abroad:

The following case was published in a Bangladeshi newspaper Named “The Daily Star” on 3rd February 2022.This is in Bangla Language, so I summaries the event in my own word in English.

Brief story: A girl unnamed went to study in the USA. After the girl left for her study abroad, the girl's family was ordered to be isolated in Kulaura by the local panchayat leader who is based at a mosque. The victim's family's daughter reportedly emigrated to America for higher education before getting married to a man of the Hindu religion, according to the newspaper. The local leader of the Salish committee summoned the student’s father. But he was ill so that he couldn’t attend the Salish. In the absence of the student’s father, they gave fatwa that as she married the person who are not Muslim so student family can will be isolated(Mustak, 2022).

Analysis on the Kulaura case:

In the above case the fatwa was ruled against the student family because she married a Hindu person. As she married Hindu her family will be isolated according to fatwa givers. That is an accurate representation of the events that occurred. The Bangladesh Government constitution does not grant any individual the privilege to subject their family to mistreatment based on

their actions. It is noteworthy that mosque-based Salish are not a constituent part of our local government framework. However, in the present case, the individuals known as Salish chief have issued a directive for the family of the young girl to undergo isolation. According to the daily star newspaper in Bangladesh, People have said that the person in charge in Kulaura is bringing both sides together and trying to find a solution to a problem when the local government is supposed to investigate something. In other words, when there is a problem that needs to be solved by the local government, the leader in Kulaura calls both sides to talk and find a solution. This is how they are trying to follow the rules and handle the situation. This endeavor unequivocally signifies the inadequacy of state establishments (Mustak Ahmed,2022). My argument is here about what she did abroad and who he married shouldn't be up for debate. But that really is what happened. The state's constitution said that no one could bother his family because of what he did. Most importantly, mosque-based panchayats do not exist in our system of local government. But in the case, we're talking about, the so-called Shalish chief has told the family of the girl to stay away from everyone else.

In the Holy Quran Explained whom to marry or whom Muslim should not marry. In the Chapter 2 verse 221 Allah (SWT) instructed about the rules:

And do not marry Al-Mushrikat (idolatresses) till they believe (worship Allah Alone). And indeed, a slave woman who believes is better than a (free) Mushrikah (idolatress), even though she pleases you. And give not (your daughters) in marriage to Al-Mushrikin till they believe (in Allah Alone) and verily, a believing servant is better than a (free) Mushrik (idolator), even though he pleases you. Those (Mushrikin) invite you to the Fire, but Allah invites (you) to Paradise and forgiveness by His leave, and makes His Ayat (proofs, evidence, verses, lessons, signs, revelations, etc.) clear to mankind that they may remember.

Further the Fatwa from the Al-Musnad, M. (1996:185) also mentioned it's not allowed Muslim women to marry non- Muslim.

So according to the above verse Muslim women cannot marry a Hindu person according to the sharia Law. But, in the verse also mentioned if the non-Muslims accepted the Islam one can marry, However, there are no instruction for punishment if women marry non-Muslim man.

There are also same fatwa cases was described in Rights, Roles, and Rural Realities: A Case Study on the Effects of Fatwa Decrees Against Women in Rural Bangladesh by Farhana Rahman where victim Kamala begum was accused by the fatwa givers that she talked with

Hindu man which is not allowed to Islam. Here fatwa was “Speaking with an unidentified Hindu man was against Islamic law”(Rahman, 2017)

4.4 Case of Monica Akter Meem:

An imam at a mosque in Mamuder Para, Mithapukur upazila, Rangpur, is accused of marrying the widow's teenage daughter, according to the news by Bangladeshi newspaper named Bangla tribune. According to reports, the imam used a fatwa to legitimize the wedding, saying that marrying the girl would guarantee the groom a place in paradise and the Imam also tortured the teenage girl. Riots broke out as word of the occurrence spread.

