

FEMINIST & ISLAMIC PERSPECTIVES

NEW HORIZONS OF
KNOWLEDGE AND REFORM

EDITED BY
OMAIMA ABOU-BAKR

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The Women and Memory Forum
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INTRODUCTION

WHY DO WE NEED AN ISLAMIC FEMINISM?

Omaima Abou-Bakr

The notion of arguing for women's rights through an appeal to Islam's basic values was manifest in the calls of a number of pioneering women writers and activists in the Arab region since the end of the 19th century. A'isha Taymur (1840-1902), Malak Hifni Nasif (1886-1918), A'isha Abd al-Rahman (1912-1998), Hoda Sha'rawi (1879-1947), and Nazira Zayn al-Din (1908-1976) – despite their diverse contexts, social backgrounds, and nature of their activism – all expressed their demands for women's rights within the family, in education, work, and political participation within an assumed Muslim frame of reference. Nevertheless, their early output may have lacked enough theorizing and systematic analytical methodologies for an in-depth re-interpretation of Islamic sources, specifically for the purpose of creating new paradigms of knowledge on women in Islam.

In the last twenty years, the idea of an Islamic feminism, as both a critical practice and an ontological stance, has developed into the application of feminist consciousness on understanding the gap between the original message of Islam and the translation of its values into equal opportunities and partnership on the ground, as well as taking into consideration equal human dignity for both Muslim women and men. More specifically, the idea of 'indigenous' or 'organic' form of feminism meant using feminist tools of analysis to sift through the Islamic sciences—from the perspective of committed Muslim women. Doors of *ijtihad* (independent reasoning) are to be open in order to facilitate to them producing an Islamic knowledge that revives and emphasizes gender justice, equality, and partnership—a knowledge alternative to the processes of exclusion and sense of male superiority we find in most traditional discourses. Despite the scholarly efficiency of the classical *'ulama* (male religious scholars) and their efforts in adhering to the *shari'ah* (God's revealed Way)¹ in deducing laws and rulings, they were products of their own eras and cultures, naturally not aware of or interested in establishing equal status for men and women. Hence, it is time for the Islamic body of knowledge to conceptualize and articulate this justice and equality in status, capabilities, and opportunities, as well as activate it in laws and cultures.

The main incentive behind Islamic feminist research today is the interweaving of women's perspectives and a faith position that subscribes to the Islamic doctrine and basic revelation, towards the activation of its 'just' and 'fair' principles and the production of gender-sensitive knowledge within an Islamic frame of reference. Besides critiquing patriarchal discrimination, the ultimate aim is reform and reconstruction. The process entails "drawing upon enduring principles of human rights, enshrined in the text" to extract specific and relevant meanings, upon which to construct "a system of legal reforms that can be implemented today for the full status of women as moral agents at all levels of human society."² In other words, the "long-term success of this project lies in the fact that it is all happening within

Islam,” and the “rationale for change comes from the most trustworthy and reliable source of Islam itself – the Qur’an.”

This centrality of the Qur’an and its mandate of moral agency for all humans represent two significant pillars upon which Islamic feminist interpretive project rests. Khaled Abou El Fadl explains this interactive relationship between “the overall moral thrust of the Qur’anic message” and “moral probity on part of the reader.”³ He gives the example of one of the general moral imperatives that the Qur’an refers to in 4: 135, which is justice:

The idea that Muslims must stand up for justice even against their own self-interests is predicated on the notion that human beings are capable of achieving a high level of moral agency. As agents, Muslims are expected to achieve a level of moral conscientiousness, which they will bring to their relationship with God. In regards to every ethical obligation, the Qur’anic text assumes that readers will bring a preexisting, innate moral sense to the text. Hence, the text will morally enrich the reader, but only if the reader will morally enrich the text. (15)

Just as this hermeneutical principle can readily be adopted by the proponents of Islamic feminist research pursuing gender equality and justice, another recent trend in the study and application of Islamic law, undertaken by contemporary progressive scholars, is the revisiting of the traditional concept of *maqasid* (the objectives or purposes behind Islamic rulings). Jasser Auda’s whole book is a comprehensive study of this Islamic juridical theory’s formation in history, but also about the potential of its being developed and re-conceptualized to play a role in the “contemporarization” (1) of Islamic law in general:

Maqasid are...the group of divine intents and moral concepts upon which the Islamic law is based, such as, justice, human dignity, free will, magnanimity, facilitation, and social cooperation. Thus, they represent the link between Islamic law and today’s notions of human rights, development, and civility. (1)

Added to the above also is gender justice and equality. Indeed, applications of this new, contemporary conception of *maqasid al-shari’ah* to gender issues and feminist hermeneutics is the subject of Adis Duderija’s article on “non-patriarchal Qur’anic hermeneutics” for the purpose of reforming Muslim family law.⁴

This book contains presentations on a range of diverse issues related to the meeting ground of Islamic and feminist perspectives. In fact, as the outcome of a two-day conference that was held in Cairo, March 17-18, 2012 with participants from the Arab region and Europe, the topics of its chapters represent ‘bridges and dialogues’ on more than one level. Initially, the event itself hosted researchers from a number of European countries – Denmark, Italy, Germany, France – and from Egypt, Tunis, Morocco, Lebanon, Sudan, and Saudi Arabia for an exchange on Islamic feminist views and activism in different contexts. Papers were presented in both Arabic and English, the former group translated for this volume. Hence, it provided a bridge for Muslim feminists in Arab societies and European Muslim feminists to explore common issues and concerns, yet other divergent interests as well. At the same time, the issues discussed in the chapters demonstrate the importance of internal

dialogues between European Muslims and their own mainstream societies and communities, on one hand, and between Muslim women feminists and their Arab societies and cultures, on the other. Lastly, bridging the gap, or estrangement, between feminist consciousness and Islamic research was a major goal of the conference, both on a conceptual and an applied level.

Two keynote speakers were invited to set the tone and share their thoughts on Islamic feminism, as both a field of study and a lived experience. Amani Saleh and Asmaa Abdol-Hamid initiated the discussion, first with Saleh offering basic definitions and analysis of the distinguishing features of Islamic epistemology and its encompassing the “feminist idea.” Abdol-Hamid, then, raised the issue of living overlapping identities, thus highlighting the ideas of bridging distances, dialoguing, mutual understanding, and the dispelling of stereotypes or misconceptions on the part of all.

Part I explores the relationship between Islamic feminism and activism in the Arab world. Fowziyah Abu-Khaled relates the subject to the context of the Arab spring begun in 2011 and the impact of the current changing political scene on a true inclusion of women in society. In the context of the liberation of Arab peoples from political authoritarianism and patriarchy, how can Islamic feminist views and activities become a project for resisting all forms of authoritarianism, exclusion, and monopolizing knowledge? Specifically, what is the role of Saudi women within their society, and how are they inspired by the waves of the Arab spring to resist state paternalism? In Morocco, Julie Pruzan-Jørgensen gives us an overview of the activities undertaken by Muslim women in the arenas of social, cultural, and legal reform – local women who situate their work explicitly within an Islamic frame of reference. She presents an objective treatment of the phenomenon, as both the empowering effect and limitations of this type of Islamic activism are analyzed. Marwa Sharafeldin focuses on the scene in Egypt, particularly its persisting major issue for women, personal status or family laws. Because their legal codification is in general religion-based, any practical sought-after reform has to deal with what is termed “Islamic Law.” Yet women’s NGOs, in their defense of women’s human rights and the improvement of their conditions in family and society, also seek international standards and methods. This chapter is important and useful in addressing the unavoidable tension between the two approaches, and in explaining the necessary distinctions among notions, such as *fiqh* (jurisprudence), *shari’ah* (God’s revealed Way), and the Qur’an’s authoritative referential status – issues that both Islamic feminists and human rights-based NGOs have to contend with.

Part II of the book shifts the focus from the political, social, and cultural realities of women in Arab Muslim societies to the European context. If in Part I the questions were about how an Islamic feminist perspective can meet the needs of women in Muslim societies and what this trend’s specific role is in social, cultural, and legal reform, the second group of chapters inquires about Muslim women’s lives both within their minority communities and their larger societies. What are the issues they have to deal with, and how do they practice their feminism in both circles? Kathrin Klausning’s informative chapter presents these challenges German Muslim women face and explores the strategies developed by them for self-empowerment. She surveys and evaluates the work of different Muslim women organizations in the field since the beginning of the 1990s.

Another aspect of this subject concerns outreach and interactive relations within European societies. Can the Islamic feminist trend interact with feminisms in other religions in search for commonalities in faith-based, emancipative values and in rejection of discrimination in the name of religion? What are the facets of cooperation with varying feminist movements within a single society? Anna Vanzan specifically presents this interesting meeting arena of Muslim and Catholic women feminist activists, both groups who do not wish to abandon their respective faiths and religious base and, at the same time, contest the patriarchal interpretations of Islam and Christianity. The chapter outlines the various interfaith and gender dialogue activities in which groups of Catholic women theologians and Islamic feminists engage, as well as analyzes the mutual benefits of such cooperation. Malika Hamidi, however, in her presentation of Muslim women's conditions in France and Belgium identifies a number of tenacious hurdles, such as the traditional stereotyping of Muslim women and the veil, colonizing perspectives, Western feminism's claims of universalism, and exclusivity. On the other hand, she also demonstrates the dynamism of transnational mobilization and new public spaces created by globalism among Islamic feminists which can counter such problems. She maintains that Islamic feminism can play a role in de-colonizing mainstream Western feminism and in achieving strategic solidarity.

Part III moves attention from context to text, from lived realities to the Islamic sources of reference that shape Muslims' lives and beliefs. Two studies examine the authoritative nature of the Islamic legal tradition or jurisprudence, and both embody the negotiation of its conventions and methods. In a fine edifying chapter, Nevin Reda tackles an ancient yet persisting jurist debate on Muslim women's political leadership or authority. She explains the various dimensions of the issue and the classical scholarship on the subject, then critiques the scholars' output and presents an alternative reading and conclusion, from within the methodological system itself. This chapter is a good example of Islamic feminist research that probes specific issues in the tradition, using its very principles and information to establish women's equal rights and subvert patriarchal jurisprudence. Mulki Al-Sharmani complements the preceding chapter in questioning the justice of traditional jurisprudence towards women, especially in the private sphere of family relations. She presents two examples of Islamic feminist critiques by two contemporary women scholars in the field and argues that such criticism and change are needed. Al-Sharmani's research on actual cases in the family courts of Egypt demonstrates the injustice resulting from rigid and biased applications of the laws. Hence, the chapter provides the link – that is often inquired about – between the need for new perspectives or readings of the law and practice on the ground.

Part IV zooms in even more on specific discourses, systems of knowledge, and re-interpretations of principles and concepts enshrined in the Qur'an. Hind Mustafa Ali accurately surveys the various schools and waves of feminism in the West and delineates some of their positive and negative features, according to her analysis. Then against this background she draws a picture of the distinctive quality of feminism from an Islamic perspective and suggests its ability to solve some persisting dilemmas in the feminist experience. Asmaa Lamrabet's analysis of the issue of divorce – its principles, conditions, and regulations – as we find them

in the Qur'anic text itself is a good example of the Qur'an-centered hermeneutics, referred to earlier by Amina Wadud and Khaled Abou El Fadl, and espoused by Muslim feminists today for re-interpretations of gender and women's verses. This is done through a direct engagement with the text and using a methodology that links the relevant verses together, as opposed to considering them as isolated units of speech, in order to derive meanings of justice and equality which fit with the general moral thrust of the Qur'an. Lamrabet here revises the traditional understanding and practice of divorce in Islam. Lastly, Nasr al-Joueli's chapter also tackles the subject of Qur'anic exegesis and its various strategies, focusing on a very significant and influential notion that appears in 4: 34, *qiwamah*, usually rendered as male guardianship and authority within the family. Al-Joueli compares classical and modern interpretations of this notion and evaluates their results. He then presents two examples of almost post-modern interpretative methodologies, represented by Nasr Hamid Abu Zeid and Muhammad Arkoun, and assesses their strategies and final output, as markedly different from previous interpreters.

The book closes with a rare list of works on Islamic feminism and its issues that are available in Arabic – whether original or translated from other languages – compiled, classified, and annotated by Hosn Aboud. It is hoped that such a selection can be a useful resource to researchers interested in identifying and tracing this trend of thought and research in Arabic productions.

In the end, it is also hoped that the totality of the conference's papers – original or translated – published here can continue to spark further studies in the field in Arabic or within Arab contexts, as well as point to the role of Islamic feminism in fostering dialogue between South and North, between Muslim/Arab societies and European societies. What Islamic feminists can offer now to “mainstream feminism [is help it] look at its own troubled relationship with religion and to re-examine some of its dogmas,” such as the modernization-secularization theories that predicted the decline of religion and the idea of essential contradiction between religious commitment and feminist consciousness.

¹ For rendering the meaning of *shari'ah*, I am using the definition and explanation given by Jasser Auda in his distinction between *shari'ah* and *fiqh*, the latter being more akin to the concept of law or “juridical opinions” developed and coded by jurists from various schools: *Maqasid Al-Shari'ah as Philosophy of Islamic Law* (Kuala Lumpur: Islamic Book Trust, 2010), p. xxi.

² Amina Wadud, “Aishah's Legacy: The Struggle for Women's Rights within Islam,” *The New Voices of Islam: Reforming Politics and Modernity – A Reader*, ed. Mehran Kamrava (London: I.B. Taurus, 2006), p. 204.

³ Khaled Abou El Fadl, *The Place of Tolerance in Islam* (Boston: Beacon Press, 2002), p. 14.

⁴ “Maqasid Al Shari'ah, Gender Non-patriarchal Qur'anic Hermeneutics and the Reformation of Muslim Family Law,” *New Age Islam.com* (11 June, 2013).

⁵ Ziba Mir-Hosseini, “Understanding Islamic Feminism: Interview.” *Countercurrents.org* (7 February, 2010).

KEYNOTE SPEECHES

1. Paradigms of Knowledge in Islamic Feminism

Amani Saleh

2. To be a European Muslim Feminist: The Reconciliation of Identities

Asmaa Abdol-Hamid

PARADIGMS OF KNOWLEDGE IN ISLAMIC FEMINISM

Amani Saleh

Introduction

There is a curious paradox surrounding Islamic feminism: Discourse *around* the phenomenon greatly surpasses efforts to build Islamic feminism itself! What can truly be considered Islamic feminism is the result of a series of fragmented efforts, incomparable to the comprehensive and continuous body of literature designed to monitor and comment on these efforts. In fact, female writers concerned with building and developing the idea itself are scarce in relation to female researchers interested in monitoring the phenomenon. Such a paradox is in every respect reflective of the core of the Arab and Islamic problem. In this part of the world, there are still acute barriers to creative thinking -or as Islamic terminology refers to it: *ijtihad* (independent systematic reasoning) -and a dire need for authenticity of knowledge. On the other hand, Islamic thought and methodology remain fraught with mimicry of either ancient Islamic knowledge or contemporary Western knowledge, which can only produce scholarship that records and surveys what exists, rather than undertakes authentic and innovative research. Hence, this chapter aims to merge both approaches: Research *in* and *on* Islamic Feminism.

This chapter is designed to delve into the core of the matter by attempting to answer two questions. The first one is simply: What is Islamic feminism? The second question builds on the first one, in an attempt to determine the distinctive features of so-called "Islamic feminism," namely: What are the frameworks and bases that give feminism emerging in this region or elsewhere the label "Islamic" feminism or deprive it thereof? This question comes to mind following the considerable debate around independent reasoning promoted and applied by Muslim American feminist Amina Wadud, who was considered outside them returned to the Islamic circle. Conclusive opinions on her works were -as usual- given by male researchers, writers, thinkers, and jurists. I then wondered if there were objective bases or standards that could help ascertain -away from whims and biases- whether specific feminist ideas could be considered Islamic. The question developed into a more relevant one: Does the Islamic system *in principle*, tolerate or accept feminist thinking in the first place? And what are the boundaries, constituents, and functions of feminist thinking?

Firstly, I would like to start with an attempt to define Islamic feminism. It is the intellectual, academic, and movement-based effort that seeks to empower women by drawing on Islamic frames of reference from which intellectual and movement-based norms, concepts, methodologies, as well other related matters can be conjointly employed. As such, this definition is based on three foundations: 1. Islamic feminism is an intellectual, academic, and social movement adopted by both men and women, though women are its most prominent actors; 2. This movement aims to empower women, starting by lifting injustices and minimizing vulnerabilities,

marginalization, exclusion, isolation, and oppression, moving toward supporting the values of freedom, justice, and gender equality in allocating social resources and wealth; 3. The essential sources, referential frameworks, and concepts of feminist thinking and the feminist movement are based in Islam on authentic Islamic references from the Qur'an and well-authenticated Prophetic Traditions. Thus, in this context, source methodologies of the religious science play a prominent role, on par with that of modern methodologies.

The three foundations above place current Islamic feminism at a more strategic rather than detailed tactical level, and prioritize the "macro-level" of reading and analyzing subject matter over secondary and partial issues that are at a "micro-level" and are already the subject of investigations of female Muslim researchers in legislation, family, politics, and economics.

Hence, I directly explore Islamic epistemology, its nature and compatibility with feminism, or the possibility of feminism, as a new cognitive approach to be introduced to the Islamic system. Furthermore, I consider whether feminism is amenable to the acceptance of an Islamic referential framework and working under its umbrella. Is there a common cognitive ground where the two systems can meet? If so, what are the features and boundaries of this *mezzaterra*?

Dimensions of Islamic Feminist Knowledge

In accordance with the aforementioned definition, it can be argued that there are four dimensions to Islamic feminist knowledge:

I. The first dimension is the frame of reference. Any feminist thinking that aspires to be "Islamic" must take Islam as its referential framework. This is not unheard of in feminist thinking; certain feminist schools of thought at various stages set their reference points as Marxism, liberalism, and even the ideology of human rights and citizenship advocacy. That was until feminist schools developed their own integrated feminist visions, emanating from the typical feminist experience rather than a specific ideology or another; thereby, developing their own perspective of the world.

The dynamism of feminist thought, its development, and various offshoots caused an overwhelming number of Western feminists -or those acting in its name- to recognize a global multicultural feminism, also known as "identity-based feminism," which emphasizes the uniqueness of women from diverse regions and cultures compared to men with regard to experiences, circumstances, needs, or goals. Binding Islamic feminism to an Islamic frame of reference as its point of departure is not--in my view--restrictive. It is, rather, a framework arrived at through the consensual agreement of a range of female activists and thinkers concerned with women's issues: to observe the involuble parameters of Islam, and to consider it a referential framework through which they shape their views and goals as feminists.

Nevertheless, what does this referential framework encompass? Do we consider the first reference the Qur'an, or, rather, accept both the Qur'an and Prophetic Tradition as two agreed upon sources? Do we include *ijma'* (unanimous opinions

of scholars)? Do we extend the meaning to comprise independent reasoning for interpretation, jurisprudence, and rulings? A serious conceptual dichotomy arises here: the distinction between variables and invariables in Islam. The general, predominant, trend amongst Muslim feminists is to isolate fundamentals from the Qur'an and Prophetic Tradition as 'invariable,' and to assign all independent jurisprudence that interprets and extrapolates rulings from those two sources the category of 'variables' that may be critiqued and replaced with alternative independent jurisprudential efforts.

In this context, feminist thought does not deviate much from overall modern views on independent reasoning in Islam on serious contemporary issues, including political issues, such as citizenship and democracy, economic issues, international relations and global relations, and the redrawing of boundaries. Against a backdrop of the sanctification of interpretation and jurisprudence, modern independent jurists, or those calling for re-opening the door for independent reasoning (*ijtihad*), agree that, despite the remarkable efforts exerted in developing deductive methodologies and legal theories of Islam, many of these independent judgments carry the historical and cultural imprint of their times and cannot be considered absolute judgments. This point is particularly manifest in jurisprudential and interpretative texts on women, where any analysis reveals -from a socio-epistemological perspective- a male chauvinism, that is reflective of the social culture, structure, and time whence it originated.