Locals and his family say that Motaleb Hossain, the imam, has been in Mamuderpara village for years, where he has led the mosque and taught Arabic to both boys and girls. Motaleb showed his lust to Monika Akhtar Meem, the daughter of Mumtaz Begum, a widow. By promising Mumtaz Begum's 14-year-old daughter a certain spot in paradise, he was able to convince her to give her hand in marriage. There are also claims that the imam tortured the young girl severely.

Unrest broke out in the village after the girl escaped and told her mother about the imam's assault. The Upazila Parishad (Local Administration) has received a written complaint accusing Imam Motaleb of trying to lure a young girl to paradise. Mumtaz Begum, the girl's mother, revealed that she had consented to the marriage without fully comprehending the imam's motives, thinking that it would lead her daughter to paradise. She went on to say that the imam has gained power in the community and is using it to coerce her into giving up custody of her daughter, threatening to take the matter to settlement if she doesn't comply. Based on interviews with locals, SI Enamul Haque of the Mithapukur police station was able to confirm the truth of the situation. The incident is currently being investigated by the police from a legal standpoint. Mithapukur Upazila Parishad Chairman Zakir Hossain admitted the problem and promised that measures would be taken when an investigation was conducted. (Banglatribune.com,2021).

Analysis: In that case promising heaven to get married is a false statement. In Al Quran there are no verse where it mentioned by getting married Imam one can go heaven after death. Instead In the Al Quran Allah (SWT) mention in Chapter 34 verse 8-9:

Surely those who believe and do good will have the Gardens of Bliss, staying there forever. Allah's promise is true. And He is the Almighty, All-Wise (Translated by Dr Mustafa Khattab)

Also, this is like forced marriage which is not acceptable and forced marriage not permitted in Islam(Gill and Hamed, 2016). If we look the fatwa From Saudia Arabia, the cleric in there is opposed to forced marriage. Instead, they believe that both bride and groom must consent to the marriage before entering it. The fatwa in this regard by Shiekh bin z denoted are as follows (Al-Musnad,1996, P. 167): No one other than the father may compel a woman under his guardianship to marry a man she does not desire. Her permission is required to get married.

Discussion on recent fatwa cases:

In all above fatwa case this study found all the fatwa are used not according to Islamic Teaching. The examples of fatwa violence examined in this chapter show the gravity of the situation as well as the cruelty of the violence done on women. The majority of fatwa are focused with sexual and marital relationships, as well as the standards of good Islamic conduct demanded of women. Local religious leaders strive to impose their understanding of Islam in general, and Islamic law, as the societal standard, denying women's rights.

As in this study I am trying to find the relation with Islamic teaching and fatwa instigate violence on women, I believe those case study will help this study to answer the research question. "

5.0 Finding:

The practice of issuing fatwas in Bangladesh is getting more and more attention, which shines a light on the country's confusing and troubled state. Before getting independence, fatwas were not very common and were mostly about certain things. But the way things are right now is very scary and shows that there are a lot of complicated factors at play. This situation brings to light several things that help this research to understand how complicated this issue is. In essence, I are seeing a change from a time when fatwas were rare and only dealt with a small number of issues to a time when they are more common and cover a wider range of issues. This change brings up questions about how society is changing, the role of religion,

and the problems women in Bangladesh face. This thesis tries to find into and explain these big changes and what they mean for the country.

Geographical and administrative vulnerabilities: In Bangladesh, the more remote and underdeveloped regions of the country typically have a higher incidence of cases involving fatwas. These are regions in which the power of the government to uphold the law is limited to a relatively weak degree. In places as remote as these, the infrastructure is typically in disrepair, and access to essential services like healthcare and education is restricted. Because of this, fatwa practices tend to spread with greater ease in these regions. Because there isn't much supervision and control from the government, these places are perfect for spreading fatwas.

In regions characterized by geographical isolation and governmental negligence, a noticeable absence of authority becomes evident. The absence of governmental institutions, law enforcement agencies, and judicial organizations is a contributing factor to the prominence of local dynamics within the given setting. When there is a lack of efficient government, religious leaders and community figures frequently assume the position of de facto authorities, exerting significant sway over the general population. The absence of effective governance not only facilitates the unregulated issue of fatwas, but also allows for the manipulation of religious doctrine to serve personal or sectarian interests.

The absence of governmental authority in these locations provides an opportunity for local players to use and exploit religion myths for their personal benefit. In the absence of competing forces, various players such as self-appointed religious leaders, community elders, and powerful individuals take advantage of the situation to consolidate their control and promote their own agendas. This dynamic creates a conducive setting for the misapplication of religious ideas, since the indigenous populace, driven by a need for direction and structure, frequently succumbs to the sway exerted by these individuals.

In addition, the lack of readily available legal channels and administrative remedies further amplifies the predicament. In situations where individuals encounter barriers in accessing established legal avenues, they may resort to other sources of authority, thereby reinforcing the position of religious figures as arbitrators of conflicts and matters.

The rural and interior regions of Bangladesh are characterized by geographical and administrative vulnerabilities, which create favorable conditions for the widespread adoption of fatwa practices. The absence of a robust state presence facilitates the emergence of unregulated power structures, wherein religious leaders and powerful members of society exercise unaccountable authority. Consequently, this phenomenon leads to the alteration of religious teachings and the exploitation of susceptible communities for individual or factional gains. To effectively tackle this matter, it is imperative to not only enhance the presence and administration of the state in these regions, but also to foster education and awareness among residents, enabling them to critically evaluate religious declarations and pursue justice through lawful channels.

Unqualified Issuers of Fatwa: A concerning aspect of the current fatwa phenomena in Bangladesh is the notable occurrence of fatwas being issued by individuals who do not possess the necessary qualifications and comprehensive comprehension of religious scriptures. All these events show that the main problem with fatwa decisions in rural Bangladesh is that the people who make them and the way they are used are not following the real Islamic authority of a fatwa giver. The person who made the fatwa in all cases did not have the right credentials to do so. They did not know much about the Qur'an and Hadith, which are important Islamic books, and they were not allowed to make faith decisions(Rahman, 2017).

This is often the wrong way to do things, especially among religious leaders in rural area of Bangladesh, teachers at Islamic schools, and people who call themselves spiritual leaders. They do this for their own reasons or because that's what other people expect of them, and then they act like they know the faith rules. Giving religious rulings (fatwas) without understanding enough about religion or having the right authority to do so is a big mistake for

these people. This makes a lot of people confused and can be used to change what people think and do.

In my personal experiences i found that People in rural areas value certain imams a lot because they lead prayers and give spiritual advice. They might not know enough about Islamic law, though, to deal with tough legal issues. It is the important job of teachers in Islamic schools, which are called madrasas, to teach kids about their beliefs. Some of the time, they might give law advice, but they might not have the right education for that. There are also people who say they are holy man. Their followers listen to them a lot, even if they haven't studied Islamic law in depth. Their power comes from the magical things they do and the way they look. This can be tricky because they may make faith decisions without the right training, which can lead to confusion. This problem is compounded by the partnerships between these individuals lacking the necessary qualifications and socially important figures, commonly known as 'matabbors' in shalish. By studying Bangladesh's past, we can see that most village clerics in rural areas who say they are religious experts are mullahs. Most of these mullahs can read and write, but they don't know much about religious beliefs(Zaman, 1998).Individuals with strong influence within the local community, owing to their elevated social standing, have the potential to exert considerable impact when it comes to supporting or legitimizing fatwas that are issued by individuals who may lack the necessary qualifications or credentials. The complex interplay between self-proclaimed religious leaders and socially influential intermediates gives rise to an alternative power structure that operates outside the confines of official administrative control. Consequently, this collaborative effort cultivates a milieu in which individual reasons, collective interests, or political agendas may readily supersede the authentic purpose of fatwas as tools for religious instruction.