We can thereby conclude four crucial stances for Islamic feminism:

1. The feminism in question should draw on an Islamic referential framework and identity.
2. This referential framework originates from, and is determined by, the involuble parameters of the Qur'an and Prophetic Traditions as sources, to the exclusion of subsequent judgements arrived at by independent reasoning.
3. It imposes two relevant dimensions on feminist knowledge production from an Islamic perspective. The first is its criticism-and not the tearing down (in the sense of a deliberate hostile fault-finding approach) -of interpretative and juristic independent reasonings pertaining to women, particularly in terms of how closely these adhere to the two original sources: the Qur'an and Prophetic Tradition. We also find them straying from and blatantly discrediting the very interpretative and deductive methodologies themselves. The second aspect is the criticism of such reasonings from a socio-epistemological perspective which reveals historically and culturally rooted prejudices.
4. It is essential to embark upon independent feminist reasoning within the framework of Islamic interpretation, jurisprudence, and even philosophy. For any feminist interpretation aims to emphasize the human quality of independent reasoning, vital to the Islamic collective, rather than providing an alternative prejudice. While it is impossible to provide a totally unprejudiced, detached human view, incorporating women's experiences in jurisprudential and interpretative independent reasonings into that of men and their relevant personal perspectives will certainly limit biases and provide a more objective view of the matters at hand -a view that is likely

to be more deferential to its primary sources and parameters, more observant of referential frameworks, and more faithful to what the Creator intended by His *shari'a*.

II. The second cognitive issue is to determine the status of gender from an Islamic theological perspective. Gender issues are pivotal to social, legislative, and Islamic theory, as is evidenced by the intense debate around the relationship between men and women in both systems. In Islam, as is the case with any religion or creed, social and legislative theories must originate from major theological issues such as divinity, creation, the relationship between God and His creation, and the goals set by the Creator for life and people. To my knowledge, no attempt was made to examine the rules governing gender and gender relations at this level, even in literature produced in the Islamic philosophical discipline that seeks theological principles through dialectical study, or the study of the foundations of religion. Thus, I initially ventured upon a gender-based reading of the theology of Islam. The result was astonishing, and there was a wealth of material available for this reading and for the deduction of holistic and significant ideas on gender relationships.

The ideas deduced from this gender-based theological reading can be summarized in the following.

The Qur'an presents genderless theological views, and proposes transcending gender, as this is one of the features and characteristics of Absolute Divine Perfection. God, the Creator, the Absolute Perfection of Being, in attributes, actions, and timeless existence, is a supra-gendered Being. Allah, the Absolute Perfection, grants the attributes of genderlessness to some of His creation, such as His angels who are infallible by nature. Conversely, gender is inextricably intertwined with the inadequacy and divisions that characterize all creatures, most importantly human beings. Gender division appears to be part of the duality governing the creation of human beings, including the divisions of soul, spirit, and body, good and evil tendencies, etc.

The intricate complexity of the human being may be his/her weakness, but it is also a fertile source of the richness and dynamism of human life, which provokes the angels in the story of creation [in the Qur'an]. The human sense of deficiency and inadequacy becomes the real source of motivation, drive, ambition, and desire, and the source of aspiration towards mental perfection, emulating higher role models, striving to meet challenges, making choices, and taking action. The very continuity of life depends on this deficiency, through the attraction of opposite genders that ensures reproduction. This sense of inadequacy gives rise to a human need and subsequent quest for the Creator, through necessary referential frameworks. It also gives rise to a need for value systems that regulate human endeavors and pursuits, and the fatal conflicts these sometimes entail. Thus, gender exists to give form to the paradoxical issue of the relationship between God, the Creator, and His creation.

However, the gender issue clearly appears in other metaphysics, namely, human metaphysics: "the compound human," or what is known in Islamic culture as "the innate elements of creation." From the Islamic perspective, gender is not a novel issue subject to social reform, nor is it a changing issue; it is, rather, an ancient issue with roots that reach to the core of the process of creation itself.

Whereas some male chauvinist readings indicate that Eve was created from Adam's rib, connoting the precedence of male creation and the secondary nature of female creation, a reverse feminist reading can make considerable modifications to such a biased reading and understanding. The text of the Holy Qur'an indicates two stages of human creation, amongst other unknown stages, as follows: The stage of the creation of the human body -in other words, the body of Adam- and the antecedent stage -ignored in male chauvinist interpretations and readings- of the creation of the first soul (*nafs*). Here we discover that Qur'anic verses state--and Allah knows best--that the first soul is a female soul. God Almighty says in verse 189 of surat Al-A'raf:

It is He Who created you from a single person [or soul], and made his mate of like nature, in order that he might dwell with her (in love). When they are united, she bears a light burden and carries it about (unnoticed). When she grows heavy, they both pray to Allah their Lord, (saying): "If Thou givest us a goodly child, we vow we shall (ever) be grateful."¹

Many meanings can be deduced, both from that verse itself, as well as from placing it alongside other verses on the creation of Adam, and that of Eve from his body. Those meanings include: The primordial creation of the female in the human psychological structure, and the male soul as secondary to that of the female, which was then created from the male body. Thereafter, the rest of human souls were brought into existence. Conversely, at the level of physical body formation, it could be said that the male physical formation precedes that of the female which was created from it.

Meanings extracted from such texts presenting gender metaphysics may include: Gender relations and gender traits, such as female psychological stamina and depth versus male physical and corporeal stamina.

Conclusions can therefore be drawn regarding egalitarian division at the level of creation. There is still need however, for further reflection, investigation, and interpretative, philosophical, and dialectic deduction -which ultimately opens vast fields of research before Islamic feminist scholars.

The last dimension I refer to regarding the subject of gender metaphysics in Islam is the Qur'anic definition and concept of gender. The Qur'an does not use the expression "both sexes" or "genders" to denote male and female sexes, that would imply division and opposition; it uses the word "couple," which carries completely different connotations. The term "couple" implies the existential, physical, functional, and social integration of males and females. It also implies a sort of leveling and egalitarianism in human social structures. I also argue that applying this theory of dualism, or pairing, when considering male-female relationships is entirely different than the application of the theory of conflict between men and women most Western feminist schools are based on.²

III. The third major issue in the search for an Islamic feminist epistemology is the theory of Islamic values in terms of the dialectic relationship among the values of justice, freedom, and equality. In the 1970s, a prominent political science professor in Egypt, Dr. Hamid Rabi', made great strides in developing a general theory for collective values³ In his theory, Dr Rabi' concludes that each cognitive, cultural, or ideological system adopts a specific hierarchy of values, at the top of which are

the supreme values that define other values. For example, he concludes that the governing value of socialism is equality, the supreme value in the West is freedom, and the overarching value in Islam -with its moral, legislative, and social structure - is justice.

The concerns of various feminist schools have revolved around two main values: freedom and equality for women. What is the Islamic feminist stance on the overarching value of justice? What place do the values of freedom and equality have within this system? At the simplest level, the notion of justice indicates a balance between the rights and duties of a person. As such, some see the notion of justice as a procedural concept that refers to a specific source (legal or otherwise) which determines rights and duties. Their criticism is that not all legal references which determine rights and duties necessarily ensure justice in the sense of balance.

In fact, examining the notion of justice in the Islamic system draws our attention to another more comprehensive, but very closely related, value: Truth. Truth is a genuine Islamic concept, unique and rich, that has not been given its due recognition as an integral part of the Islamic thought system. Reliant upon individual efforts to study it, Truth has both ontological and epistemological dimensions, indicating two meanings that are ultimately intertwined.

When Truth is concerned with an ontological issue, it means facts expressed as they are, in direct opposition to falsehood, deception, hearsay, and lying. When Truth is concerned with values or spiritual elements, it stands for justice, and against injustice, aggression, and transgression. Adding an ontological dimension to Truth fine tunes its extra-legal concept, and, rather than giving it free rein, adds to its contractual or legal reference, another reference that expresses real roles, actions, and existence.

If we translate this from a women's perspective, it means that Islamic feminism requires that ideas, laws, rules, conditions, and social arrangements related to women be expressive of the true conditions, potentials, and roles of women in life and society at large, without falsification or misrepresentation. Those ideas, systems, views, and laws should also translate the concept of justice or balance into practices concerning rights and duties.

From this perspective, Truth or justice is placed as the independent or supreme value in the Islamic cultural system, whereas equality and freedom are seen as subsequent values. According to Rabi's view, being a subsequent value does not mean that it is less important; it means that its meaning is defined through the meaning of a superior value (in other systems, such as socialism, the values of justice and freedom fall under the superior value of equality; in liberalism, justice and equality are defined through the superior value of freedom). In other words, justice--as a superior value--may denote freedom in some instances and restriction in others. That is, it may lead to equality in some instances and not in others. The crucial question to ask here is: Does such freedom or equality lead to justice or injustice?

Moving from the abstract to the concrete, we must examine the stance Islam takes on the issue of gender equality, which is a fundamental goal and aspiration of women's

movements everywhere, and is an inextricable part of justice. Women around the world feel that generalized discrimination and inequality result in injustice against them. How does the Islamic system see equality between men and women? As the ultimate reference for Muslims, the Holy Qur'an recognizes full equality between men and women, holding them to similar standards at a human and creed level. Still, what about gender equality at a social level?

In the context of hierarchical values that place justice at the top, Islamic references propose a more complex notion of social equality which can be described as equality based upon divergence and difference, and not upon sameness as is the case in the Western concept. The sameness-based view of equality can be simply illustrated: Similar units automatically lead to equality as the outcome, i.e., $2 + 3 = 5$ is equivalent to $3 + 2 = 5$. The equal outcomes are based on the similar and equal weights of particles or units. This perspective is evident in Western thinking: To remove differences between men and women (human units) is a fundamental basis for the notion of equality.

With regard to equality based upon differences, equality materializes in the outcome, not in the units or inputs, as illustrated in the following equations:

$$10 \times 3 = 30 \quad \text{or} \quad 5 \times 6 = 30 \quad \text{or} \quad 15 \times 2 = 30$$

The first unit in each equation can be considered the quality of social/legal duties or burdens, and the second unit the number of duties, i.e., the quality of duties is equivalent to 10, the number of duties is equivalent to 3, and the end result is equivalent to quality level equaling 5 multiplied by 6 duties. Similarly, with regard to rights or advantages, 3 rights with the value of at 10 units is equivalent to six rights with the value of 5 units. This argument provides a type of mathematical, not numerical, equality.

I believe that this perspective is more flexible and appropriate to social roles and circumstances. Even if only one gender is considered (for example the concept of the social role of the husband), the units of rights and duties fluctuate according to changing circumstances. For instance, husbands can be rich, poor, ill, disabled, etc., each change necessitating another in the structure of rights and duties. The same applies to women in the context of social rights and duties.

The clearest application of this concept of mathematical equality in legislation is the issue of financial rights and duties. The legally determined share of a woman in matters of inheritance is half that of a man; however, she need not spend any of it on members of her household, be it small or large. On the other hand, the doubled share of inheritance granted to men imposes specific duties on them, such as financially maintaining their wives, children, underprivileged parents, siblings, and perhaps even other relatives.

Such a model goes beyond mathematical equality to cover other sides in the structure of rights and duties; the right of men to divorce, and to unilaterally terminate a relationship that was established by the joint wills of two persons, requires that they bear the costs of such a decision through a number of financial and social duties and compensations towards their spouses. Similarly, the right of women to a *khul'* divorce (women-initiated, no harm divorce) releases the husband from any

pecuniary compensation, since the woman's unilateral decision to end a marriage carries with it the consequence of paying a fair compensation to the other party, which corresponds to the same amount paid by men in divorces in many instances.

In conclusion, the Islamic perspective of equality, whether people agree with it as a worldview or not, fulfills mathematical equality. Whether the units diverge or converge, they ultimately convey the higher Islamic value of justice.

Characteristics of Islamic Feminist Methodology

There are three general rules to the methodology which I delineate as follows:

I. It combines inductive and deductive reasoning. It is known that feminist cognition is based upon exploring, recognizing, and utilizing women's experiences as a foundation for establishing knowledge, laws, social values, and philosophies. It is an inductive cognition that arrives from particulars to general conclusions, and from practical experiences to establishing rules. As holy scriptures govern Islamic feminism, inductive methodology alone cannot be used to build foundational knowledge; deductive reasoning must extract the rules and values of sacred texts, and then feminist thinkers must work to reconcile conclusions arrived at through both inductive and deductive reasoning. Their efforts in this regard are primarily manifested through their valuable contributions to both the sciences of interpretation and jurisprudence that have considerable weight in the Islamic system.

II. Islamic feminist methodology must, for the most part, remain structural and functional, not deconstructive. Despite the authority of postmodern, post-structuralist, and deconstructionist methodologies, particularly in feminist thinking, I believe that methodologies and tools for the production of knowledge in the humanities cannot be outdated or be subject to trendy fads. Their benefit remains linked to the needs and goals of researchers in diverse approaches to the subject under study.

That Islamic feminism is governed by a sacred framework imposes a structure on the thinking process, where the resulting ideas acquire their meaning from an overarching format. This is not the place to talk about a free, unlimited reading of the text or the death of the author; readings have a functional significance in light of the existing value structure. The utility of this idea and theory is related to how far it can promote, strengthen, and build the greater Islamic system. Hence, achieving the goals of the sub-system of Islamic feminism and the feminist movement of eradicating injustice and female oppression must go hand-in-hand with the overarching goals of Islam, exemplified in the ultimate values of Truth and Justice.

III. The final characteristic of this methodology is the centrality of critical approach to the production of Islamic feminist knowledge. A tendency towards criticism is a fundamental characteristic of feminist thinking, and primarily aims to uncover and explore the male chauvinist slant of intellectual and social structures in order to formulate alternative views that are socially and culturally less antagonistic towards, and prejudiced against, women. In this regard, Islamic feminism is not different from mainstream feminism, although it does have specific goals that stem from its distinct frame of reference.

The permeation of male bias in religious sciences that carry legislative, moral, and behavioral weight and authority and its attempt to pass itself off as Islam are most flagrantly manifested in interpretations of religious texts on women and gender relationships. For example, the majority of commentators on Islamic texts are rarely satisfied with mere methodological applications and interpretations, regularly prefacing their works with conjectures on women's nature, psyche, and characteristics--which often constitute pure patronization. This is evident in the interpretation of the term "*gawwamun*" (male guardianship) in verse 34 of the fourth chapter of the Qur'an titled "Women" by Islam's most prominent commentators: Ibn Kathir, al-Tabari, and others. The first commentator alone uses a biased interpretation of the term to mean "considerable authority men wield over women." He says in his commentary:

Men are the protectors and maintainers of women, meaning, the man is responsible for the woman, and he is her maintainer, caretaker, and leader who disciplines her if she deviates, because Allah has made one of them to excel the other, meaning, because men excel over women and are better than them at certain tasks. This is why Prophethood was exclusive to men, as well as other important positions of leadership.

The impact of this commentary resonates in most interpretations, including that of Muhammad Abdou produced early in the twentieth century.

Freeing texts of such prejudices and allowing scholars to approach them in new ways will lead to entirely different commentaries, which is what we attempted to achieve when we set about interpreting the verses on 'guardianship' and 'bearing witness' as part of a study conducted by The Society of Women and Civilization Studies. We arrived at a completely different interpretation: that this verse was a mandate delineating male duties towards women, and that, rather than granting men power, the verse was inclined towards securing the interests of women.

I venture to add that feminist criticism, as a result of the revisions it has undergone in the interest of upholding truth and justice, is no longer solely concerned with bringing justice to women alone, seeking to reform religious sciences in general and to remain an active participant in this comprehensive process of reform. To purge Islamic disciplines of the selective injustices that have seeped into them as a result of the interpretive monopoly that men have exercised on religious sciences would be a reform that liberates Islamic thought from the domination of one gender and reinstates its Divine nature. It is, therefore, worth pointing out that feminist Islam is reformist rather than radical in nature, and does not seek to destroy the intellectual heritage of Islam, but rather to reform it from within.

Finally, I note that Islamic feminism's critical stance is not exclusively reserved for male bias in juristic, legislative, intellectual, and social structures, but is directed at other prejudices in Western culture that have hurt Muslim women and Islam. Hegemonic Western thought--Western feminism included- instigates a great deal of oppression and racism by political, cultural, and intellectual powers who practice cultural exclusionism and neo-colonialist morality and behavior, undermining -or at least misunderstanding- the referential frameworks underlying and informing Islamic feminists work. Thus, we find that this intellectual hegemony has a negative

effect upon Islamic writers and thinkers, preventing them from thinking freely and spontaneously from an Islamic reference point without being compared to, or ensnared by, dominant Western ideas, and without being lured to defensive arguments in reaction, a problem writers of the past did not need to contend with.

Conclusion

These notes are the fruit of practicing and tracking what is known as “Islamic feminism” for close to fifteen years. The discipline is still open to discussions that I fervently hope can move beyond the slow, long-winded talks about Islamic feminism itself or queries as to where it might be and begin generating knowledge for the discipline itself. We are in dire need of propelling ourselves forward in this regard, especially in light of the rise of ruling regimes in the Islamic world which claim to exercise their authority from an Islamic frame of reference. Islamic feminism may be the last hope in saving women from new cycles of marginalization in the name of religion. And it is time we disarmed this new ruling elite and freed ourselves and our religion of its hold, only hoping it is not already too late.

¹ English translations of the Qura'nic verses in this chapter is taken from *The Holy Qur'an: Text, Translation and Commentary* by Abdallah Yusuf Ali. New Revised Editions (Bretonwood: Amana Corporation, 1989)

² See Hamed Rabi', *Nadhariyat al-qiyam [The Theory of Values]* (Cairo: Faculty of Economics and Political Sciences, n.d.).

³ On this theory and its various dimensions, see Amani Saleh, “Qadiyat al-naw' fi-l-Qur'an: Mandhumat al-zawgiyya bayn qutbai al-jindar wa-l-*qiwama*” [Gender Issues in the Qur'an: The Matrimonial System between the Poles of Gender and Male Guardianship], *A-lmar'a wa-l-hadara: Nashra motakhassissa fi-dirasat al-mar'a al-muslima [Women and Civilization: Specialized Bulletin on Muslim Women Studies]* (Cairo: Jam'iyat Dirasat Al-mar'a wa-l-hadara [The Society of Women and Civilization Studies], 2002, pp. 17-53).

TO BE A EUROPEAN MUSLIM FEMINIST: THE RECONCILIATION OF IDENTITIES

Asmaa Abdol-Hamid

My name is Asmaa Abdol-Hamid, and I'm known as the first Muslim woman in Europe who has worked as a broadcaster on a public television channel wearing the *hijab*—the Islamic headscarf. I was also the first Muslim *hijab*-wearing woman in Europe to have been a candidate for the Danish Parliament. Additionally, I received my education at the University College of Lillebaelt and obtained a degree in social work.

I was born in the United Arab Emirates in 1981, and moved with my family to Denmark as Palestinian refugees in September 1986. In the neighbourhood where I grew up in Denmark, we were the only Muslim family. Yet, I remember living in safety and comfort without feeling that I was in any way different from the other children who lived nearby. The people around us respected our difference and we lived in harmony.

Prior to addressing the central theme of feminism, I feel that it might be interesting to spend a few moments discussing the notion of ethnicity, or identity. Who am I and how are people like me identified? I was born into a Muslim family and migrated from an Arab country to a European society. Are people like me Arab? Danish? Or Muslim? My answer is that I'm Palestinian, Danish, and Muslim. I am all three at the same time. I don't have to choose one to the exclusion of the others. Indeed, I feel privileged to be both, Palestinian and Danish simultaneously. In fact, I prefer to call myself "a hyphenated Dane." That means a Dane with a hyphen to something else. That is the way I see myself. But my reality is something different.

In 2006, I became a TV presenter on a talk show called *Adam & Asmaa*. This talk show examined the cultural and religious gap between Islam and the Western world, focusing on the themes of politics, society, and integration. The aim of the show was to help understand the varying and diverse perspectives we each held in this country following the famous, or rather infamous, cartoon crisis¹ that we faced in Denmark back in 2005. What took place on the television sets of households in Denmark was truly unprecedented. In episode one, for the first time ever, people saw a Muslim, Arab, *hijab*-wearing woman on a public channel presenting a show. In some quarters, the reception was harshly negative. I remember some of the old feminists protesting my role as a broadcaster wearing a headscarf. They claimed that the headscarf was a symbol of oppression, and so asked the channel to immediately stop my employment. Eventually, the issue attracted international attention, and journalists, not only from Denmark but from around the world, flocked to interview me. My phone didn't stop ringing. The paradox was that while some journalists considered the story a huge success regarding opportunities for women in the labor market, others viewed it as a crisis of women's liberation.

My role as a TV presenter and as a politician was interesting in the context of feminism. It isn't a secret that wearing the headscarf in general made headlines all around Europe and the Arab world, and that it became a chance for discussion about the rights of women, equality, and opportunities. But now we had to see all of this in a new light.

To be honest, it was quite hard doing my work and at the same time trying to answer questions about what I might be. As a Muslim, I had expected opposition, but to be accused by some feminists of advocating gender apartheid took me by surprise. It was sad how we faced old feminists from the past, stating what a woman should and should not do. My wearing of a headscarf does not mean that I'm oppressed, and I had never seen my headscarf as a sign of oppression. For me, the headscarf is a sign of freedom, a sign of liberation.

I thought to myself: Did they (the feminists criticizing me) forget that they once had to fight about the right to choose? Did they forget how society judged their demands? Isn't it the same when they claim that Muslim women wearing the scarf are oppressed by men, religion, or a specific culture? Who is judging now? Did they ask those women what they think or feel, and whether they have made their own choices or not?

It seems that some women claim to know what's best for all women. And that is sometimes much worse than being judged by a man! For the first time, I really felt that there were people who directly excluded me from my own community. But then suddenly other feminist groups began to take part in the debate and publicly showed their support for me as a TV presenter. One of them is the organization Kvinno.

Is there only one image of a free woman? Or are there diverse images of liberated women? The debate continued for several weeks. There was disagreement among feminist groups. As for immigrants, some learned that they didn't have the same basic values like Danes, and those from ethnic minorities didn't feel included in the community, particularly girls.

As a Muslim Danish woman, I grew up with the belief in women's rights according to Islam, and I find them in harmony with the society I live in. Yet, I also admitted that a part of Arab culture was beset by limitations for women. Though I was working in a leading administrative position, I was told by a number of Arab men that this job wasn't suitable for a female. I realized that there was a divide between Islam as a religion and the patriarchal culture that poses as religion. In Islam, women can speak in public and voice their opinion. Yet, many men told me that Arab women should stay at home. I was presented with two opposed views: the Muslim point of view and the expectations of part of the Arab community in Denmark. I made my choice: I chose to be a Muslim Dane and reject the false cultural interpretations that constrained me.

It was clear: I grew up thinking of particular Muslim women as role models. The first is Khadija the wife of Prophet Muhammad (PBUH), who was an important businesswoman in Mecca, respected and recognized in her time by men and women alike. The second is 'A'isha, another wife of the Prophet's who was regarded

as a great teacher and instructor to his companions. The first person who believed in Prophet Muhammad and converted to Islam was a woman: Khadija. And I would humbly like to have a place in the list of these great women. As a free woman, I wanted to make a free decision.

In my life, I have always learned to accept responsibility--to give, develop, participate, be active. I learned that a strong society is a society that achieves cooperation. A man alone can't do everything, but together we can do much. I decided to take the lead, to play an active part, to present my suggestions for change for the better in society. I felt a responsibility, and I felt that I had to get involved in public life. My main specialization was social politics, and it was therefore natural for me then to participate in politics, first as a candidate and member of the City Council, and later as a candidate for the Danish Parliament. And so, once again, the debate about the headscarf arose. But this time it was more intense.

I would ask myself: Should I comply; should I discontinue my political career, get married, and have children? Should I obey, put my scarf away, and get a well-paid management position? Or should I look in the mirror and ask myself: What do you want to do? It is not easy being a woman judged by everyone around you. However, it never made me feel like a victim, trapped and helpless. This is because when I look in the mirror, I see the woman I want to be. I know that strength is about making independent decisions. People can say what they want to say, but, at the end of the day, as a free woman, I have to stand for who I really am and the choices I make for myself: to be able to live an honest life, to continue to look at myself in the mirror and recognize the face I see.

The question was: Is it possible to allow a woman wearing the headscarf to attend the Danish Parliament? And the answer was 'yes, of course.' The Bureau of the Parliament decided that women with headscarves can stand up to the rostrum of the Parliament. This was a huge success for women's rights and equal citizenship. There is no difference between Danes who aren't Muslim and Danish Muslim women with headscarves.

The essence of feminist consciousness is making your own free choices as a woman, whether one wants to stay at home bringing up children or go to work and raise children at the same time, or choose not to have kids at all. Hence, my understanding is that feminism is about changing those institutions that keep women stuck in lifestyles they don't want to be part of. It's about letting women be who they want to be.

Yet, today's feminism is no longer a question of women only. It's a question of both sexes--men and women. Why? In every aspect of my life, not only my mother, but also my father has been someone to lean on, someone I could count on, rely on; someone who makes me feel safe and strong in my opinion. The support he gave me is indispensable. He acknowledged my visions and dreams. He himself broke free from the idea that men are superior to women, or that there is a hierarchical difference between a man and a woman. My father was not only an outside player, not just supportive from the outside. No! He was truly involved, and he dreamed with me. In other words, he himself became known as a feminist.

Today, I meet several girls who have a dream of becoming politicians. What I've been through has scared them, but they still dream, and they will achieve what they dream of because they have families who support them. The battle is no longer unknown for them and their families.

Somehow, someday, we all need to fill the gap and let the men get involved; otherwise, our ship will slowly start sinking. Why should men care? Because a woman is a man's mother, a man's wife, a man's daughter. And a mother needs her son and a son his mother; a wife needs her husband and her husband needs her; and a daughter needs her father and the father needs her. Both sexes have to support each other.

Women's liberation is still a significant issue in Danish society, other European societies, and Arab countries. In some communities, women's role is clearer than in others. In the context of feminism, a relevant issue to talk about is human struggle for rights -the struggle by all people, regardless of gender, hair or skin color, political affiliation, economic background, family status, and so on. It is a struggle to have equal opportunities in all fields of society and to share an equal responsibility that we should respect and try to uphold.

A successful society is a society with a high degree of gender equality, a society that engages all its citizens, a society that's aware of differences in sexuality, where both men and women undertake a common responsibility, where individuals participate not only in areas that serve their gender needs, but also get involved in each other's needs. Without a man, there's no woman, and without a woman there's no man.

¹ The Muhammad cartoons crisis started in September 2005 after the Danish newspaper Jyllands-Posten published 12 editorial cartoons, most of which were images of Prophet Muhammad. Muslim groups in Denmark complained and the issue eventually led to protests in many countries around the world.

PART I

ISLAMIC FEMINISM AND WOMEN'S ACTIVISM IN THE ARAB WORLD

1. Is there a Saudi Spring along the Arab Spring and What is the Status of the "Feminist Question" within that Context?

Fowziyah Abu-Khaled

2. Potentials and Pitfalls: How Islamic Women's Activism Meets Arab Women's Needs

Julie Pruzan-Jørgensen

3. Challenges of Islamic Feminism in Personal Status Law Reform: Women's NGOs in Egypt between Islamic Law and International Human Rights

Marwa Sharafeldin

IS THERE A SAUDI SPRING ON THE SIDELINES OF THE ARAB SPRING AND WHAT PLACE DOES THE "FEMINIST QUESTION" OCCUPY WITHIN THE CONTEXT?

Fowziyah Abu Khalid

Many wonder whether the Kingdom of Saudi Arabia as an autocratic state with a conservative society will be spared the changes demanded by the Arab Spring, and whether it will address and resolve them. Various scenarios have been explored and analytical interpretations made regarding the possible, expected, or impossible relationship Saudi reality will have with the Arab Spring, both as a source of creative popular inspiration and as a beacon of aspired-to freedom, justice, and participation in the renaissance of nations.

Saudi Arabia vis-à-vis Questions of the Arab Spring

This chapter seeks to explore the political and feminist dimensions of the Kingdom's relationship with the Arab Spring by asking two questions:

1. Is the Arab Spring triggering demands for rights in the Kingdom of Saudi Arabia?
2. How has the feminist question, with its civil and legal dimensions, been subject to the ripple effect of the Arab Spring on the Kingdom?

I. Saudi Perspective on the Arab Spring: Various Attitudes and Sustained Misgivings

The Saudi regime's position has varied not only with the ebb and flow of the Arab Spring from one moment to the next, but also from one country to the other, several times over from the end of 2010 to the beginning of 2012, and throughout the uprisings of 2011. These shifting positions are related to the Saudi regime and its leaders' estimation of the impact of the situation on Saudi affairs, on the one hand, and Saudi Arabia's regional position, on the other. Throughout, the regime has maintained a typical Saudi commitment to ensuring that its flexibility and technological apparatus, do not detract from their express reservations over accepting the Arab Spring's definition of revolution: "the demands of the people." This is evident in a series of the Kingdom's positions on the events of the Arab Spring that a Saudi analyst has monitored and commented on as follows:

Saudi authorities have announced their active policy regarding the Arab Spring: These revolutions are rejected outright, and must be confronted both at home and abroad. Events unfolded with Saudi Arabia hosting Zine El Abidine Ben Ali who was refused sanctuary in any other country, then working heavily to prevent the toppling of Egyptian president Hosni Mubarak. Official and semi-official media poured all their energies into

attempts to abort change in Egypt, and dealt directly with protests in Bahrain by deploying Peninsula Shield forces to confront the protesters and protect vital areas in the land from the onslaught of protesters. Saudi Arabia ignored the Libyan revolution against Muammar Gaddafi--its arch enemy--entirely, and was the only country that did not recognize the National Transitional Council of Libya even after Gaddafi officially fell and fled with his children. Saudi's position on the Yemeni uprising was not different; it even supported the GCC Initiative that proposed a safe exit plan for the Yemeni president (Al-Dufairy).

I believe the most accurate description of the Saudi position to be "conservative pragmatism." This mode of pragmatism, in its service of upholding systems, is in line with historical Saudi reservations based on sensitivity towards, and disdain for, any form of resistance, let alone a people's revolution.

If we view Saudi people in the context of the patriarchal nature of the Saudi State and its government's shepherding nature and parochial political discourse, it is simple and logical to extrapolate the internal Saudi position on the demands of the Arab Spring; Benefits and privileges can only be bestowed according to the ruler's estimation of whether giving or withholding them is better for the ruling regime.

The Arab Spring and Paternal Governments

If we evaluate the Saudi position vis-à-vis the Arab Spring and its internal resonances, and read the situation from a local perspective, we find that demands of the Arab Spring and expectations of reform on the Saudi street have been dealt with the usual governmental paternalism that dates back to the establishment of the Saudi Arab Kingdom in 1932, and have only slightly waned due to natural societal changes--albeit controlled ones. This tribal paternalism actively supported the formation of the first coalitions around the Saudi State whose backbone was based on giving appeasing endowments.

As the Arab street boiled with the desire to reinstate the values of freedom, popular action, and national participation, the internal Saudi reaction was in line with its usual paternalism based on appeasements. The word "appeasements" (*radawat*) is used in the Saudi popular lexicon to express the actions husbands and fathers resort to in the face of soured relationships. It is an expression that gives the male (husband or father) the upper hand as the one who can bestow a gift or an honor that restores relations. This reduced the impact of the Arab Spring on Saudi Arabia to three official strands that have been neatly woven into the political fabric of the Saudi State since its establishment: reinforcing security, collaborating with the official religious institution (the Committee for Promotion of Virtue and Prevention of Vice), and raising the ceiling of social security benefits--known in official Saudi media as "royal welfare"; and popularly as "*al-sharha*" (literally: voracious). These measures are the basis for the legitimacy of the Saudi State according to Niblok, and are exemplified in maintaining the tribal nature of the State and its reliance on a conservative religious ideology that is derived from Wahhabism and the philosophy of social welfare that oil wealth allows (Niblok n.pag).

It is interesting to consider how citizens react to this shepherd/flock paradigm that hands out gifts to appease disgruntled sectors of society as they see entire populations walk out into public squares and spaces in a number of Arab capitals to unleash their spirits and demand freedom and dignity, screaming at the top of their lungs that humans cannot survive on bread alone and that safety alone cannot guarantee security (Al-Khidr n.pag). We can thus see three Saudi social movements that have followed the Arab Spring and echoed its demands:

1. Youth statements on political reform
2. Critical YouTube videos in both dramatic and comic forms
3. Student, worker, and civil servant strikes.

II. The Position of the Saudi Feminist Question within the Context of the Arab Spring

1. The Official Position

While several months of the Arab Spring failed to spark any official steps towards hoped-for political reform, Saudi society did not leave the Arab Spring carnival completely empty-handed: Nine months after the outbreak of the Arab Spring, King Abdullah bin Abdulaziz decreed that Saudi women would be permitted political participation for the first time in the history of the Saudi State. The royal decree mandated that women would be appointed to the *Shura* Council, and could sit on municipal councils by being nominated and elected. The decision could be interpreted in a variety of ways: Was it –like the 1960 Education for Girls decree (Al-Bakr) –a historical decision that would revolutionize the reality of Saudi women and result in experiences and contradictions that would serve to consolidate the status of women in society? Or was the decree just a tactical move that was neither here nor there with no impact on the status of women, let alone affecting the relationship between the government and Saudi society or the structure of the regime?

It would have been quite surprising had the decision gone further than usual in the relationship between the State and society and instilled any real changes or amendments that compared to the demands of the Arab Spring (freedom, equality, political participation, and a civil democracy in a state of law, justice, and rights) or those in the statements of political reform that Saudi youth, men, and women signed, demanding "reform, reform, and reform," to correct the balance of power between individuals as well as between the State and society.

The decision to allow women into the *Shura* Council under the name of political participation is quite in line with the conservative pragmatism that has characterized the Saudi attitude towards the Arab Spring both locally and regionally, and resembles the old schooldays trick: "pretend you're busy working if someone taps you for something." This is because the council is lacking as a mode of effective political participation, and has more of a consultative, technocratic nature than a civil political one, lacking the legitimacy of popular representation as its members are appointed. Even work on municipal councils is extremely limited in scope.

However, in spite of its limits, this decision to allow women political participation is worthy of attention because of the rarity of decisions or royal gestures regarding the status of women in general. In fact, this is a quantum leap in the area of gender, considering the regime's extreme conservatism against embracing any bold decisions that affect the balance of power between the people and the State in questions of feminism in specific and questions related to the situation of Saudi women in general. It is not objective to deny what the decision, both comparatively and on its own merits, means in terms of bridging the conservative nature of the regime and the developments of the historical moment embodied in the Arab Spring and the swift responses it necessarily entails.

If we reflect on the way in which the royal decree was enunciated in the King's speech before the *Shura* Council, we will notice that it was not delivered in the same manner as other royal decrees, embedded within a series of definitive commandments. The discourse surrounding this decree was reinforced by enlightened jurisprudence, free--for the first time--of the usual religious discourse that authorities employ. The King himself cited the consultation of the Prophet (PBUH) of Umm Salama (may Allah be pleased with her) during the time of the Treaty of Hudaibiyah. In this instance, the most important achievement of this decision is the green light it gave, opening the door to challenging the monolithic view of jurisprudence in the Kingdom. Once expanded, this discourse could potentially converge with the propositions developed by enlightened feminists around the world, joined by Muslim women who attempt to consolidate pluralistic jurisprudential research as it relates to legal and normative provisions for women, as well as opening the door to the interpretation and renewal of religious texts to end women's imposed choice between external estrangement and internal alienation. This creates room for new options that do not force Arab and Muslim women to sit on the sidelines of human civilization and the spirit of the times, or be coerced into shedding their identities and affiliation with Islamic civilization. With this understanding, regardless of how far the decision lends itself to this reading, it leaves the door ajar--if not entirely open--for Saudi women to obtain more than just seats in the *Shura* Council: a real opportunity to break out of the unilateral vision of both jurisprudence and politics.

By the same token, the decision is deficient, and its deficiencies revolve around two central points: 1 the position of women within the sociopolitical structure, i.e., her position as a citizen; and 2 the official legal position that imposes guardianship on women based on assumptions about their intrinsic deficiency as competent adult or full human beings. This may be the reason why the decision was brushed aside or not met with the usual heated attacks from the self-appointed vanguards of conservatism, counting on the lack of readiness of the interpretive and legal apparatus to put a law allowing women is political participation through the *Shura* Council into effect.

This perspective is strengthened by precedents of obstacles set before women in Saudi society, as a Saudi woman writer records:

It seems that in the midst of the joy and excitement surrounding the royal decree allowing women participation equivalent to men in the *Shura* and municipal councils, women have forgotten that there are enormous

obstacles and barriers preventing them from exercising basic mundane rights, such as the right to work and the right to an education, without a guardian's consent, for example! This is in addition to a multitude of usurped rights that make customs and dilapidated social values the source of all rulings that affect the lives of Saudi women! Perhaps the revoked ruling to whip Shaimaa Justaneyah for driving a car and the upcoming sentencing of Najla Hariri for the same offence will sober Saudi women to their bitter and tragic realities and sound the reminder bell that they still must walk an uphill thorny path to obtain the simplest of rights, such as the right to drive their own cars for example.

In spite of the importance of this decision in shattering the fossilized stereotypical image of women and dismantling the cultural frameworks that reinforce the inferiority of women and their low position in Islam, the decision will not bear cultural fruit without serious efforts to renew religious cultural discourse, as well as the educational and media discourse on women, and working to dismantle the cultural structures that are devoted to demeaning women at all levels (Zahid n.pag).

The point is: This decision that implicitly recognizes the right of women to-- limited-- political participation may be difficult to implement if there remains a refusal to admit women's full citizenship and their uncompromised eligibility, as well as sustained efforts, to keep them under patriarchal guardianship, both within the family and society, as well as at the level of the State. Implementation becomes harder still if the urgent Saudi need to confront and dismantle the complex factors leading to social tensions regarding the feminist question continues to be ignored, and the invitation to renewal and interpretation of jurist legislation regarding the feminist question in a contemporary context continually postponed.

2. Women and Mobility following the Arab Spring

Against this background, we can see the importance of women's mobility following the Arab Spring, in their daring to select June 17, 2012 as a day to drive on the streets again (after trying to do so previously on November 6, 1990 in Riyadh). Although the mobilization was not uniform across the kingdom, it was initiated on the same day in several major cities, such as Jeddah in the Western Province, Al-Khubar in the Eastern Province, and Riyadh in the Central Province. The movement was not deterred by the experience of suspending citizen Manal al Sharif for several days for driving her car. This movement remained symbolic in momentum and results, but served as a constant reminder of the demand for "freedom of movement and mobility" that would allow women to rely on themselves not on a man--relative or chauffeur-- and as confirmation that this demand would not wane as time went by.

The second movement was spun of the same yarn as the previous one, even though its demands were different. It manifested itself in the numerous all-women protests, such as those by women experiencing long-term unemployment. And, in spite of the spontaneity of these protests, they were not haphazard, emerging on various dates in several cities in the Kingdom: Tabuk, Jeddah, and Riyadh, with protests in front of the Ministry of Education and its administrative branches.

There were protests by female teachers calling for the eradication of illiteracy in front of the Ministry of Education in Tabuk, protests by mothers of political prisoners in front of the Ministry of the Interior in the capital, and strikes by female students at the King Khalid University in Abha, south of the Kingdom. It was not by guesswork but through close monitoring of the social situation that I concluded that these women protests were influenced by the climate of the Arab Spring. Like the decision to take to the streets and drive, these were movements organized using the same social networking platforms the youth of the Arab Spring utilized. When analyzing these movements, it is important not to overestimate the size of these spontaneous movements or regard them as a “developed and organized Saudi women’s movement,” but also not to underestimate their importance in expressing Saudi women’s issues using their own voices.

Another manifestation of the Saudi feminist movement is the escalation and expansion of electronic campaigns spearheaded by Saudi women with national demands as well, as calls for women’s rights. There are over twenty electronic campaigns on independent websites and social networking platforms, particularly Facebook and Twitter. Some of the campaigns that started with the Arab Spring are: “My Right to Dignity,” advocating women’s right to driving; “Baladi Campaign,” to raise awareness of the importance of women’s political participation and push for the adoption, expansion, and codification of civil and political rights for women as well as men; and the “Saudi Women Rights Activists” campaign, that is characterized by a comprehensive intricate proposal stating its vision, goals, and demands with a clear commitment to working within a Saudi national framework with an Islamic frame of reference, but explicitly distancing itself from the tribal, provincial, and lineal frameworks, as well as the single jurist interpretation, that legitimize the diminution of women and their rights.