The effects of this behavior are big and far-reaching. People who don't understand religion teachings may say things that aren't true or aren't fair, which can confuse others and even make problems in the community worse. Also, there aren't any clear rules about how to make religious decisions (fatwas), so it can be hard when different religious practices and views clash. This often leads to arguments and divisions between people.

To effectively tackle this situation, it is imperative to use a multifaceted approach. Enhancing the quality of religious education and fostering a climate of critical inquiry inside religious

institutions might allow individuals to differentiate between qualified religious academics and those who lack the requisite credentials. In addition, the provision of accessible channels for obtaining legal and religious assistance from qualified experts can serve as a deterrent against the tendency to consult unqualified sources for fatwas.

In summary, the occurrence of unqualified individuals issuing fatwas in Bangladesh highlights the pressing need to rejuvenate religious education, cultivate critical examination, and emphasize the authority of authentic religious scholars in subjects pertaining to Islamic jurisprudence. The transition holds significant importance in preserving the fidelity of fatwas, as it guarantees their adherence to their initial purpose of offering well-informed and equitable counsel grounded in a profound comprehension of religious scriptures and tenets.

Motivation of fatwa instigate violence: The factors that drive the issue of fatwas in the context of Bangladesh demonstrate a concerning deviation from the primary objective of a fatwa, which is to provide Islamic guidance and advice. However, these occurrences are characterized by complex networks of hidden agendas that not only misrepresent the fundamental nature of the fatwa but also weaken the fundamental principles of societal cohesion and fairness.

The issuance of fatwas can be influenced by rivalries among political or interest groups, which serves as a destabilizing factor. In the pursuit of power, control, and influence, rival factions frequently exploit the authoritative nature of religious declarations to accomplish their objectives. In this process, individuals strategically control the belief systems of the general population, use religious narratives as instruments to portray their adversaries as victims. The improper utilization of religious sentiment not only amplifies preexisting conflicts, but also diminishes the sacredness of faith, transforming it into a tool for coercion and exploitation.

Furthermore, the occurrence of persons issuing fatwas with the explicit purpose of obtaining illicit financial gains highlights a profoundly troubling pattern. The transformation of these fatwas into means for financial extortion represents a distortion of justice. Accused persons,

who frequently encounter social ostracism or personal disgrace, are pushed to conform to these judgments, being coerced to make unlawful payments to please the authorities and restore societal approval. This action not only undermines the fundamental tenets of equity and impartiality, but also perpetuates a recurring pattern of exploitation and apprehension.

The phenomenon of commercializing fatwas, whereby the issue of fatwas is motivated by monetary gain, exacerbates the deterioration of the integrity associated with this activity. Those who engage in the practice of issuing fatwas for monetary gain exploit the susceptibilities of the accused and their families, frequently taking advantage of their feelings of despair and weakness. The phenomenon not only inflicts significant suffering upon individuals who are subjected to it, but also skews the collective understanding of fatwas as tools for moral and ethical direction.

To address these distorted incentives, it is crucial to reinstate the integrity of fatwas as authentic means of religious guidance. The successful implementation of this endeavor necessitates a collaborative endeavor involving religious scholars, community leaders, and governmental authorities, working in unison to guarantee the issuance of fatwas by competent and impartial experts, while upholding the ideals of fairness, empathy, and sagacity. Promoting understanding of the true nature and intended function of fatwas, as well as fostering a climate of analytical examination, has the potential to empower individuals in distinguishing between genuine religious guidance and manufactured declarations.