3. Changes in the Demands for National Reform and Critical Approaches to the Feminist Question

There is a notable emergence of explicitly critical writings that combine demands for national reform with those of women’s rights. Let us examine, for example, the two following quotations by two women writers:

The entry of women into the *Shura* and municipal councils has been presented as promoting women's political participation, but the fact is: There is no real political involvement in these councils for men or women for that matter. The absence of powers and democratic elections required to work on these councils makes women participation purely cosmetic. We remain confined to the same recurring scenario: Newspapers and government journalists celebrate the decision, the West--detecting a hint of reform--rushes to hail it, and the situation of women remains the same because of their lack of basic human rights in the community. They are marginalized through tradeoffs with the government’s extremist *Salafi* partners (the ultra-conservative), and political participation and decision-making on advisory councils remain unchanged (Al-Ibrahim n. pag.).

In the Ninth Development Plan (2010-2014) approved by the Saudi government, in chapter XVIII that discusses youth and development, there

is a gaping absence of any policies enabling Saudi youth to engage in political action. Likewise, in chapter XIX on women and the family, political participation and civil rights for women are marginalized (Sulais n. pag.).

What is worthy of attention and interest in the first quote is that it engages with a feminist question that is rarely addressed by male journalists, even those involved in national affairs. It is particularly never discussed with this level of detail that not only considers political participation a male concern, but pinpoints a key dimension of the feminist question in Saudi society: the human rights dimension as it confronts extremist discourse.

What is also remarkable about the quote is the feminist prologue to a national question: There are no democratic mechanisms that organize work in the *Shura* council, and the writer does not shy away from direct criticism or use veiled metaphors to tackle this problematic. There is a marked change in the tone with which reform in national and women affairs is demanded following the Arab Spring. This creates small fronts for resisting all behaviors that detract from the dignity of citizens, including the sugar-coated conciliatory language some writers have had to resort to in order to pass on small requests to administrators or decision-makers.

Many writings who present demands and criticisms have begun to formulate an objective language that foresees the future and warns of danger when reforms come too little or too late.

The second quote is also critical in content and transparent in language. It does not hide its objections or the issues of youths' self-explorations and the search for the feminine and their requirements in the development plans, such as its position on the Ninth Development Plan. This embodies a shift in position from previous developmental proposals for women that only served to reinforce traditional roles and preserve a culture that detracted from her abilities and status. There has never been an audit or a review of development plans and their "care"-style development in the paternal sense of the word. It is unclear whether this decision was made with real consent or begrudgingly in accordance with the absolute hegemony of this traditional State that considers those it gives oil money to parishioners rather than citizens in the political and civil senses of the word, believing that this does not create any obligation on the part of those in power to encourage participation in national decisions as an avenue for development.

Eman al-Quwaify's analysis of the relationship of the Saudi State to the feminist question finds that revolutions on the Arab street -both online and on the ground- are a guiding light that has sparked changes. It is a critical historical moment for transformation, not only in the countries where it sprang, but in the entire Arab region, and naturally Saudi Arabia. It became a moment for restructuring reform proposals, and guiding public opinion away from accepting the status quo and toward exploring options previously too difficult to dream of. Instead of half-hearted conciliatory gestures, groups sought to reform the systems themselves according to the spirit of the times. Al-Quwaify critically analyzes this sensitive connection between politics and feminism:

At this stage in Arab reform, with its focus on the reform of political regimes, it is necessary for Saudi feminism to re-evaluate its options and aspirations; either to open up to the demands of reform and inject their great energy and momentum into it, or to continue to link its fate with patriarchal politics, its nominal rewards, and unknown fate. This is an alliance that will deprive them of the opportunity to orient their political reform agenda in a timely and forceful manner in favor of women, leaving them relatively behind, once reform finally rolls around (al-Guwaifly n. pag.).

While al-Quwaifly proposes some feminist options, what is important to illuminate in this context is the spirit of criticism that the Arab Spring has breathed into the content, language, and demands for political, social, or feminist reform.

The Symbolic Presence of Saudi Feminism

While pioneering feminism in Saudi Arabia is only an emblematic feminist movement, it has engaged in debating the question of feminism in a much greater and more transparent and visionary manner than ever before. It has also pushed towards resolving situations that correlated the political and the feminist in Saudi women's realities and their most pressing dilemmas. However, the irony is that this debate had not intensified enough to split feminist identities into their historical radical and liberal strands until the King's decree to allow women to enter the *Shura* and municipal councils. The debates around the decree far surpassed the discussion of the decision itself.

Before we move to how this might constitute a turning point in the history of Saudi feminism, it is important to explain that many of the sociological terms used here to describe the various strands of feminism in Saudi Arabia such as "radical" and "liberal" are purely metaphorical. A great expansion of terms is involved when trying to find words to suit this near-feminist movement that has only produced "preliminary" forms of feminism insofar as it is a civil and knowledge-based movement in Saudi Arabia.

Therefore, what better describes the activities on the ground is: "virtual experimental feminism," so to speak, for it does not move within an organized framework, nor does it exist within an objectively defined entity. It is also neither representative nor authorized enough to set up organizing principles for collective work, and lacks direction in civil work as well as a relative consensus of vision, goals, or mechanisms for action, which is both a cause and a result of blocking the legality of the movement in civil spaces, on the one hand, and casting doubts on the legitimacy of its knowledge on the other. These factors have all succeeded in limiting the scale of women's struggles and turning them into a hybrid "virtual experimental feminism."

It is striking that this legal gap that did not allow a legitimate Saudi feminist project to exist failed to prevent the growth of a feminist spirit across the sprawling provinces. The movement manifested itself as a struggling spirit that can illuminate from afar. It was characterized by varying degrees of clarity of vision and ability to work towards general goals of gender equality, political participation, and access to women's human rights.

The truth is that there is no compelling evidence that these beginnings have managed to forcefully extract a civil identity for Saudi feminism, apart from the appearance of a few actions, stated positions, and writings. Within the context of the Arab Spring, the most important of these were expressed as multifaceted criticisms that addressed King Abdullah's decision regarding women's political participation. These were, firstly, critical of the "feminine-self" trend; secondly, they took a critical position on the performance of feminists; and, thirdly, they adopted a generally critical national stance. They also did not attempt to critique extreme hardliners as many feminist proposals tend to do, and, while they did not attempt to curry favor with the State as usual, they also did not deliberately mock the State but maintained an objective critical stance vis-à-vis the self and its surroundings.

Feminist Critical Positions: A Sample

1. A Roadmap for Women's Political Participation

In December 2011, less than two months after the royal decree, the students of the Social Studies Department at King Saud University held a two-day seminar and presented several working papers about women entering the *Shura* and municipal councils. Recommendations were made during the symposium by those sincerely engaged in feminist dialogue, such as interested groups, academics, university students, women participants representing charities and the press, as well as a group of opinion-editorialists. The key recommendations can be summarized as follows:

- The decision needs several other decisions to support it, some relating to the realities of women; others to those of society.
- The importance of women regaining custody of themselves so that they would not need to seek the permission of a man to respond to the call of duty in the National *Shura* or municipal councils.
- The importance of the right of movement to self-reliance.
- Developing and initiating a national plan to address the various widespread forms of intolerance based on sectarian, tribal, and gender identities.
- Correcting cultural views cementing the inferiority of women as human beings.
- The importance of religious and political tolerance in allowing jurisprudential pluralism in decisions relating to women's personal, family, and public rights.
- The importance of social awareness to make women, as well as men, useful allies for women's issues.

2. Reform in the National and Feminist Spheres

Research shows that the King's decision regarding women's political participation was addressed at two levels: firstly, how the decision would be executed and the

basics of the decision and secondly, its political frame of reference. While those concerned with the first aspect restricted themselves to making proposals that avoided dealing with the decision's shortcomings and internal contradictions, those who emphasized the second aspect expressed their desperation of the existing political system's ability to make a radical change and break away from the paternal relationship towards women, directing their critique at Saudi feminism itself.

The critique suggested that, through its elitism, Saudi feminism contributed to maintaining State patriarchy at the expense of demands by the broader sector of women for reasons such as the lack of stamina characteristic of elitist movements, or seeking shelter from the flames of radical extremism by resorting to the State. Feminists' acceptance of State concessions regardless of motives creates obstacles in the political and feminist spheres. Politically, it delays reform proposals, distracting and dividing pressure blocs by getting them stuck on debates concerning national reform, allowing politicians to contain the discourse, and turning feminists from being a critical mass to a malleable energetic force. On the feminist front, it fosters a false sense of accomplishment that blinds them to the need to form alliances necessary to push for reform in both spheres. It also creates a divide between the demands of the elite and those of the broader sector of women. It creates a generational and positional divide within feminist movements themselves between those in favor of a feminist vision that is in line with political progress and those content with the minimal rewards bequeathed upon them in return for an ongoing struggle by women who criticized the grounds on which political and feminist realities stood during decades of great deprivation.

3. Criticism of the Dominant Jurisprudential Approach to Feminism (*fiqh*):

The "Islamic Awakening," in all its varieties as well as its official State version that sets, legitimizes, and institutionalizes ultra-conservative analyses of affairs, has had the lion's share of setting the jurisprudential position on all discourse relating to feminist affairs in Saudi society (Al Khidr 320).

While very little of this debate finds its way to the public because of religious and political restrictions, research reveals that conservative jurisprudential doctrines and the rise of religious politics in the wake of the Arab Spring in places like Tunisia and Egypt make it likely that feminism is dealt severe blows in these countries. The general climate of dissent, however, is opening a window for dialogue and more daring, and relatively more public, critical and jurisprudential questions both in Saudi society and Saudi feminist circles.

There are several examples of positions that are critical of the hard-line jurist discourse towards women. Amal Al-Farran directly criticizes a number of the foundations for hard-line jurisprudential positions, challenging their infallibility and charging them with detracting from the religious value of the Other that is not aligned with their strict vision. This is in addition to their arrogance in refusing to accept opposing and dissenting opinions, their steadfast refusal to acknowledge the transformations of time and place or human development.

Al-Farran takes a particularly critical position on strict and restrictive views of women, which also produce readymade accusations of “Westernization” for instance.

Here is part of what she writes in this regard:

One of the biggest problems contributing to hard-line discourse is women themselves. For example, a book like Sayd Al-Khatir [translated as *Softening of the Hearts* by Ibn Al-Jawzi] that portrays women in the worst possible light is thrust into the hands of promising youths by those who revere this discourse.

The real dilemma of this current is how it deals with women, for it is a primarily masculine discourse, one that realizes that granting women their rights empowers men and society as well, and therefore seeks to actively exclude women as well as any man who demands her rights on her behalf (23).

Another critical work by Ahmed Aljunaidel, a study of some of the factors affecting the rights of divorced and abandoned women as well as those with absentee husbands, articulates the problematic of Saudi women in appealing to courts. What distinguished this critical work from others is that it goes beyond the usual approach of suggesting procedural adjustments to courts, such as seeking female consultancy to the heart of the matter, investigating the roots of jurisprudential rulings that may be behind this system that rebuffs-- at the very least, fails to welcome-- women as plaintiffs in Saudi courts.

Ahmed Aljunaidel has called for the revision of women’s positions in Saudi-endorsed jurist sources, for legal and judicial education. These are the source not only of judicial views on women’s affairs but of judicial views on women as individuals and members of society. His critical position refrained from hiding behind the idea that there exists a definitive jurist position, advocating a frame of reference informed by rational arguments concerning the impact of jurist discourse on the visible crisis between women and the judiciary. In spite of the importance of the details in his work, let it suffice to highlight some conclusions that of his criticism about women’s rights in Saudi Arabia, not just in the legal sphere but in most areas of life--from stripping her of her guardianship of herself and placing it in the hands of a *mahram*, i.e. a male chaperone (a father, husband, brother, or son) to her education, work, decisions, movement, and all that relates to personal status from custody to alimony, divorce, and inheritance. Some of the most important conclusions are:

- Judges’ consistent consumption of these hard-line jurist texts has bred such acrimony towards women that they have been unable to escape the judicial paradigm that gives men preferential rights over them.
- We are before a jurist tradition that wants to discriminate between what God has made equal: “And women shall have rights similar to the rights against them, according to what is equitable” (2:228). For everything a man is entitled to a woman is entitled too as well according to this verse, but the jurist institution was not happy with this equality and insinuated details and reasoning that perpetuated male domination, and highlighted men’s rights while turning a blind eye to women’s rights.

- "When we talk about the judiciary and its rulings which do not give women their rights, we must not forget that we are speaking of an extension of an extreme jurist institution. This is an institution that has chosen in principle to perpetuate male domination and contribute to the limitations imposed upon women and their rights. Needless to say, this has nothing to do with Islam but is simply the result of incorrect interpretations that Islam is blameless for. Let us remember that society oppressing women is one thing, the judiciary--and more dangerously, laws--doing the same is another" (Aljunaidel n. pag.).

4. Criticism Regarding the Absence of Legal References on Feminist Issues

Codification has always been one of the demands put forward for reform by national parties as an expression of their aspirations for a Saudi shift towards a system based on the supremacy of justice, law, and political participation. The demands of feminists in this respect are no less urgent than any other, on account of complete absence of a legal organization or written legislation that women can resort to, since personal status codes do not exist to date. Here, one should stress the importance of acknowledging women's right to carry personal national identification cards. These were only instated at the turn of the century, and parts of the service sector are still reluctant to accept independent identification cards for women, insisting instead that women be with a guardian or sanctioned by a *mahram*. The amount of damage that can befall a woman because of the absence of a legal organization that acknowledges her citizenship and humanity and outlines her rights and responsibilities within the family thus becomes painfully apparent.

There is, therefore, a noticeable and renewed intensification of old demands regarding women's rights as a result of the Arab Spring. These demands occur at three levels. The first demands equality with men in the organization of citizenship rights stipulated by Basic Law which organizes work, traffic, education, and health systems, as well as other official sectors. This demand encompasses the need to work within the systems of international legislation organizations that acknowledge the United Nations' international document on equality of rights and non-discrimination against women signed by the Kingdom.

Fawzia Al-Bakr draws a bitter picture of the weaknesses of codified laws that protect women's rights and the gaping gender inequality in financial and social affairs in an article tinged with playful bittersweet humor titled "You Are a Woman ... No Loan, No Land!":

There must be many men in Saudi Arabia who prostrate daily before God in gratitude that they were created independent males with civil and legal rights, and that they are permitted to manage their own affairs. This is in spite of the fact that some have limited knowledge and brains, mental afflictions, serious personality flaws, and cannot tell the difference between an alif [first letter of the Arabic alphabet and a telephone post.

What matters is that they are legally empowered to manage and express themselves, and if they are bestowed the gift of social intelligence on top of this, they may even be able to fully utilize the opportunities life presents,

no matter how limited they are, without being hindered by their gender. Had they been educated adult women of sound mind, with jobs, good incomes, and the run of their households and children, they would not have legal or official control over their affairs even if they were members of the Shura Council or the president of a university (Al-Bakr n. pag.).

The second level is focused on feminist efforts to issue a human rights personal status code like the Moroccan Code. This is to be formulated in light of the reality of contemporary Saudi society and both the existing and hoped-for position of women therein. One of the requirements of this desired code is that it be written in light of a pluralistic, open-minded jurisprudence and that it does not give the upper hand to strict jurist readings. And even though the call to work on a legal document that demands specific family courts and personal status legislation initially emanated from editorialists and women writers in the 1990s, the demands became loudest and the campaigns most intense at the height of the Arab Spring. An example of this is Hala Al-Dosari's petition to authorities in the Ministry of Justice through a lecture about personal status codes and women's laws in the Arab World: "Establishing family courts and starting a reasonably timed plan to issue a Saudi personal and family status code that is regularly reviewed with the participation of Saudi women with backgrounds in political, social, and civil work" (qtd. in Altorki 17).

The third level is that of national partnership between women and men. This makes the demands for codification and the speedy development of legislation within a legal system that is consistent with the spirit of the times essential reform requirements in the social, political, and feminist spheres. It is illusory to think that one component can be reformed without reforming the entire system that holds these components together. Quite a few Saudi feminist activists and opinion writers have emphasized this reform paradigm in various ways. Writer and activist Hatoon al-Fassi has written that the rights of women to political participation are intertwined with civil rights and responsibilities in nation-building, particularly in the context of the freedoms the Arab Spring has created:

A year of political and social transformations, a year of freedom and equality, the year of the Arab Spring that Saudi women were given a taste of with the decisions to allow female political participation. It is worth remembering that Saudi women are neither trivial nor weak, nor are they meek and silent; they are women who know their rights and their Lord and are aware of their responsibilities as community-builders and are therefore entitled to a status on par with their male brothers with whom they are building this great edifice, as they were both created to do (al-Fassi n. pag.).

A group known as "Saudi Women's Revolution" that was set up in February 2011 on Twitter and Facebook makes similar demands to work towards developing a codified legal framework that works both in the feminist and public spheres. I end with a list of demands from their public statement without the details that outline the practical groundwork involved in every item:

- I. The right of women to manage their lives and the lives of their children and to have their identities recognized and be considered completely competent to manage their own affairs.
- II. The right to State care and assurance to the protection of their rights.
- III. The right to free movement.
- IV. The right to protection.
- V. Participation in the management of public affairs.
- VI. Amending laws and regulations in Saudi Arabia that have enshrined discrimination against women.

Final Recommendations for the Saudi Feminist Cause

- The need for more accuracy in getting to know the feminist self: Who is she? How diverse is she in quality and quantity? What are her contradictory and consistent strengths? What are the various threads in her social fabric and referential frameworks? What are issues that concern her: strengths, priorities, mechanisms, and goals? What is the extent of these goals?

To understand the feminist self, it is important to know the objective reality that encompasses this self and uncover its latent and marginalized potentials and determine the obvious possibilities that come from a woman's nature and her relationship with stability/change. Understanding is also contingent upon knowing what various alliances can offer in the short and long terms.

- The need for self reflection in order to recognize that the Saudi feminist movement suffers from is a result of the fragmentation and confusion of discourses, as well as adopting contradictory readymade discourses from the extreme right to the extreme left.

Saudi feminism has not yet formulated a developed coherent and independent vision, nor does it work for subjective and objective reasons (it is not sufficient to hide behind the objective) within a progressive liberal framework that is compatible with contemporary schools of thought and theory. It also does not emanate from an enlightened Islamic vision that absorbs plural jurisprudential and legal frameworks and their interpretive energies and which is inspired by contemporary cultural achievements. It is necessary that Saudi feminism develop a clear vision, whatever that vision may be, as well as strong knowledge and reference base, so that it is not to seek refuge in clichéd outbursts and improvised positions that are governed by the temporal circumstances of political, social, or religious conflict.

- Working to further develop and consolidate feminist criticism from within at the levels of language, thought, presentation, and overall feminist performance. It is important that no developmental stages in this evolution are omitted and that transformations are allowed to mature. That is not to say that Saudi feminists must reinvent the wheel, for there is a great deal of accumulated knowledge in the feminist sphere, both in the Arab/Islamic world and globally, that can be

built upon; for it is unacceptable that feminist issues continue to be proposed in imitative formats that lack precision. Traditional slogans from the Hoda Shaarawi phase of feminism are resurfacing, and it is peculiar to read—at the start of the third millennium—crude and prosaic denunciations of the self and society that are much like “Diary of an Indifferent Woman” from the 1970s.

Conclusion: The Arab Spring in Saudi Eyes; Saudi Feminism Between Containment and Longing for Freedom

After my research on the official Saudi position vis-à-vis the demands of the Arab Spring in general and its connection to the feminist question in specific, I find the answer to be multidimensional. The nuances in positions make a definitive answer impossible. It is in fact possible for the answer and its complete opposite to be equally true, for the determining factors are numerous and enmeshed in a complex network of subjective and objective factors that are engaged in a dialectical debate.

In light of this ambivalence, I have presented two qualitatively different approaches to looking at the manifestations of the question in Saudi feminist political reality. One position sees that in response to the demands of the Arab Spring, Saudi Arabia merely undertook nominal pacifying measures that do little beyond improve the finances of individuals in society, and that the State has made only cosmetic reforms that are limited to airbrushing the outer shell of Saudi society, capitalizing on the publicity generated by its so-called feminist reforms. Proponents of this opinion believe that these policies give Saudi Arabia two guarantees against the Spring’s breeze. On the one hand, they soften the rigidity of the barrier that separates the worlds of women and men in Saudi Arabia in the eyes of Western media in particular, all the while applying only cosmetic touches that do not affect the complexities of the feminist question. At the same time, these small concessions maintain the distance between the State and society without addressing any of the grievances of the Arab Spring, such as the necessity of transitioning from exclusive governance to political participation based on justice and equality (see Al-Rasheed and Mubarak). Narrowing the response to the Arab Spring in this manner has perplexed women with regard to their options and confused essential civil and legal demands with fragile political ones (al-Guwaifly n. pag.).

On the other hand, there is another opinion that finds it difficult for the Saudi State and Saudi society to remain oblivious to the demands of the Arab Spring. As such, the achievements of the latter’s goals are not to be measured by State conciliatory endowments, or how seriously the demands for reform were taken, or why it broke its traditional conservatism to issue a thorny decree affecting women. It should be measured by the momentum it triggered in various social groups, particularly national forces with the energy and motivation required to pursue reform such as women and youth groups. In this sense, it can be said that the Arab Spring, particularly in its first year, has been inspiring to Saudi Arabia and men and women in the Arab region. This is the full half of the cup; the empty half is the nagging question about the hoped-for Arab Spring: Is there still an Arab Spring? By whom, for whom, and to what extent does it deal with national questions in general and women’s questions in particular?

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POTENTIALS AND PITFALLS: HOW ISLAMIC WOMEN'S ACTIVISM MEETS ARAB WOMEN'S NEEDS

Julie Pruzan-Jørgensen

Introduction

How does Islamic women's activism meet the needs of women in the Arab world? More specifically, what are the potentials of this kind of women's activism in terms of enhancing Arab women's empowerment and of pushing for reforms of existing patriarchal practices in the region?

The purpose of this chapter is not to provide an exhaustive or detailed answer to these broad questions, but rather to provide an overview of this indeed dynamic and diversified phenomenon and some of its main potentials and pitfalls. Based mainly on insights from Egypt, Jordan, and Morocco, the chapter has three specific purposes: firstly, to provide a broad introduction to the evolving and multifaceted phenomenon of Islamic women's activism in the Arab world; secondly, to highlight some of its most important potentials in terms of meeting Arab women's needs; and thirdly, to underscore some of the most important risks and challenges of this activism, such as the exclusion of other voices and approaches. The chapter ends with a short conclusion which briefly considers how these risks are avoided in order for the many potentials of Islamic women's activism to flourish and contribute to Arab women's empowerment and the reform of patriarchal practices.

Definitions

By "Islamic" women's activism, I refer to a broad span of activities by local actors (both male and female) who explicitly base their activities on a religious (here Islamic) frame of reference. I call this activism "Islamic" (and not "Muslim") to emphasize my focus on actors who explicitly rely on, use, and refer to Islam in their activities. While these Islamic women activists all refer to Islam, it must be stressed that they do so based on very different interpretations of the holy text –the Qur'an-, the Prophetic Tradition –*the Hadith*- and the laws derived from them. In their approach, they are also guided and influenced by their specific social, cultural, and gendered positions in society as will be explained in more detail below.

With regard to "women's activism," I apply a broad and open understanding of activities which in various ways aim at empowering women, or which contribute to a wide array of social, cultural, or legal reforms, hence challenging existing patriarchal practices. By "empowerment," I specifically refer to changes which enhance women's participation, agency, and authority in various situations and sectors of society.

I deliberately do not refer to this activism as "Islamic feminism" (see Abou-Bakr

1-4; Badran, “Islamic Feminism”; Mir-Hosseini 1-5;). The notion of Islamic feminism remains controversial, as it has, among other things, been criticized of representing a forced imposition of an individualistic and secular Western ideology on Islamic women’s activists (See, for instance, Latte-Abdallah 13-32). Yet, much of this criticism can be refuted; notably, feminism as such is not a “Western” or an “anti-Islamic” term (see Ezzat, “On the Future”).

In fact, whereas Islamic and liberal/secular feminisms represent different historical currents in the Arab world (Ahmed), it is not appropriate to perceive them as clearly distinct and mutually exclusive. Margot Badran, for instance, has demonstrated in her work on Egypt how previous presentations of “feminism” as inherently “alien” (as allegedly Western and a-religious) is too simplistic, as several feminist movements in fact occurred at the same time in Egypt as in England and were furthermore created by Muslim women. Rather, “secular” and “religious” feminisms have co-existed, undergone dynamic changes, and continue to communicate with and reinforce each other (Badran, *Feminism in Islam*). Nevertheless, and while recognizing the need to distinguish between the concepts used by actors and by analysts, I do not feel comfortable employing the term “Islamic feminism,” as it has in many instances spurred strongly negative reactions among my interviewees.

By “Islamic women’s activism,” I therefore refer a type of activism that is explicitly based on an Islamic frame of reference, and which, in various ways, contributes to the empowering of Muslim women either by enhancing their participation, agency, or authority or by effecting diverse social, cultural, and legal reforms which challenge patriarchal practices.

Sources and limitations

The chapter is based on my recent study of Islamic women’s activism in the Arab world (see Pruzan-Jørgensen, *Islamic Women’s Activism*) which was based on a challenging but also deeply rewarding personal journey; as I, over two years, had the immense privilege to conduct more than 50 formal interviews with devout Muslim men and (mostly) women in Egypt, Jordan, and Morocco who in various ways work to promote women’s lives in their societies based on a religious approach. Among my interviewees were scholars and scholar activists, welfare and charity workers, lay preachers and religious guides, politicians and state officials. They came from very different organizational and ideological backgrounds, although the majority belonged to the educated urban middle class elites of the three countries.

This material does not provide exhaustive or conclusive insights into the multiple and complex current expressions of Islamic women’s activism in the three case countries, let alone the entire Arab world with all its social, cultural, and political differences. Rather, I more modestly hope to provide a preliminary analysis of some of the overall characteristics of this broad and complex phenomenon and the various ways in which it addresses Arab women’s needs.

Additionally, between the field visits and the writing of this chapter, the region has seen, and is still undergoing, tremendous political changes as popular uprisings re-politicized society across the region and have ousted several long-time authoritarian

rulers. While not all of these dynamics are directly related to Islamic women's activism, they nevertheless contribute considerably to changing the overall contexts in which this activism takes place. Unfortunately, at the time of writing, it is still too early to assess the impact of these dramatic and ongoing changes on women's overall situation and more specifically on the efforts of Islamic or liberal/secular activists working in these societies on women's issues. Nevertheless, it seems safe to assert that understanding Islamic women's activism gains importance in a context where political Islam in its various forms is on the rise across the region.

Who Are the “Islamic Women Activists”?

As noted above, Islamic women's activism involves a broad and heterogeneous span of activities, which in various ways aims at empowering women and pushing for reforms of patriarchal practices based on an Islamic frame of reference. Yet, Islamic women's activists vary considerably according to their ideology, focus and audiences, geographical scope, or the concrete activities with which they engage—to mention but a few of the many lines that distinguish them.

For instance, Islamic women activists include activists from many different professions and organizational settings, among them scholars, social welfare and charity activists, religious activists and political activists. With regard to their focus, it ranges from the most intimate and personal issues belonging to the private sphere to global challenges which present specific obstacles for Arab and Muslim women. Accordingly, they also vary considerably with regard to their geographical scope and focus from small, local study groups to transnational policy-making and lobbying organizations, aiming to set a global agenda.

Islamic women's activists also disagree substantially on the issues to be addressed as they do not all share the same understanding of what Arab women want and need—nor of what constitutes the main barriers and challenges to these needs. For instance, whereas some Islamic women's activists do recognize the relevance and need to specifically address women's problems, others (especially activists working in Islamist organizations) refute the notion that women in their societies suffer from specific problems which must be addressed separately and which require special attention. Rather, they insist that the main problems women face are general and experienced by both men and women alike, such as poverty, ignorance, or injustice. According to this view, these commonly shared challenges may gain a gendered aspect (a frustrated oppressed husband may take out his anger on his wife), but the right way to address them are to focus on the general root causes, constituted by general economic, political, and social problems.

Another divisive issue and dilemma concerns whether or not to collaborate with, accept, or outright oppose the authoritarian states. This disagreement is often linked to the former in as much as activists who prioritize women's specific issues are generally more inclined to collaborate with the state apparatus to push their claims, whereas those who focus on deeper political root causes tend to be more skeptical with regard to state collaboration in so far as the states they face are authoritarian in nature.

The most important dividing line among various Islamic women's activists concerns their interpretive approaches to the holy text, specifically with regard to whether it is to be literal or historically and socially contextualized. For instance, this concerns their approach to gender relations. Islamic women's activists can be perceived on a continuum ranging from those who see gender relations as socially constructed and who promote gender equality to those who perceive of gender as completely biologically determined and therefore only promote complementarity between men and women. Many so-called "Islamic feminists" would be at the former end of the continuum, whereas adherents of conservative *Salafi* and Islamist ideas would be at the latter end.

Common Guiding Ideas

Yet, beyond these and other differences, Islamic women's activists do have a number of key guiding ideas and aspirations in common. Most importantly, they agree on the central idea that Islam does not constitute a problem for women. Rather, Islam provides women with rights and privileges. Accordingly, the overall objective for them is to disseminate knowledge of these rights—and to ensure that they are respected and implemented in practice. In other words, the root cause of women's suffering is not Islam, but ignorance and wrong interpretations of the latter. Thus, for Islamic women's activists, the challenge is not to free women from Islam, but to give them the rights and privileges which it confers upon them.

Among the rights bestowed on women that many interviewees highlight is a woman's right to protection by her father or husband. A woman is also free to use what she inherits and gains as she likes and is not obliged to spend it on her family. Furthermore, most interviewees also agree that a woman has the right to have an active social role. In fact, many have emphasized that Islam is what motivates them to partake actively in society. Yet this participation must take place within a religiously appropriate framework. In this regard, many interviewees point to the Islamic headscarf (*hijab*) as a practice that protects and allows women to partake and contribute in public life in a safe and respectful manner.

Many interviewees also highlight the fact that the rights Islam bestows on women are equal but not similar to the rights given to men. Rather than seeing men and women as equal and similar, Islam sees men and women as complementary, as having different roles, possibilities, and obligations. For instance, the husband supports his family and the wife has the main responsibility of bringing up their children. This complementarity is reflected in the complex inheritance laws. Accordingly, rather than "equality," most (but not all) activists strive towards equity. Many interviewees also highlight rights and obligations as complementary. Islam does not only bestow rights on women, but also presents women with a number of obligations: religious obligations, obligations to take care of their families, and (if they have the necessary energy) also obligations to participate in and contribute to society.

As mentioned above, most Islamic women's activists also share the idea that while Islam bestows clear rights on women, it remains a great problem that these rights are not implemented in practice. Most interviewees point to ignorance and "wrong"

interpretations (also among many leading religious scholars, *‘ulama*) as the root cause of this problem. As a consequence, many of them strive in various ways, and through their different activities, to counter ignorance and conservative practices in order to guarantee Muslim women the rights, privileges, and protection they are entitled to.

As an example, several interviewees point to the controversial issue of inheritance. According to the Qur'an, women descendants only inherit from their parents half that of their male brothers. This is often taken as a token of Islam being patriarchal and oppressive of women. However, according to these interviewees, this interpretation is wrong, as Qur'anic prescriptions do in fact privilege the woman. Whereas the male descendant is obliged to take care of his spouse and children (as well as female relatives in need; for instance, elderly widows), the female descendant is free to do with her share what she wants, as she is not obliged to provide for her family, nor is she obliged to work outside the house if she does not want to. In practice, however, men do not always respect these Qur'anic prescriptions. Thus, sometimes women are forced to contribute from their own wealth to the household, and sometimes men do not honor their financial obligations towards their wives and family members. Yet, according to the interpretation of these interviewees, these problems do not stem from Islam, which protects women, rather, they stem from lack of knowledge and "wrong" (patriarchal) interpretations and practices.

Another common idea shared by many Islamic women's activists is that issues related to women's situation must be based on locally acceptable solutions. For some, this can be done while still also referring to, for instance, the UN Convention on the Elimination of all forms of Discrimination Against Women (the CEDAW), whereas others (mainly those adhering to the Islamist movement) strongly disagree with the "imposition" of the universality of such "Western" concepts as "gender," "equality," and "feminism," which are seen as foreign ideas that threaten Arab cultural identity and social norms. For instance, many Islamist informants criticize the concept of "gender" for disregarding the differences and the complementarity between men and women, and some go as far as seeing this as a means of legitimizing or even imposing homosexuality.

Many Islamic women's activists also contrast the rights bestowed on women by Islam with Western views and practices, which are portrayed as detrimental to women, to their families, and to religion. This criticism is linked to a clear opposition to a blind importation of Western "templates." Some (but again not all) specifically level this criticism against the CEDAW. In fact, the CEDAW in particular seems to have become a main arena of controversy. Many interviewees refer to it as an example of something problematic or controversial. Similar to other controversial concepts such as gender and feminism, the CEDAW seems to have gained a discursive life of its own as the symbol of a Western, individualistic approach which seeks sameness between men and women and thus encourages gender conflict or struggle. This is contrasted with the Islamic view within which the family and not the individual is identified as the primary entity to be protected and where complementarity rather than sameness is seen as the aim.

Interviewees also argue against preponderant negative stereotypes of Islam in the West and refute the “universality” of women’s secular rights. They see these as representations of a particular aggressive Western point of view which contradicts and challenges Islam. While some concede that the West may not always be wrong in pointing to Arab women as having special problems, it is wrong to assume that these problems are related to, or based on, Islam. Accordingly, most interviewees also express a deep resentment towards any Western agendas imposed, and specifically when it comes to women’s role and status in society. Furthermore, many Islamic women’s activists also react against liberal/secular women’s activists, be they international or local. They criticize them for applying a monopolizing, neo-imperialist, and condescending discourse and approach.

“Feminizing” Islam

In the following sections, I highlight some of the wide potentials of Islamic women’s activism with regard to empowering Arab women and by pushing for reforms of patriarchal cultural, social, and legal practices. The first of these concerns the potentials of Islamic women’s activism with regard to reform and “feminization” of Islam. It produces new religious scholarship and interpretations of the Qur’an, the *hadith* (Reports about the Prophet Muhammad), and the *fiqh* (Islamic jurisprudence) through applying classic Islamic interpretative methodologies, *ijtihad* (Independent reasoning or judgment), and *tafsir* (Qur’anic exegesis), as well as various other interpretative tools. It also insists on distinguishing between man-made ideas and constructions in jurisprudence, which is influenced by the historical and cultural context of the interpreters, on one hand, and the universal and timeless divine path of *Shari’a* (Religious law), which was revealed by God to the Prophet Muhammed, on the other. This distinction is, among other things, used to deconstruct interpretations of verses that have traditionally been used to legitimate male dominance. Another aspect of this new gender-sensitive Islamic scholarship is that it rereads sacred texts in a manner which emphasizes the overarching principle of equality among male and female believers, rather than the few specific verses which stress gender difference and inequality, and which have traditionally been used to justify an imbalanced relationship. Yet another central component of this emerging body of gender-sensitive analysis is an emphasis on the public roles of central female figures in Islamic history, such as the female companions of the Prophet.

Among the many potentials of this emerging body of gender-sensitive Islamic scholarship is that it paves the way for an enhancement of women’s interpretive authority within the religious sphere, such as the right to pray freely in mosques or to stay close to the Kaaba, the Holy House in Mecca, during worship. It may also enhance women’s positions as religious scholars, guides, preachers, and (potentially also) leaders of the prayer (although the latter remains very controversial). This scholarly activism also holds potentials with regard to building new relations between women’s activists and the predominantly male religious scholars. It may conceivably push some of the latter towards producing new interpretations and perspectives on gender relations and women’s issues.

New gender-sensitive scholarly interpretations of Islam can have positive effects in terms of providing Arab women with new arguments and means of changing their personal status and situations in both private and public spheres. For instance, participation in female religious study groups may empower women and provide them with agency and new means of personal transformation. It may also provide them with solid arguments for changing their roles and situations based on interaction with fellow participants or on awareness of this new knowledge, such as the public roles and agency of the women companions of the Prophet Muhammed.

This new knowledge may also provide useful arguments and background information for a wide range of reforms in various realms, ranging from the intimacies of the private sphere (where references to, for instance, the lives of female companions may be used by individual daughters, sisters, or wives as arguments for new family practices and changes in their social lives) to the political and legal realm at local, state, and even global levels (spurring, for instance, reforms of Personal Status Codes, penal laws, constitutions, or other discriminative legislations). Indeed, despite its deeply divisive and controversial nature, Islamic family law reform may well constitute one of the main areas where Islamic women's activism can achieve important changes in women's status in society—given the religious foundations of family laws and legislative practices concerning family matters (marriage, divorce, inheritance, and custody).

Unlocking Stalemates and Revitalizing Discussion

Islamic women's activism may also help unlock the stalemate of the “oppressed Muslim woman,” which over the years has gained an immensely symbolic and controversial status, especially in colonial discourse. Hence, the issue has also become one of the main local arguments in the Arab world against cultural imperialism and for the protection of indigenous identity and cultural specificity. This tension has led to local rejections of change or reforms in women's situations, perceived as fulfilling a neo-imperialist agenda and as an attack on cultural and religious identity and authenticity (see Said; Ahmed; Kandiyoti 10-14).

However, Islamic women's activism resolves the conflict by providing an indigenous and culturally rooted, hence more accepted, approach to women's rights and empowerment. In this sense, the approach can be effective in implementing local reforms of traditional patriarchal practices hitherto justified by anti-imperialist arguments and nationalist sentiments. Additionally, this indigenous activism leads to a nuancing of essentialist Western stereotypes of Muslim women as the suffering victims of an inherently misogynistic and patriarchal Islam (Ezzat, “The Silent Ayesha”).

Attracting New Audiences and Spurring Participation

In socially conservative segments of the population, Islamic women's activism is often more socially acceptable than women's non-religious public participation. Hence, this is bound to attract and engage new sectors of society in women's activism, leading to an increase in the number of women activists and their supporters.

For instance, participation in the many Islamic social and charity organizations throughout the Arab world, such as the Jordanian Islamic Charity Center Society (ICCS) or the Egyptian charity organization Resala ('message'), constitutes a legitimate way for millions of Arab women to partake in activities beyond the private sphere, to get out of the house, to network, and to gain experiences and skills. In addition, they access revenues and livelihoods, which may, in turn, enhance their independence and agency both in public and private spheres. These organizations manage to effect a high degree of women's participation because volunteer work in these Islamic organizations is often considered more respectable for women who, for religious reasons or out of conservative family traditions, prefer to avoid mixing with the other sex (Petersen and Pruzan-Jørgensen, "NGOs and Women").

Islamic welfare and charity activism also empowers women at the receiving end (including the more vulnerable among them, such as women from poor families, widows, and divorcees). Many of them gain new skills (such as literacy or a professional training), and hence also new chances of securing a livelihood for themselves and providing for their families. It also gives them legitimate means to meet other women and expand their personal networks.

New Avenues to Personal Empowerment

Islamic women's activism also represents new avenues to personal empowerment—even on a very personal and intimate level. For instance, many non-educated women gain authority and new spaces for themselves as preachers and as participants in the many new religious women's study groups. Through their common efforts, these women gain a new voice and tools to claim and practice their rights, as they see these are given by Islam.

As pointed out by Saba Mahmood in her study of the Egyptian "Mosque Movement," even women who attend the most pious *Salafi* religious lectures (*durus*) experience individual empowerment through personal transformations, a more profound spirituality, and the development of a clearer voice and place within their family and society. Mahmood thus refutes accusations from liberal/secular feminists that members of the mosque movement are oppressed and are simply reproducing patriarchy. Rather, in her view, these women freely choose their participation and, in so doing, fundamentally challenge liberal and secular assumptions about a true inner core which yearns for autonomy (Mahmood 1-39).

New Role Models of Female Authority

Furthermore, Islamic women's activism provides Arab women with new avenues to legitimate positions of authority—be that as women preachers, scholars, politicians, or other empowering positions. In turn, these new female figures of authority may become new role models and sources of inspiration for yet other women, who would otherwise be disengaged from public affairs.