To sum up, the motivations underlying the issue of fatwas in Bangladesh depict a sad portrayal of how religious authority can be exploited for personal benefit and hidden agendas. To effectively tackle this difficulty, it is imperative to undertake a thorough overhaul of the process through which fatwas are issued. This reformation should prioritize the promotion of education, ethics, and the reinstatement of the authentic essence of Islamic guidance. By adopting this approach, society has the potential to restore the genuine role of fatwas as sources of enlightenment, rather than tools of manipulation.

Scope of Fatwa cases:

The comprehensive range of matters that trigger the issuance of fatwas in Bangladesh provides a vivid portrayal of the complexities inherent in these phenomena. It becomes apparent that these declarations have gone beyond their initial intention of providing religious instruction and have evolved into mechanisms for exercising authority, suppressing opposition, and protecting vested interests. The broadening of the breadth mentioned above reflects a concerning pattern in which the authority of fatwas is utilized to suppress behaviors, beliefs, and movements that question established norms and entrenched powers.

The presence of fatwas in discussions surrounding illegal relationships and love affairs highlights the inclination to employ Islamic edicts as a mechanism for governing individual lives and upholding a specific set of moral principles. Although Islamic advice can serve as a means of directing ethical conduct, it is worth noting that certain fatwas tend to exceed their jurisdiction by encroaching upon private affairs, thereby posing a possible threat to individual rights and personal autonomy.

Marital separations have increasingly involved religious figures, as seen by the issuance of fatwas, indicating their involvement in household conflicts. Throughout history, religious experts have played a significant role in offering advice pertaining to the subjects of marriage and divorce. However, the exploitation of fatwas in this context serves to underscore the utilization of religious authority to pursue personal vendettas or attain advantageous positions in conflicts, rather than fostering reconciliation or upholding principles of justice.

The incorporation of political ties in the context of fatwa rulings highlights the convergence of religion and politics. Through the strategic utilization of fatwas, individuals in positions of authority or those aspiring to attain power can effectively manipulate religious feelings to strengthen and advance their own political objectives. The intersection of religion and politics has the potential to divide society and diminish the fundamental purpose of religion as a source of spiritual direction rather than a platform for partisan support.

The incorporation of fatwas in addressing progressive social viewpoints signifies a conflict between traditional values and societal transformation. Individuals who support progressive principles, including but not limited to gender equality, human rights, and social justice, frequently encounter opposition from conservative factions. In response, conservative entities may deploy religious fatwas to discredit and repress these ideas, utilizing religion as a strategic tool to uphold the existing social order and protect their vested interests.

The deliberate targeting of non-governmental organizations (NGOs) that advocate for social progressiveness represents a strategic endeavor aimed at undermining established standards that face opposition. These groups frequently strive to enhance the agency of underprivileged communities, engage in social advocacy, and advance the causes of education and human rights. The issuance of fatwas against non-governmental organizations (NGOs) serves as a demonstration of employing religious authority to discredit and weaken these endeavors, hence sustaining prevailing disparities in power dynamics.

In essence, the broadening of the purview of fatwa cases in Bangladesh exposes a concerning pattern wherein religious edicts are exploited to advance the agendas of factions or people. Rather than serving as tools for authentic religious teaching, fatwas are progressively employed to exercise authority over individuals' personal lives, stifle opposition, and uphold existing power structures. To effectively tackle this matter, it is imperative to develop a comprehensive comprehension of the appropriate function of religious authorities, the safeguarding of individual rights, and the imperative to thwart the manipulation of religious doctrine for hidden agendas. By advocating for a more knowledgeable and accountable methodology in the issuance of fatwas, the community can reinstate its genuine intent while simultaneously safeguarding that religious guidance retains its essence of sagacity and benevolence rather than being exploited as a means of control.

Vulnerable population Navigating Power imbalances in the face of Fatwa Practice:

Situations like Bangladesh are very worrying because of the complicated link between a lot of people not being able to read or write, cultural stagnation, and fatwas. This lacking education

shows a big difference in authority, leaving a big part of the population open to arbitrary fatwa rulings that could hurt them. Understanding this specific situation helps us to see how important it is to solve these problems to protect the rights, dignity, and general well-being of society's most disadvantaged groups.