As an example, the sisters of the Moroccan organization *Jama'at al-Adl wa-l-Ihsan*

(The Justice and Spirituality Organization) engage in some of the most advanced and (some would say) controversial scholarly activism in the Arab world, both in terms of supporting women scholars and their re-interpretative work. The women's section of Justice and Spirituality supports the education of *'alimat* (female Islamic scholars) who, with the correct academic credentials, have a legitimate right to engage in *ijtihad*. A number of these scholars have already been educated, and several of them play central roles within the movement today, notably in the committee of religious scholars.

Increasing global expressions of Islamic women's activism through initiatives such as the two networks MUSAWAH (a global movement for equality and justice in the Muslim family, Musawah means equality in Arabic) and WISE (Women's Islamic Initiative in Spirituality and Equality; a global program, social network and grassroots social justice movement led by Muslim women) also hold important potentials for strengthening Arab women's authority and for pushing for reform of patriarchal practices, not least within the domain of legal interpretation, lobbying, and reform. This transnational activism strengthens local Muslim women's leadership and authority while providing them with new means of challenging traditional Islamic experts and their production of Islamic knowledge by referring to experiences and arguments gained in other contexts.

Reforming the Islamist Movement from Within

Women's activists belonging to, and working within, the Islamist movement can potentially negotiate male monopoly of conservative and patriarchal leadership roles through new interpretations of women's positions and potentialities within the movement itself, as well as in society at large. This activism also holds important potential vis-à-vis the formal political sphere, a traditionally male-dominated public domain in many Arab countries. Given their legitimacy as veiled and socially respectable Muslim women, Islamist female political activists may constitute important door-openers to the formal political sphere for female voters, volunteers, and candidates, as well as for those holding office.

Jordanian Nawal al-Fa'ouri is a prominent example of a woman who made use of these opportunities and gained an increasingly important voice within both the Jordanian wing of the Muslim Brotherhood (MB) and its related political party, the Islamic Action Front (IAF). She, however, ultimately left both the MB and the IA due to restrictions imposed upon her by their male leadership. At the turn of the century, she became one of the co-founders of the more moderate, less confrontational, and more participatory Islamist *Hizb al-Wasat* (Moderate Party). Their "Forum for Moderate Islamic Thought and Culture" has attracted many women members. They see women as "the full sisters of men," and emphasize the need for genuine *ijtihad* and innovation which take into consideration the economic, social, and cultural transformations of Jordanian society (see al-Fa'ouri; Abu Hanieh).

Bridging Divides and Complementing Secular Women's Activism

Finally, Islamic women's activism may also contribute to a bridging of the big divides between secular and faith-based women's activists, notably those related to the Islamist movement. In some cases, this divide is mainly a question of limited knowledge, whereas in others it is based on very strong ideological disagreements. These disagreements concern, among other issues, the fundamental question of whether it is appropriate to follow a religious frame of reference. They also concern the end goals of these women's activism. For instance, does one strive towards equity and complementarity or towards equality? Their disagreements also concern a number of specific issues such as whether men and women should enjoy equal shares in inheritance or whether polygamy and unilateral divorce (*talaq*) ought to be forbidden.

Yet, to some extent, the two approaches are complementary--not least in terms of outreach; as they have the potential to reach out to different audiences and segments of society. And while they obviously do not work in the same way or agree on references or end goals, these two different currents, nevertheless, also contribute to a strengthened awareness of women's issues in their society.

Furthermore, a certain process of mutual learning between these different approaches can be witnessed. Even where relations between Islamic and secular women's activists may immediately appear to be strained--if not outright hostile, important, but less visible and recognized, processes of mutual learning may nevertheless exist in parallel. This could, for instance, be witnessed during the Moroccan family law reform process, where liberal/secular and Islamic women's activists, to a high degree, mirrored and learned from each other's experiences.

Liberal/secular women's activists, for example, learned about the value of proximity and field presence and of including religious arguments in their discourse. On the other hand, their Islamist counterparts learned about the utility of employing rights-based and gender discourses and of establishing independent women's organizations (see Pruzan-Jørgensen, *Liberalization and Autocracy in Morocco*).

The Risk of Essentialization

So far, I have concentrated on describing some of the overall characteristics of Islamic women's activism as well as its various potentials in terms of promoting women's empowerment and pushing for reforms that counter patriarchal practices. Yet, Islamic women's activism also faces a number of important limitations, risks, and challenges for Arab women, the first of which concerns essentialization of identity.

Islamic women's activism risks glossing over differences and variations in identity--be these religious, political, ethnic, social, or other. It risks condensing Muslim women's identities into one single identity only, namely that of being Muslim. Hence, it risks overlooking differences in their individual identities and preferences--as well as of their different partners, interlocutors, and broader communities (see Tadros 1-9). Also, as noted by de Kadt, "Taking religion seriously is one matter,

but it becomes seriously problematic when it is promoted as the only identity that counts, disregarding the many other components of identity that should be salient in different situations, thereby truncating a broader sense of self” (see de Kadt 784). Islamic women’s activism, through charity, study groups, or other activities, implies the sole legitimacy and authenticity (if not the monopoly) of an Islamic approach to gender and family roles.

Excluding Non-Muslims and Other Minorities

Islam, like other religions, is open to ongoing and extensive interpretations, and many Islamic women activists produce or rely on specifically gender-sensitive interpretations in their activism. Nevertheless, seen from a non-religious perspective, their religious framework does also put limits on their activism. These limits may concern a number of issues; for instance, many activists will refrain from demanding substantial reform of inheritance laws, given the very extensive and detailed prescriptions on this issue in the Qur'an itself, making amendments in this domain highly contentious (see Moghadam 1135-71). Another example of the limits of Islamic women’s activism concerns its recipients, as this kind of activism will, on most occasions, mainly appeal to a Muslim public only.

A faith-based (Islamic or other) approach to women’s empowerment risks resulting in stigmatization or exclusion of the voices and approaches of both non-Muslim minorities and of those who are Muslims but prefer a secular approach. This exclusion may take different forms, ranging from ignorance of problems and challenges faced specifically by women belonging to non-Muslim minorities, or by those simply preferring a non-religious approach, to the downright imposition of Islamic norms and obligations on all to the detriment of alternative approaches and discourses (see Moghadam 1135-71).

Such exclusion (or fears thereof) may also force minority or secular women activists to rely on a faith-based (Islamic) approach in order to secure legitimacy, public receptiveness, or funding. Somewhat paradoxically, such dynamics may not only be spurred by “local” demands, but also by outsiders wishing to support and appeal to “authentic” and “indigenous” actors and activities. Tadros gives the telling example of an experienced Egyptian woman activist who was recently told at a meeting organized by Western donors not to give a presentation of women’s issues because she was not veiled and thus was not “representative” of Egyptian women (Tadros 1-9). Yet, it must be highlighted that the opposite risk also exists, as some Arab liberal/secular women’s organizations have also, historically in some cases, excluded very devout women from their work and activism.

Reconfirming Patriarchy

By providing legitimacy to a religious approach, Islamic women's activism risks reconfirming patriarchy. For instance, much of the social and charity work carried out by, and for, women does not aim at changing role models for women in family and society, but rather reproduces existing family and gender models. Similarly, much of the advice and reflection taking place in the many religious study groups certainly do not challenge prevailing patriarchal gender constructs and role divisions. Notably, many *Salafi* preachers clearly propagate views according to which woman's appropriate place and role is her home as caretaker of her family.

The appeal to religious authorities also holds another risk. For instance, seeking out a learned *'alim* (religious scholar) to sanction new ideas or actions may in a given situation open up new avenues of female participation, agency, or authority. Yet, given that many religious scholars remain guided by conservative and patriarchal interpretations of women's role and status, soliciting their advice may be a double-edged sword. This reaching out to official religious scholars confirms the sole legitimacy and authority of formal institutions and their figures, which often remain traditional and patriarchal.

Unintentional Political Instrumentalization

Islamic women's activism also runs the risk of exacerbating local political power games, and of being instrumentalized politically in unintended ways. For instance, the presence of women in Islamist parties and organizations has often been instrumentalized by these organizations to reach out to new audiences and recruit new members and voters, whereas this presence rarely translates into substantial impact on the general politics of their parties or organizations (see Clark and Schwedler; Taraki).

Whereas explanations provided by Islamist interviewees differ (e.g., difficulties for women to manage family obligations, "honor" and propriety, patriarchal traditions, resistance from senior male leadership, etc.), the fact remains that only a few female members of Islamist parties and organizations in Egypt, Jordan, and Morocco have made it into key decision-making committees. It should be noted, however, that the same could be said with regard to many liberal/secular political parties in the three countries, pointing to a widespread problem in Arab political parties, and formal political spheres more generally, being male-dominated (see UNDP).

Another example concerns the Islamic women activists who work in state institutions controlled by authoritarian regimes—whether in ministries or other official institutions and councils concerned with women's issues. They may have unique chances of influencing state policies and legislation by working from within the state, or within state-sanctioned institutions, yet they also risk legitimizing these authoritarian regimes while undermining women's cause by stigmatizing it as being co-opted by the state. This recalls the dilemma mentioned earlier which many women activists in the Arab world are facing, namely, using a faith-based or secular approach. That is, should they collaborate with the authoritarian state (and contribute to its legitimacy) or work against it (and risk persecution and marginalization)?

Finally, Islamic women's activism may also be instrumentalized directly by the state itself to co-opt and control religious activism and orientation among their female citizens. For instance, the Jordanian Ministry of *awqaf* (religious endowments) has taken steps to support the education and participation of female preachers under its close supervision. Similarly, state-sponsored Islamic women's activism in Morocco has in recent years become quite active, leading some observers to consider it an "Islamic State Feminism" (Eddouada and Pepicelli 87-100).

To date, the clearest expression of Islamic women's activism in the Moroccan state has been the speech given by Mohammed VI on October 10, 2003, in which he announced the main outlines of the new family law, the so-called *Moudawana*. In this speech, he carefully argued for the necessity of reforming personal status laws based on a uniquely religious frame of reference, and managed to find compromises on a number of controversial issues (such as divorce, polygamy, and male guardianship, *wilayah*) based on a religious framework—yet drawing on clearly pronounced *ijtihad* and going beyond the *Maliki* school of jurisprudence, which is prevalent in the Maghreb (see Pruzan-Jørgensen, "Analyzing Authoritarian Regime Legitimation"). Other recent expressions of Islamic women's activism of the Moroccan state include the promotion of women's presence and authority in the religious sphere through the education of female religious guides (*murshidat*) and scholars (*'alimat*). Women have also been allowed to participate in religious lectures during the holy month of Ramadan (Durus Hassaniyya); they are accepted as members of the local scientific councils (*al-Majalis al-'ilmiyya*); and have entered a group of teachers at the prestigious institute for religious sciences, the *Dar al-Hadith al-Hassaniyya*.

With regard to the inherent risks of this kind of state-sponsored Islamic women's activism, Moroccan interviewees (anonymously) point to these new efforts as reflections of a façade feminization of the political and religious systems, which legitimizes the Moroccan regime notably in the eyes of Western policy-makers and donors who are preoccupied with combating radical religious interpretations and seeing a more pronounced role for women.

Conclusion

In the introduction, I asked how Islamic women's activism meets the needs of women in the Arab world today in terms of enhancing their empowerment and pushing for reforms of patriarchal practices. It appears that Islamic women's activism holds many potentials in terms of addressing Arab women's contemporary problems. Notably, it has the potentials of revitalizing discussions about women's situations and challenges as it provides an escape route from an unfortunate post-colonial stalemate. It may also attract a new public and encourage their participation in activities focusing on women's issues. Furthermore, Islamic women's activism can lead to "feminizing" Islam through providing new avenues for female authority and effective scholarship. It can also help further reformist thinking on women's issues from within the Islamist movement itself and bridge divides with, as well as complement, secular women's activism.

However, these many potentials are accompanied by a number of risks and challenges. Notably, Islamic women's activism risks essentializing Muslim identity and frames of reference, while stigmatizing or excluding other voices and approaches such as those of secularists, non-Muslims, and other minorities. This situation may force these groups to increasingly rely on a faith-based (in this case, Islamic) approach in order to avoid marginalization. Islamic women's activism also risks an unintended strengthening of the position and legitimacy of patriarchal authorities, as well as a susceptibility to being instrumentalized politically by both the state and the Islamist organizations.

In order to address these risks and challenges and to ensure that the many important potentials of Islamic women's activism are fulfilled, it would be advisable for Islamic women's activists and their supporters to resist the fashioning of a static Muslim identity by applying a dynamic approach that remains faith-based and, at the same time, open to, and inclusive of, diverse interpretations, voices, and routes to women's empowerment and reform. This will hopefully serve to overcome the above mentioned risks of exclusion, and, instead, facilitate building bridges of mutual understanding.

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CHALLENGES OF ISLAMIC FEMINISM IN PERSONAL STATUS LAW REFORM: WOMEN'S NGOS IN EGYPT BETWEEN ISLAMIC LAW AND INTERNATIONAL HUMAN RIGHTS¹

Marwa Sharafeldin

This chapter analyzes the particular brand of Islamic feminism which emanated from the contact and interaction that took place between Islamic law and international human rights law during Egyptian NGOs' advocacy work to reform the Personal Status Law in Egypt (PSL) in the period between 2006 and 2010. It argues that whereas there is much creative potential in this particular Islamic feminist discourse to affect the PSL reform process, it still faces several serious challenges that can impede its success to provide better legal alternatives for Muslim women and men in Egyptian families today. These challenges relate to both the methodology and content of the discourse, as well as the channel of activism through which it operates, namely, the channel of non-governmental organizations (NGOs).

PSL is the law governing family relations in Egypt, including marriage, divorce, and custody. Because it is based on what the law-makers conceive to be Islamic law, it is very difficult to critique it for reform, as this becomes synonymous with critiquing Islam itself. It is, however, one of the main sites where particular constructions of Islamic concepts like *wilaya* and *qiwama* (male guardianship) take legal shape and force, such as the wife's obligation to obedience, the husband's obligation to maintenance, his right to discipline the wife, as well as unilaterally effect divorce upon his free will. These legal stipulations are causing problems in Egyptian society today from the point of view of the NGOs studied. In their attempts to address these problems and reform the PSL, NGOs selectively borrow, mix, and develop elements of both Islamic law and international human rights laws.²

This chapter clarifies the Islamic legal assumptions upon which this work can be understood, before it discusses the main 'references', *marji'iyat*, or sources of law on which NGOs base their suggested reforms of the PSL. It then focuses on their legal method, namely, how they appropriate the religious and human rights references in a discourse that supports their PSL reform proposal. It gives concrete examples of the application of this particular feminist discourse on certain spousal rights and obligations. It ends with a brief analysis of the potential and challenges of this new discourse for the Egyptian context.³

A total of fifteen NGOs were studied for this research, some of which were members in an NGO network specializing in PSL reform which I participated in founding in 2005. The remainder of the NGOs were not members of this network, but had their own projects and work on PSL reform. Fieldwork included both interviews and participant observation of the fifteen NGOs' joint and individual work on the issue. I also analyzed the documents all these NGOs produced outlining their different demands for PSL reform. It was rare to find a consensus amongst interviewees on

any one topic of reform in the PSL. However, there were general tendencies and majority opinions on certain issues that I cover here.

The Personal Status Law

This law deals with all family issues in Egypt, including marriage, divorce, maintenance, custody, paternity, and guardianship. The term PSL is misleading, because it is used to describe not one but several laws that govern personal status, such as Law 25/1920, Law 25/1929 and Law 100/1985, to mention a few. The ‘law’ has undergone a series of gradual amendments since the 1920s. This indicates the historical difficulty of changing this law comprehensively due to societal resistance (Bernard-Maugiron 5). The sanctity with which the law is imbued through its connection with religion is one reason for society’s resistance to changing it. Personal status laws have always been based on what is perceived to be Islamic law and the primacy of men over women in marital affairs (Fawzy 38-39).

The underlying philosophy of all these laws is that men, holding *qiwama* and *wilaya* (guardianship), provide financially for their wives and therefore command their obedience and have authority over them. Therefore, the relationship between spouses is legislated as one of complementarity, not equality (The International Islamic Committee for Women and Children n. pag.).

This particular conception of male authority over women in the PSL can be seen legally reflected in the ease of divorce for men and its difficulty for women; the possibility of polygamy for men; the husband’s obligation to maintain the family; the wife’s obligation of obedience to her husband; the acceptance of the husband’s right to discipline the wife; the man’s ability to marry Christian and Jewish women and the woman’s inability to marry non-Muslim men; and the father’s automatic right of financial guardianship over the children in exclusion of the mother.

NGOs find that these conceptions are problematic because they are no longer suitable for the current and changed Egyptian context. They cause difficulties in practice, as roles and responsibilities in the Egyptian family are radically changing (Fawzy 31). Furthermore, they clash with contemporary sensibilities and understandings of equality and justice. They are also inconsistent with Egypt’s international legal obligations as a signatory to CEDAW.

Brief Clarifications on Islamic Legal Assumptions

Brown, Messick, and Mitchell differentiate between Shari’a and Islamic law. For them, Shari’a is a more general concept that encompasses Islamic law within it. It also includes certain processes, practices, and institutions upon which Islamic law is contingent. Brown states that “the Shari’a includes more than law in the current European and American sense. Yet more than its subject matter, Shari’a is increasingly held by scholars to be distinctive because it was associated with a specific process for deriving law and another for adjudicating disputes” (363). Messick also cautions us not to blindly accept the usual conflation of the two

concepts because for him Shari'a is a certain type of "total" discourse where one can find religious, legal, moral, economic, and political institutions expressed simultaneously (3).

These authors claim that due to historical developments Shari'a and Islamic law came to be understood as one. Certainly, the activists I interview here as well as their opponents today use the terms Shari'a and Islamic law interchangeably. Guided by Messick's caution, I choose to follow the example of my interviewees in this chapter reflecting that new way of prevalent thinking and articulation of the concept. Therefore, whenever I refer here to either Shari'a or Islamic law, I am particularly referring to the legal aspect of Islam, not the moral, economic, political, or institutional aspects--despite their inter-relation with the legal process.

It is best to start with Ali Ibn Abi Talib's famous story. Ali was facing rebellion by the *Khawarij*,⁴ who eventually assassinated him, because they believed that he did not follow the judgement of God on a certain political matter, rather he followed the judgement of people. Responding to that,

Ali gathered the people and brought a large copy of the Qur'an. He touched the Qur'an and proclaimed, "O, Qur'an speak to the people (i.e. inform people of God's judgement). The people gathered around Ali exclaimed, "What! Ali, do you mock us? It is but paper and ink, and it is we (human beings) who speak on its behalf." At this point, Ali stated, "the Qur'an is written in straight lines between two covers. It does not speak by itself. [In order for the Qur'an to speak] it needs interpreters, and the interpreters are human beings." (Abou El Fadl 24)

What this means is that God has shown His way, His Shari'a, through revelation to the Prophet in the Qur'an and in the Prophet's practices, both of which became documented as 'texts.' So God, the Qur'an, and Prophetic practices and sayings are the main authorities here. But to be able to understand 'the way' and its commands, human beings have to intervene with their reason as mediums to translate it into laws and rules. Classical jurisprudence makes it very clear that authority lies with God, His Book, and the Prophet, but it does not automatically lie within jurists' human translation of Islamic texts, the Qur'an and Sunna (the Prophetic Tradition), into legal rules, known as their *fiqh* (Abou El Fadl 24-26).⁵

Treating *fiqh* as the human construction that it is accordingly, Tucker explains that "[n]ot all interpreters agreed on the meanings and implications of the rules for human behaviour laid down in the Qur'an, however, so that there were divergences in juristic opinion from early on" (12). She continues: [t]he vitality, and indeed the *flexibility*, of Islamic law is attributable, in part, to the fact that the Shari'a was not, throughout most of its history, a fixed legal code. The process of interpretation of the Qur'an and *hadith*, and the use of consensus and analogy, was an ongoing and open-ended affair" (14; emphasis added). Keica Ali emphasizes this point by stating that throughout Islamic legal history, there has never been a "single, unitary Islamic law," especially when it comes to *mu'amalat* (167).⁶

One of the salient ways to illustrate this point is the existence of different schools of juristic legal thought, *madhahib*, that developed separately, creating multiple legal meanings from Islam's source texts (Kamali 68; Tucker 14). Jurists were using a

multitude of juristic methodologies to decipher meanings and rules out of these very same Islamic texts, which inevitably created different meanings and legal rulings. There were differences among the schools, and even within any one school, on their rulings of *mu'amalat* doctrines. This *ikhtilaf*, disagreement or difference in opinion, "especially among the experts of Islamic law, is widely recognized in Islamic tradition as a natural phenomenon" (Masud 65). Hallaq similarly asserts that change and difference were part and parcel of the fabric of Islamic legal thought throughout the ages (232). *Ikhtilaf* existed amongst jurists on issues addressed in the Qur'an and Sunna, and also others that were not (Masud 68). This plurality also came from the epistemology of Islamic law which recognized the multiplicity of God's indicators on one hand, and declined to give the power to one single institution to unilaterally discover God's law on the other (Abou El Fadl 38). In many cases, where there was disagreement amongst jurists, they would end their treatises by the words 'and God knows best,' indicating their awareness and agreement that there is no way human reason can comprehend and decipher God's law infallibly (Ali 167).