People who are illiterate, or can't read or write, may have a hard time understanding complicated religion and legal ideas. Many people in rural Bangladesh and other places with low reading rates get their information from what is said and from local leaders. A lot of the time, they look to religious leaders and community leaders for help, even when it comes to religious decisions like fatwas.

But this reliance on talking to each other and on neighborhood leaders can be hard. Some people might not be able to figure out on their own if these religious rules or law ideas are right or make sense. Because they don't know much about these issues, they might not be able to have deep conversations or arguments about them.

People who can't read or write may not feel like they have any power because of this. Having the knowledge and skills to make smart choices and oversee your life is what it means to be empowered. People who can't read or write are at a disadvantage because they can't fully understand and interact with complicated religion or legal ideas. They might not be able to fully protect their rights, make choices based on good information, or be a part of their groups. To fight illiteracy in places like rural Bangladesh, it's not enough for people to learn to read and write. They also need to be given the tools they need to understand and interact with the religious and law ideas that affect their lives. We can help people become more independent, well-informed, and involved in their communities by giving them schooling and encouraging them to read and write.

In Bangladesh, people have customs that make it hard for things to change. customs are ways of doing things that have been around for a long time. This means that people might not get many chances to share their thoughts and ideas and talk freely.

Different groups of people have different levels of power and control in some places. It is expected that people will respect and follow those in charge. People may find it hard to question or doubt what faith leaders say because of this.

Some people find it even harder to have open conversations when they are culturally backward, which means they are not open to new ideas. But when it comes to religious decisions like fatwas, some people may feel bad or disagree but won't say anything because they're afraid.

That's a problem because it means people who are already on the outside, like those with less power, can't say what they think or find out more about things that affect them. So that everyone can be heard, and we can all work together to make things better, it's important to promote open communication and understanding.

When some people have more power than others, it's bad for people who already don't have much, like women, people from lower groups, and poor people. A lot of the time, these weaker groups can't say anything when religious leaders do.

This is a big problem because it makes it easy for people who want to use religion for their own gain or to control other people to target these weak groups. People who are weak might have to follow these faith rules, even if they are unfair or hurtful to them.

Because of this, unequal power hurts those who are already weak because it makes them more likely to be abused or made to follow rules that might not be good for them.

There is a pressing requirement for empowerment and education in order to effectively tackle the existing power imbalance. This necessitates the implementation of a comprehensive and diverse strategy. Education has a crucial role in society. The promotion of literacy, especially within underprivileged communities, grants individuals the necessary skills to engage in critical analysis of information and make well-informed choices. Legal literacy is of equal importance as it enables individuals to comprehend their entitlements and proficiently traverse the legal framework.

The empowerment of civil society organizations is of utmost importance in enabling them to disseminate correct information, cultivate critical thinking skills, and advocate for the rights of marginalized populations. These groups can serve as intermediaries, facilitating individuals' access to appropriate legal and theological counsel, and promoting open discourse regarding the societal significance of fatwas.

Promoting Inclusive discourse: We need to make a space where people can talk freely and learn from each other for things to get better. People need to know what fatwas are and how to get help from the right religious experts. This can be done through community talks, workshops, and public awareness programs.

For short, power stays in the wrong hands when people can't read and there are strict rules based on fatwas. We should focus on education to fix this. We should help people understand the rules better and encourage everyone to be honest. This way, we can make sure that religious teaching is fair and cares about the rights and dignity of people who are often left out.

5.1 Discussion and conclusion:

Most of the cases I focused on in these studies are fatwa-related, which is done orally, and all the punishment through fatwas is decided in local Shalish. There is no engagement of women in the process. Usually, women in Bangladesh are entirely marginalized from engaging in the shalish and ruling of fatwas. Most of the scholars who took interviews from the victims who

are affected by the Salish, mentioned that they weren't active in the process. For example, the women Rashiduzzan (1997) questioned acknowledged the shalish as the most accessible option for seeking justice, they expressed worries regarding its excluding nature, which did not adequately involve them. The exclusion of women from significant decision-making opportunities is influenced by a bias that stems from men's ongoing dominance over women, as they do not perceive women as equals in any aspect of life. The shalish and fatwa are mostly controlled by men in Bangladesh, which means that women don't have a fair say and are often at a disadvantage (Rashiduzzaman, 1997). Therefore, this kind of setup keeps women from getting equal treatment and makes their lives harder. If women aren't involved in big choices made by the shalish and fatwas, they can't say what they think or fight back when unfair things happen to them. It is not fair and needs to be changed so women can have more chances to speak out and fight against any wrongs they face. The issuance of fatwas is often entrusted to male individuals with limited literacy skills. This is mostly attributed to the patriarchal structure of the system within which they operate. Most village councils (Salish), which oversee settling local issues, are made up of men only. Village councils handle family disputes like divorce, marriage problems, dowry and mahr issues, domestic violence, sexual harassment, and arguments over inheritance. The solidarity groups in the town are run and controlled by men. They get together for funerals, weddings, and many religious holidays (Cain, Khanam and Nahar, 1979). People in Bangladesh think that Men can do anything, they believed that it's according to Islamic teaching. However, according to Barlas this phenomenon is not for the Islamic teaching rather it's because of socio-cultural factors and misinterpretation of Islamic scripture (Barlas, 2002). She stressed that how women are treated can be very different in different Muslim-majority places. This shows that traditions that favor men aren't just based on religion. By recognizing this, we can avoid making too broad of assumptions about how Islam affects gender roles. Hence, it is crystal clear that when they impose the fatwas and punishment to the victims, they did not recognize the opinions of women, by the same token they didn't follow the rules and regulations that is described in Islamic scripture rather they want to establish their cultural patriarchal norms.

Apart from Patriarchy this study found the reasons which instigate fatwa violence in Bangladesh. To begin, a significant number of the religious authorities in these regions have an inadequate understanding of Islamic law and the required procedures for issuing fatwas. In addition, individuals who live in these areas frequently do not have access to education, which means that they are not well-informed about the customs that are followed in Islam.

Another aspect is Bangladesh's long-standing culture of gender inequity. This has been going on for generations. Using their fatwas, village councils, also known as Salish, have the authority to impose stringent rules on women because of this tradition. The fact that these verdicts are typically consistent with the local norms and culture lends an air of legitimacy to them. In addition, Islamic political groups in Bangladesh have become more powerful and influential in the two decades since the country obtained its independence. As a result, the Islamic government's plan to establish its rule throughout the country included the establishment of village councils as an essential component. As a direct consequence of this, the government has not taken any significant action against these councils; as a result, the primary advocates for the protection of rural women are women and groups that focus on human rights.

In the end, it's clear that religious leaders, village elders, and other powerful people in the area often use and abuse fatwas to keep their power and keep traditions alive. These oral fatwas were never based on Islamic basic teachings or holy texts. When it comes to gender roles, they especially want to "keep things as they were" and don't want things to change. Extreme gender rules make it hard for women to break free. They often must deal with religious orders and violent attacks.

In rural areas, people don't get enough schooling or know much about Islamic law, which is a big part of the problem. This lack of knowledge helps village councils (Salish) and their ways of doing things because they can change religion rules without being closely watched. The Islamist movement in the country also supports these groups and works toward some of the same goals. It's interesting that in Bangladesh, Islamists use punishing oral fatwah for their own reasons. Islamists don't like these things all the time, but they think that putting Islamic law in place is the only way to fix the problem.

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ⁱ SWT is short of Arabic word Subhanu wa ta'la which means "The most glorified, the most high".