It is, therefore, quite apparent that the possibilities for flexibility and difference in the creation of meaning and rulings were recognized, condoned, and practiced amongst the classical jurists. As much as this opens up valuable potentials for the creation of different meanings and rulings that can accommodate different contexts and circumstances, it can also have potential for chaos, disunity, and damage.

On this, Wael Hallaq notes that "as a matter of consistency and judicial process, doctrinal uncertainty was detrimental. . . . The discourse of the jurists, in hundreds of major works that we have at our disposal, is overwhelmingly preoccupied by this problem: *Which is the most authoritative opinion?*" (126; emphasis added). The question remains an important one till today, especially in relation to PSL reform, warranting a brief exposition of the issue.

Which is the Most Authoritative Opinion?

As mentioned above, the real challenge for jurists was to discern God's law and commands contained in Islam's source texts. But then how would these jurists' opinions acquire authority? There are two main criteria developed by Islamic jurisprudence that needed to be fulfilled: the methodology used to create 'meanings' or rulings out of the Islamic sources and the qualifications of those who produce this knowledge. Based on these two criteria, authority would be attributed to one ruling/meaning and not the other. Following is a brief delineation of the two.

On methodology, there are several steps that first need to take place before a ruling is reached. First, to ensure that a certain command was in fact produced by God or the Prophet not from another origin. Does it have textual reference? Does it find origin in a Qur'anic verse, Prophetic saying or practice? Or does it come from another less authoritative and authentic source? Second, to make certain of the 'meaning' of that specific command, which is primarily an issue of interpretation. Does that verse, saying, or practice by the Prophet really 'mean' that this command is in order, or does it mean something other than that particular command or rule? Third, to delineate the way such a meaning is developed into a legal rule for application in

worldly life. For example, if the command does originate in the above mentioned Islamic sources, and if it does mean that there is an obligation on Muslims to fulfil it, what precisely is this command, how can it be carried out, and what are the sanctions when a Muslim fails to do so? All this must be addressed before the idea of Divine authoritativeness can have any real value and meaning (Abou El Fadl 25-26).

As Islamic jurisprudence developed, some methodological criteria also developed within it that gave authority and power to a certain juristic conclusion/opinion/rule over another. According to Abou El Fadl, those were: consistency, authoritative reference, and predictability. Over time, the text itself and the precedents reached within each *madhab* (legal school) became important sources of legitimacy for juristic thinking. Methods that involved “the use of pure logical reasoning and unverified empirical references became increasingly suspect. References to customary practices or general notions of equity (preference or *istihsan*) were seen to open the door for idiosyncratic judgments that could easily disintegrate into whim” (Abou El Fadl 35).⁷ Such methods were mainly considered as aids to the process of interpreting the text, itself being the main repository of Divine authority on earth, but they were not necessarily considered as independent sources of the law (35). It was also believed that opinions which built on and continued a certain doctrine as it was had greater legitimacy and authority than those that created a sharp break with recognized and pre-established doctrines (36). Stability and gradual careful change in doctrines were highly valued here.⁸

As for the second criterion of authoritativeness, jurists argued that they were the medium that transferred God’s instructions to human beings. They argued that even though human beings generally are God’s agents, *khulafa’*, on earth, it is only those who are both able and willing to comprehend God’s instructions that are rightfully capable of mediation between God and humanity (Abou El Fadl 27).

But how can this ability and willingness be judged? Abou El Fadl proclaims that by the twelfth century a system was developed whereby it would take a person more than fifteen years of study before qualifying as a jurist. For one to qualify:

A person had to master the Qur’an, attain knowledge of the abrogated and abrogating verses in the Qur’an (*nasikh* and *mansukh*), of Qur’anic interpretation (*tafsir*), of the occasions of revelation of Qur’anic verses (*asbab al-nuzul*), and a knowledge of the science of tradition of the Prophet (*ilm al-hadith*). Also required were an ability to undertake the authentication of sources (*tanqih*), and an ability to weigh a variety of relevant legal factors pertinent to the deduction of the law, and then to identify the most influential among these factors (*tarjih*). (37)

So even though, in theory, understanding God’s way was accessible to all, it becomes apparent that certain people would be more able to go through the intensive training required for this successfully.

It is important to note that the authority of jurists did not come from what Abou El Fadl calls extra-rational powers. They do not have the authority to absolve or bless, and they certainly do not have monopoly over the truth as mentioned above in the doctrine of *ikhtilaf*. Their authoritativeness came from their ability to master a certain body of knowledge through a known and systematic methodology which

they make clear to their audience to ward off any accusations of human whim (51-52). Because there was no single established structure in Sunni Islam that produced single truths, jurists put much importance on the duty of diligence and adherence to agreed-upon methodologies (48). Additionally, Abou El Fadl summarizes five contingencies upon which the authority of a jurist producing meanings and rulings can be decided, these are: honesty, diligence, comprehensiveness, reasonableness and self-restraint (54-56). Without going in detail into each, what is important to note here is that Islamic jurisprudence was very careful in giving authority for the creation of meaning to those who would create it. These had to subscribe to a certain education, methodology, and even personal integrity before the product of their work had any authority.

With this background in mind on the flexibility of Islamic jurisprudence and the criteria of authority developed therein, it is now time to discuss the particular case study at hand, namely, how contemporary women's rights NGOs in Egypt are working with both Islamic law and international human rights law (embodied here by CEDAW) to reform the religiously based PSL in Egypt.

Frames of Reference

In their effort to reform the PSL, NGOs found that it is important to identify their *marji'iyat* (sources and frames of reference) for their legal reform. Identifying 'references' constrains the demands that NGOs can make, especially when attempting to reform a law that most people today believe to be Divinely ordained. For example, a human rights reference will not enable NGOs to demand that women have the 'equal' prerogative to physically discipline their husbands, but it will enable them to demand equality between men and women in their right to bodily protection. A 'traditional' Islamic reference would not give space for NGOs to demand the removal of the wife's duty of obedience to her husband, but what they term an 'enlightened' Islamic reference would. Therefore, NGOs' choice of references is fundamental, because it will set the parameters of the demands they can make and how convincingly these can be supported.

The interviewed NGOs mostly identified three references that guided their work on the reform proposal:

1. The lived realities of Egyptian women and families
2. An enlightened Islamic legal discourse
3. International human rights law treaties and conventions

Regarding the first reference, the 'lived reality reference,' it appeared from NGOs' day-to-day work providing legal and other services to their constituencies, that there were serious problems faced by women because of the law. These include limited grounds on which women can ask for divorce as opposed to men; court cases taking too much time when women file for a divorce (up to seven years); procedural difficulty of proving harm to get a divorce; law only allowing a woman to ask for maintenance arrears for not more than a year prior to the date of filing the law suit, and not from the date the husband stopped paying; lack of enforcement of

maintenance rulings in favor of women; abuse of the obedience clause in the law by husbands to spite their wives' seeking separation; inability of mothers to conduct any financial transactions on behalf of their children even if the funds originated from the mother; and the economic hardship faced by women who no longer have access to the custodial home or custodial fee after the child's custody is completed, and end up in the streets with no shelter.

It must be noted the problems faced by women due to the law are the reason NGOs began taking action in the first instance. The suffering caused by the law spoke loud and clear of the necessity for change. It is noteworthy that for most NGOs here, their PSL reform advocacy was not initiated because NGOs held a lofty ideological commitment to gender equality, neither did it come from a theoretically principled position to achieve better adherence to Islamic law or to international human rights law. Rather, it came to address problems they witnessed on the ground from their day-to-day activism and service provision to their constituents. They therefore conducted several studies to gather statistics and data that would reflect women's suffering and the cost to society, to bolster their argument and gain legitimacy for their work.⁹

This reality reference was a strong uniting force for NGOs, but when it came to the two other references, religion and human rights, the discussion on adopting them was not so consensual. The NGOs studied recognize that, legally and socially, Muslim family and marriage relations are fundamentally ruled by what is perceived to be Islamic law, as is stipulated in the law (Article 3 Law 1/2000).¹⁰ Hence, any current attempt at reform will inevitably have to address religion, notwithstanding the sensitivity this may involve. Moreover, some of those interviewed regard themselves as observant Muslims who respect the principles of Islam, and see no contradiction with human rights conventions and no problem in having family relations governed by religious principles.

In 2007, at the outset of the above mentioned network's advocacy for PSL reform, member NGOs decided to discuss what their main references should be during their joint work on the PSL reform: Was it only to be international human rights conventions—as it had been in the early phase of the network's formation since 2005—or was it also to include religion? Some NGOs only wanted to have a human rights reference; others thought this would be detrimental to their work, due to the Western/colonialist stigma that human rights carried in Egyptian society. It would also be unrealistic, since the law itself was based on religious principles. One of the latter NGOs threatened to withdraw from the network if the religious reference was not included. They felt the network would be throwing itself into the fire, exposing itself to great risk from state and society. At the same time, another opposing NGO warned the rest that "it is not useful to create the monster and scare ourselves with it" (meaning that it was not useful to avoid referring to human rights because of the assumption that it would not be accepted at large).¹¹ After much discussion and mediation, the compromise was finally reached that, besides lived reality, the references would be both human rights and 'enlightened' interpretations of religion.

However, no discussion took place on defining what the word 'enlightened' might mean. When asked during interviews, most NGO representatives took it as meaning

generally gender-sensitive Islamic interpretations, but no details were agreed upon collectively. It seemed that all assumed at the time that there was agreement on what 'enlightened' was, but later on, in the course of drafting these NGOs' law proposal, it became apparent that there was a divergence over what 'enlightened' religion's stance was on thorny issues like financial guardianship of mothers over children, obedience, inheritance, and outright prohibition of polygamy.

One of the reasons for this vagueness could have been what Baudouin Dupret and Diane Singerman describe as a tendency of Islamic law to lend itself to changing and re-imagined meanings across time, space, and persons. 'Enlightened' may mean different things to different people, each of whom will be able to support their understanding just as validly from the multitude of different Qur'anic verses, their interpretation, and the rich jurisprudence around these verses.

As a result, it was not clear which frame of reference would take precedence in the NGOs' joint work in case of a contradiction. What if human rights conventions gave women certain rights which religion, even if enlightened, took away, and vice versa, for example? A case in point is lesbian women's rights, which most of those interviewed opposed mainly on religious and cultural grounds. Unequal inheritance shares between women and men which find root in Qur'anic verses were yet another contentious issue which most NGOs did not seek to change. It seems that there was an underlying assumption that 'enlightened' religion would naturally be in accordance with human rights conventions, and that the possibility of contradiction between those two was minimal.

Another important and related point that became evident was that despite their upholding of equality and shared responsibility between the spouses in their documents and discourse, not all NGOs were for total gender equality as stipulated in human rights documents when they articulated their reform demands publicly. As with 'enlightened,' the definition of 'equality' proved elusive and differed from one person to another. The equality sought in human rights conventions sometimes seemed to clash with conceptions of equality that different NGO activists held in light of what they perceived as religion. Some even found that the kind of equality promoted in the human rights discourse included elements potentially harmful to poor Egyptian women. For example, the silence of NGOs on certain issues discussed below, such as the husband's obligation of maintenance as well as demands to limit polygamy only and not abolish it illustrate the possible conceptual ambiguity of 'equality' within their work. Clear equality here would have necessitated that they demand the sharing of the responsibility of maintenance on both spouses and the outright prohibition of polygamy, which NGOs did not demand.

This also shows that judgment on religion or human rights cannot be reduced only to how each addresses equality. Each reference had its usefulness, importance, and value for the NGOs and was subject to a multitude of factors, such as socio-economic appropriateness as well as prevalent societal religious perceptions, which affected its appropriation by them.

To conclude, this discussion of references amongst network members showed that NGOs were well aware that it would dictate what demands they could make for reform of the PSL; the justification behind these demands; the issues on which they

must be silent; the public image of NGOs in the eyes of state and society; and the general societal acceptance of their demands.

This discussion was also important because it highlighted how NGO activists seem to regard their three references. The so-called lived reality of Egyptians was continuously cited as one of the main justifications for this kind of reform work by NGOs. Throughout the interviews, NGOs kept referring to the urgent need to address reality's problems which emanated from the disconnection between that reality and the religiously based law. With regards to the religious reference, they seem to think that religion gives more credibility to their demands than a human rights reference. The latter does not appear to share the credibility of a religious framework, either for Egyptian society or for some NGO activists personally. However, a human rights reference provides them with a new way of thinking and a new set of possibilities for spousal relations. That said, most of them found that a traditional religious framework, as opposed to an 'enlightened' one, is less accommodating to the kind of reforms they plead for. Therefore, many concluded that more effort needed to be spent on re-interpreting Islamic sources differently than traditional classical jurisprudence. Nevertheless, most NGOs agreed that addressing religion was indispensable in their PSL reform work.

Religious Discourse: Islamic Feminism

When asked to describe the religious discourse they refer to in their PSL reform work, all interviewees appeared to be talking about 'Islamic feminism' without necessarily labelling it as such. I define 'Islamic feminism' here in its widest possible sense, recognizing that it holds different meanings for different actors and locations. Agreeing with Ziba Mir-Hosseini in "Islamic Legal Tradition and Feminism," I define it as an awareness of the injustice inflicted upon women because they are women, and the will to do something about it, whether in the form of new knowledge production, or advocacy and activism, or both at the same time. I use the word 'Islamic' here to mean that this effort finds inspiration and justification from Islam and its sources, guided by the principles of justice, equality, and the preservation of human dignity found in the Qur'an and the practices of the Prophet.¹² This was also what most of the interviewed NGOs were attempting to do, to varying degrees, but without calling it 'Islamic feminism.' Abou-Bakr's general description of Muslim feminist scholars and activists, "who are not just 'critiquing [i.e. attacking or deconstructing] Islamic history and hermeneutics,' but are also providing alternatives and seeking solutions inspired by Islamic values," applies to the activists studied here (n. pag.).¹³

Many of the interviewed NGO activists see themselves as believers in the Islamic faith. Most of them personally find that Shari'a's basic principles are anti-patriarchal and, hence, are in congruence with human rights principles. For these activists, it is the *fiqh* (jurisprudence) produced by scholars in the classical era that contains patriarchal elements, echoing the social context of its production. That is why throughout the course of their work some try to clarify the distinction between Shari'a, the work of God, the eternal Divine message contained in the Qur'an--which does not change with time and space, and *fiqh*: the work of man--

changeable human attempts at understanding this message. This group finds the distinction useful because it allows them to advance a new *fiqh* which re-interprets the main sources of Shari'a. However, during the interviews, I sometimes noticed a difference between activists in their definitions of both Shari'a and *fiqh*. Some of those interviewed felt that what are perceived to be clearly written verses in the Qur'an can constitute unchangeable Shari'a and, hence, are not subject to human interpretation (such as those on polygamy and inheritance), as explained later. Others disagreed, arguing that interpretation of these so-called definitive verses should be permissible and uninhibited.

These latter cite several incidents where the rulings of clear-cut verses were suspended by 'Umar Ibn al-Khattab, the second Caliph, because in his context they no longer served their purpose (*maqсад*). They agree that some Qur'anic verses clearly treat women and men unequally, but find that this does not stop them from referring to Shari'a in their work. Most seem to have faith in the justice and eternity of the general Qur'anic message, and argue that such verses need to be understood historically and contextually, because they refer to social relations prevalent at the time of the Prophet Muhammad, and are not general principles. They state that it is up to Muslims to create a new understanding of these verses based on the overriding general Qur'anic principles of equality and justice, which they consider two of the main purposes (*maqasid*) of Shari'a. In their view, classical jurists who did that work in the centuries after the death of the Prophet, should not, and indeed never meant to, have a monopoly over the interpretation of the Qur'an and Sunna. All Muslims have the right to debate what these sources mean, to question jurists' interpretations, and to create new understandings that are more suitable to the exigencies of modern times. They refer back to Islam's elevation of the use of one's mind to work out things for oneself. One of them exclaimed: "There is no *kahanut* (priesthood) in Islam!" to indicate that the relation between a person and Allah is a direct one with no intermediaries, and, in that sense, people are empowered to communicate directly with God and understand Islam each in their own way.

NGOs report that talking the language of the people, through the use of religious discourse, does indeed facilitate their work. However, it also poses challenges. They realize that both they and their opponents are using the same religious reference, and that neither of the two camps can make monopolistic claims to authenticity. Many of them are aware of being open to attack because they are not religious experts and do not have the perceived right to call for a different religious discourse than the prevalent one. They sometimes fear that by using such a discourse, enlightened or not, they are augmenting the rising power of religion in Egyptian society. By doing so they would be indirectly supporting their opponents, whose discourse justifying the unequal treatment of women appears just as authentic as that of the NGOs in its references to scripture and use of Islamic jurisprudential methodology.

Another challenge is that NGO activists are not religious experts, so it is not in their best interest to be dragged into this field. They are experts in the human rights discourse, and some of them try to frame the discussion accordingly. But they are often asked by their audiences to justify their demands vis-a-vis religion, so they find that they have to be well-prepared for an 'enlightened' religious discourse too.

Such preparation can be said to be an individual effort on the part of those interviewed. Many of them started reading about Islam and women on their own and came up with their own conclusions. This process has been informed by the individual lives and upbringing of most of the women interviewed. One of them says that she became a feminist due to her Islamic upbringing that focused on the principles of equality and justice. On two occasions, interviewees referred to their fathers' actual practice of these egalitarian principles with their daughters and wives. The Islam that they believe in and with which they are familiar is not one which is unjust nor detrimental to the dignity of women.

Types of NGOs According to Their Use of Religious Discourse

This brings us to the important distinction among activists working in Egypt on women's rights. Azza Karam usefully divides the women's organizations in Egypt today into three types. The first is the Islamist women's group, which works towards more Islamization of the state. The second type is Muslim feminist organizations. These refer to the Qur'an and Sunna in their work to show that the concept of equality is in fact supported by Islam. The last type of women's organizations is that which professes strong secular ideals. They believe in the human rights discourse and shun the religious one, whether Muslim or Christian (9-13).

The NGOs interviewed here could be put under either one of the last two types. None of them want an Islamic state, nor do they use Shari'a as their main frame of reference informing the rest of their non-PSL work. Instead, they all refer, either mainly or solely, to international conventions of human rights in their brochures and publications. When asked, all the interviewed NGOs, except one, found that an enlightened, feminist interpretation of Islam is in accordance with human rights even if much work needs to be done to demonstrate this.

While Karam's categorization is useful for understanding the general picture, it does not account for the highly complex reality of both these 'Muslim' and 'secularist' activists' work as it has evolved since her observations in the last fifteen years. For example, some secularists were willing to engage with a religious discourse despite their secularism. Also, some Muslim feminists were not always constrained by the literal religious text and included 'secular' human rights references in their interpretations of it as will be shown in the next section.

This is important because it indicates several points. First, that a significant number of these activist women are believers and regard themselves as 'authentic' Egyptian Muslim women, contrary to the common belief about them by their more conservative opponents in state and society. For they are neither Westernized in culture and allegiance, nor atheists in faith as they are often perceived. They are not Western agents who are here to 'destroy the Egyptian family' and its Eastern values by their PSL reform work and human rights reference--as they are often charged. They are situated in the middle and are trying to negotiate a space for themselves to be accommodated and accepted.

On this point, one of the interviewed activists mentioned that, as an observant

Muslim woman, she feels that she is “constantly walking on a tight rope,” trying to protect both her faith, which she appreciates, and her ideal of gender equality which might sometimes contradict that faith. She wonders whether life would have been easier for her as a feminist had she not chosen to be a believing and observant Muslim.

Second, this also indicates that for some of them, religious faith does seem to affect their public demands for PSL reform. Some say they would not demand anything that contradicts their religious beliefs even if that would go against equality.¹⁴ This is an important point that might explain the apparent inconsistencies in some of their PSL reform work which will be highlighted below.

Third, in some cases, these women are still developing their framework and do not always have a final solution for everything. Sometimes things are clear for them and they make strong demands, and sometimes not. Some of them, certainly not all, go through an internal and external struggle “to square their gender equality commitments with their religious faith,” as one of them put it when asked about the differences between her feminism and religious beliefs. One can say that they are going through a process of labor in creating this particular discourse which combines the needs of Egyptian lived reality with religion and human rights. It is now time to turn to NGOs’ appropriation of a human rights discourse.

The Human Rights Discourse

Most of the interviewed NGOs would agree with An-Na’im that international standards of human rights are founded on fundamental values which are shared by all cultures and religions (xi-xii). One of the interviewees felt that it would be too arrogant of the West, and ignorant of the East, to assume that human rights are a particular product of the West’s own culture exclusively; another, who is veiled, viewed human rights as the crystallization of the principles common to all religions. Therefore, many felt that a reform of the PSL based on an enlightened interpretation of Islamic sources would naturally be in accord with human rights principles.

Despite these NGOs’ claim that religious principles of equality, justice, and the preservation of human dignity are similar to those of human rights, there remains a gap in that argument. For some NGOs, ‘religion’ does limit their demands for equality, even if such demands are strongly supported by a human rights discourse. Examples discussed below include the total prohibition of polygamy, as well as equality in inheritance shares between women and men, which most NGOs were not willing to include in their reform proposal. This stance largely stems from the fact that these two issues were addressed in what appear to be definitive ‘clear-cut’ scriptural verses in the Qur’an (*qat’iyyat al-dalala*).

Again, most NGOs would agree with An-Na’im’s assertion that, in a legal system such as the Muslim one, “policy arguments are insufficient bases for challenging the rules and replacing them with an alternative set of rules unless one can also rely on *scriptural* authority.” (“Rights of Women” 497; emphasis added). He warns that Islam can motivate women themselves to challenge these seemingly “Western” notions of women’s rights. But “the best way to challenge this, it would seem, is

to show that the rights of women are Islamic and not alien Western notions” (501). NGOs in Egypt are engaged in precisely this process.

An-Na'im and Deng describe NGOs' role as actors from within a culture interpreting human rights in a culturally sensitive language (xiv). According to Merry, it is the role of NGOs to “negotiate the spaces between transnational ideas and local concerns” (134). They are innovative in their local application of global concepts and practices through this process of translation. In this process of translation, Egyptian NGOs here found that the human rights discourse engaged a different understanding of religious law. This is not only a process of ‘translation’ that is taking place here between the global and the local; it also became a process of ‘transformation’ of certain religious, spousal, legal rights and obligations.

Many reported that human rights clearly informed them of the concept and possibility of equality between the sexes. Some felt human rights had helped them bring out the positive, gender-egalitarian elements of religion, which had been overshadowed in *fiqh* by the patriarchal influences of time and place. One activist went as far as suggesting that this work on the women's question might reform Islam and return it to its *maqsad* or purpose. Another interviewee said human rights helped some activists to start questioning everything related to women, including concepts that were regarded as *thawabit* (unquestioned pillars), such as the need for a *wali* (guardian) to contract the marriage on behalf of the woman. One woman mentioned how human rights helped activists to break the male monopoly on religious interpretation. It helped her to go back to the sources of Shari'a and work things out for herself as a Muslim. Another stated that human rights primarily helped her to look at herself and her different ideas as ‘respectful,’ and that she expected to be respected by society too. Human rights helped her to reject the elements in *fiqh* that reinforced unequal and unfair treatment between women and men. She found that most *fiqh* looked at women “always as part of a whole”—a family, a society—and not as an individual. A veiled interviewee said, “Human rights helped me to become me.” Another interviewee gave a political example, how the discourse of an Islamist group like the Muslim Brotherhood pertaining to the work of women has changed since the 1980s. Today, the Brotherhood cannot afford to be as vocal against women's employment outside of the home as they were previously, and have had to change their stance on the issue—in her opinion, due to the rising importance of human rights in the world today.

Most NGOs find that a human rights discourse is, more often than not, comfortably conducive to demands for reform of the PSL. This is partly because, unlike religion, it is not subject to fundamentally different interpretations. Many of them also agree with Abu-Odeh who explains in “Egyptian Feminism” that the prevalent traditional religious discourse will limit the rights women can enjoy because it mainly comprises an old *fiqh* that was created in a different context where equality between men and women was not a priority. A radical re-understanding and re-creation of a contemporary *fiqh* needs to take place for it to be as conducive to their work today as human rights.¹⁵ If that change occurs, then religion will not pose any limitation, most of them believe. However, it became apparent to me during my fieldwork that many of those I interviewed who consider themselves observant Muslims would not have been spurred into action to reform the PSL by human rights alone. In their

eyes, Islam also came to advance equality, justice, and dignity, and, hence, that was the green light for many of them to contest this law and attempt to reform it on religious grounds as well.

Besides NGOs' awareness that human rights can be popularly regarded as a Western import, and potentially a new form of colonialism, some interviewees found that the concept of equality as outlined in international human rights conventions, such as CEDAW, could also be problematic and disadvantageous to Muslim Egyptian women. They usually cite the Islamic legal obligation of the husband to pay a dower, as well as maintenance during marriage and after its dissolution, as Islamic advantages to women. Another privilege is that female kin, starting with the mother, take precedence in custody cases over male kin of the children of divorced spouses, regardless of the former's financial ability, since the father of the children is obliged to maintain them fully (and to pay the mother or female custodian a fee for caring for the children based on traditional Islamic jurisprudence). If NGOs followed the principle of equality in CEDAW consistently, they would be bound to ask for the rescinding of these rights which Islamic legal tradition gives to Muslim women. Most of those interviewed were very reluctant to deprive Muslim women of these privileges, bearing in mind the financially disadvantaged position of most women in today's Egypt. Therefore, their critical stance towards human rights is not just faith-based, but also stems from a grounded assessment of the socio-economic situation of the women they serve.

Applications of the New Discourse to Legal Issues

Departing from the lived reality of women suffering under the PSL, and mixing and merging Islamic and human rights discourses, Egyptian NGOs are forming new conceptions of spousal rights and duties that they want the PSL to reflect. I will briefly illustrate this process using specific issues in the PSL, concentrating on the notions of *qiwama* and maintenance, obedience, wife-disciplining, polygamy, and inheritance. The arguments below are a conglomeration of what NGOs presented either in their law reform documents, in their public meetings that I attended with their stakeholders, or in interviews with me.

When asked about *qiwama*, most interviewees refuted the prevalent understanding of it as unconditional male authority over women. Some of them argue from the text (4:34) that one of the conditions for *qiwama* is to maintain the family financially; however, in many Egyptian families today, both women and men share financial responsibility because of poverty and, accordingly, *qiwama* should also be shared. They also refer to some *fiqh* works which condition *qiwama* upon a person's knowledge, not only financial ability. Since women and men today have equal opportunities to pursue knowledge, with women sometimes excelling men, it would be irrational, for example, for an illiterate man to have *qiwama* over a female university professor. NGOs agree with scholars like Abdel Moaty Bayoumy in defining *qiwama* as more a responsibility than a privilege or authority. They critique the link which classical *fiqh* established between the *qiwama* of the husband, as the responsibility to financially maintain his wife, and the obedience of the wife in return.

Many NGO activists reject the wife's duty of obedience to her husband as stipulated in the PSL and based on classical *fiqh* conceptions. The argument that the husband maintains his wife in exchange for her obedience is, in their view, not only outdated and unacceptable, but even close to *shirk*, the grave sin of worshipping a partner to Allah, or polytheism, because obedience should be to no one but God.

NGOs with legal clinics also noted that most of the obedience court cases against their female clients were filed by husbands in a spirit of vengeance and spite, in order to purposefully prolong the wife's misery in the slow court system, or to get back at them for having dared to file a divorce case against the husband. Today, then, this legal provision is being used to inflict harm, which, in their view, would never have been the purpose--*maqsad*--of Islam.

In their interviews, most NGOs hold that obedience should have practically no place in the law governing Muslim families in today's Egyptian society.¹⁶ However, some of those interviewed saw that, to be consistent, if they called for rescinding the obedience rules in the PSL, they also had to call for both spouses to share the obligation of maintenance, not just men. One of the interviewees stated that women in Egypt would not welcome such a change, because it would put an additional financial burden on their shoulder. She asserted that many Egyptian women did not really care for equality, and NGOs should not be rash in asking for things that society is not ready for. Another, however, stated that women were, in fact, already spending on their households like men do, and that society was 'already there.' Also, most NGOs held that the economic value of women's domestic work should be counted as their financial contribution to the household. In their final written law reform proposals, most NGOs, however, remained silent on the husband's legal obligation to maintenance, indicating their silent approval of this duty on the husband. Additionally, they did not call for the outright removal of the duty of obedience and its legal effects, rather they merely recommended changing the words "maintenance" in return for "obedience" to become "mutual obligations" in the law, maintaining the same legal effects.

The physical disciplining of wives is not governed directly by the PSL, but rather by the Penal Code. It was included in the interviews because it takes place within the family sphere and is widely thought to be sanctioned by Islam because of the husband's *qiwama* and *wilaya* over his wife. All NGOs are unanimous in rejecting the concept of bodily castigation despite its Qur'anic sanction (4:34). They appeal to a historical and linguistic analysis of the verse, indicating that the word *daraba* has many meanings in the Arabic language, not just 'to strike,' but also 'to leave' or 'to ignore.' They sometimes refer to *fiqh* conditions on how the disciplining should take place, to show that it is not an unconditional right of the husband. They also undertake a contextual analysis of the state of Qurayshi society which justified the revealing of this verse at the time, to indicate that the context has changed radically. Above all, they highlight the Qur'an's protection of human dignity, and how disciplining contradicts this general and overarching principle of the Islamic message. They bolster their case with the practices of the Prophet himself, who never struck any of his wives.

Polygamy was heavily criticized by most of those interviewed for its harmful effects on the family. Some highlighted the Qur'anic indication that polygamy would be permissible if men were able to treat their different wives justly and equally (4:3), but that they would not be able to do so (4:129). Hence, most NGO activists concluded the practice should not be allowed. Some of them referred to the incident when Ali Ibn Abi Talib, the Prophet's cousin and son-in-law, wanted to take another wife besides Fatima, the Prophet's daughter, and the Prophet forbade him to do so, indicating that anything that harmed Fatima would harm him personally. Some used the work of Shaykh Muhammad 'Abduh (1849–1905), the late nineteenth-century Egyptian Muslim religious reformer and state mufti, which highlighted the ills of polygamy to society. They also cited facts from today's reality indicating how harmful this practice is to women, children, and men. Many NGO activists, however, are aware that polygamy was made permissible in what is perceived to be a definitive verse despite Qur'anic restrictions on it in other definitive verses as well. They are also aware of hostile societal attitudes on this matter. Therefore, most of them would not call for the total abolition of polygamy in the PSL. Rather, they would ask for restrictive conditions that will make it very difficult for the husband to take another wife. A minority of NGO interviewees expressed sympathy for polygamy, but only in certain cases, such as when the wife is unable to bear children. They also found it difficult to ask for its total prohibition because it was mentioned in the Qur'an, and their faith in the Qur'an led them to think that it must have been put there by God for a good reason.

Inheritance was one of the trickiest concepts to handle for some of the interviewees. This is because the Qur'an is perceived to be very clear as to how the estate should be divided between women and men. Also, they know that challenges to this concept will be received in a very antagonistic manner by society. Almost all of those interviewed indicated that inheritance should be the last issue to tackle, partly because of popular hostility, and partly because women do not inherit anything at all in many areas in Egypt, so the priority should be to make sure they do, even if only half as much as their male kin. However, I realized that some of the interviewees hid behind these two points to cover their own indecision about what they as practicing Muslims should do about inheritance. When I probed further and asked whether they would call for equal inheritance if women did start inheriting their religious share of the estate, some said they would not, because that would be going against a clear Qur'anic verse, while others uncomfortably indicated that they hadn't decided yet. Yet there are others, some of them religiously observant, who clearly state that women should inherit the same as men nowadays due to the change in context, family structure, and financial obligations on the spouses. This last group, a minority, still thought that it would do more harm than good to tackle this explosive issue now despite their religious belief in its permissibility, and that there were other priority issues that they should address first.

Analysis and Conclusions

The previous sections discussed the religious and human rights discourses and the effect their interaction had on specific rights and obligations to be reformed in the PSL by NGOs. We witness here a particular Islamic feminist discourse that is born out of this particular context. It is now time to address the final question in this chapter, namely: What is the nature of this Islamic feminist discourse and what opportunities and challenges does it pose here? This makes it easier to understand its potentials and challenges in justifying NGOs' PSL reform demands.

- The main tools used by NGOs whilst formulating this discourse were:
- A historical, contextual, and linguistic analysis of Qur'anic verses
- Checking the verse or ruling against its purpose (*maqsad*)
- A re-interpretation of Qur'anic verses based on general Qur'anic principles such as equality, justice, and the preservation of human dignity
- Making a distinction between Shari'a and *fiqh*
- A study of *hadith*, sifting the strong *hadiths* from the weak
- Presenting elements of the Prophet's life and practice that support their demands
- Augmenting this religious discourse with scientific facts and statistics from social reality

Finding inspiration and guidance in the international human rights discourse

Even though interviewees did not label this work as Islamic feminism, yet the approaches and tools that they use are very similar to those used by Islamic feminist scholars worldwide. However, as Schneider points out, it is necessary to make a distinction between "Islamic feminism as a discursive movement and the distinct local, national or transnational social and political movements that are all increasingly referring to this discourse" (56). Egyptian NGOs here are creating their own version of an Islamic feminist discourse that has sprung out of the interaction between contemporary Egyptian lived reality, Islamic law, and international human rights law. All three interacted together and one was the reason another had to be sifted through, questioned, and sometimes re-created, thus forming a new discourse.

In this example, it seems that what constitutes credible and authoritative methodologies of producing religious knowledge is being tested. Methodologies such as critical, historical, and literary analyses of the text and unearthing the purpose/*maqsad* of Islam seem to be rising in importance (Moll 42). Another criterion that seems to be important is a ruling's suitability to the needs and standards of contemporary lived realities. Previously, religious knowledge production was not under much scrutiny or pressure from an international community flying the flag of international human rights standards. Today, it is becoming increasingly difficult to produce religious rulings that condone and encourage practices like slavery, wife-

beating, and child-marriage, even if they find scriptural root and justification. Human rights have become a new measure for evaluating religious knowledge production. This measure does not go uncontested by Muslims and others, nor should it be, as NGOs usually noted in the interviews when criticizing American military intervention in Afghanistan and Iraq under the pretext of democracy and human rights. But it seems that, today, it is no longer a given that religious knowledge can depend solely on traditional *fiqh* understandings of the Qur'an and Sunna for its authority and acceptance by Muslims everywhere. It appears from NGO work that, at least, it should not clash with general sensibilities of what constitutes human rights and dignity today. It most certainly should not be used as a pretext for harm as seen, for example, in obedience court cases which the NGOs handle in Egypt. It should also adequately address the increasing financial roles and contributions women are making to their families today.

Whether this might eventually lead to a discursive rupture still remains to be seen. However, and in the current context of what Mir-Hosseini called Islam's epistemological crisis (*Women* 301), a significant change is notably taking place in the relations of knowledge and power that produce religious discourse today. This is seen when the new discourse critically addresses discrepancies between traditional jurisprudence on women's rights and the contemporary changing needs and roles of women. Based on their grounded reality, NGOs analyze, question, and deconstruct traditional religious discourse to reconstruct a new one that is more gender-sensitive and suited to the current context. Likewise, they take from human rights the possibility of equality between spouses, appropriating what they find suitable and leaving the rest. This choosing, mixing, and matching between religious and human rights discourses is creating new conceptions, opportunities, indeed a new logic and potential to address contemporary Egyptian realities.

However, it became apparent through the course of their work that it is one thing to develop a new discourse with new concepts, another to articulate these into appropriate demands in political lobbying. Articulating demands seems to be a distinct process, separate from creating the knowledge or discourse upon which these demands are based. Public demands are shaped by the context they are made in, and by the actors who make them and their position in that context. That is why such demands might sometimes diverge, to a greater or lesser extent, from the theory underlying them, as will be discussed below.

It is also important to highlight who is involved in the creation of this particular Islamic feminist discourse. NGO activists hold that as Muslim believers they have the right to engage in creating and choosing the interpretation that suits their contextual needs. The monopoly on Islamic authority held by traditional religious experts and leaders is thus being put to question. Interviewed NGO activists, most of whom are declared observant Muslims, are reclaiming their agency as Muslim believers to determine what they see as Islamic. This is not to say that NGOs have successfully challenged traditional authorities and become recognized sources of religious knowledge production themselves. But it points to a proactive and critical mindset which attempts to contribute to, and monitor, the process of producing religious knowledge today.

On a different but related note, most of those I interviewed do not seem to use a religious discourse in an instrumentalist fashion. With a few exceptions, they are critically engaging with religion, clearly seeing its patriarchal elements, yet nevertheless trying to come up with a better and more suitable interpretation for the current context. Some of them use a religious discourse to better communicate new ideas to their audience, and many of them consider themselves believers in the Islamic message, and find it a credible frame to regulate their own personal lives. Instrumentalists using religion as a pragmatic tool, without a personal commitment, would instead have made use of the prevalent piety in society by professing religion as the main reference of their work, without engaging with problematic elements in that religion.¹⁷

Instead of being the subject of the tug of war between traditionalists and modernists, women such as the NGO activists presented here, started to become actors themselves in that battle. They opened a space for critiquing gender constructions in Shari'a in ways that were impossible previously (Mir-Hosseini "Construction of Gender" 19). According to Mir-Hosseini, this new reformist discourse sprang from a space where Islam and modernity were seen to be compatible, where human understandings of Islamic texts has to be flexible and changing, and where Islam is seen to be open to changes in such understandings as time and place differed. This discourse, as a result, concludes that gender inequalities found in *fiqh* are the constructions of male jurists who represented prevalent views and social practices that had nothing to do with Divinity, but were human through and through, and hence prone to change. This discourse caused a seismic paradigm shift by taking Islam as its source of legitimacy, challenging the legitimacy of orthodox views that had gradually come to be seen as true Islam ("Construction of Gender" 20-21).

Mir-Hosseini's analysis applies to most of the women activists studied here. She perceives this kind of work as a feminist deconstruction, followed by a reconstruction, of the notion of gender in the Islamic legal tradition by women themselves. It is an attempt by these women to understand and question--instead of quickly demolish--the assumptions, sources, methodologies, and tools used in the construction of traditional gender discourse across time, as well as the prevalent power relations that contributed to its construction. The value of this Islamic feminist discourse she is alluding to actually lies in its emphasis on the constructed-ness of Islamic law and jurisprudence, and by showing that such a construction was reached using human methodologies, *Usul al-fiqh*, which can be further developed by women today.

Gaps Within NGOs' 'Islamic Feminist' Discourse

This new discourse holds much potential for change and reform for the PSL. This could be seen through some of the NGOs' public demands which represent breakthroughs in the Egyptian debate. These include placing conditions on polygamy; calling for the principle of shared responsibility between the spouses, even if it is just a theoretical demand that is not reflected in their specific demands regarding obedience; keeping custody with the mother after her re-marriage; sharing financial guardianship of the children by both parents and not just the father; and, finally, regulating the accumulated shared wealth within a marriage.¹⁸

At the same time, this discourse can sometimes create what may be perceived as inconsistencies. For example, under a strict human rights umbrella, polygamy would be totally abolished from the PSL, not merely made subject to conditions, which is what the NGOs are demanding. Inheritance would be equally divided between women and men, which is not what the NGOs are currently calling for. Maintenance would be a shared obligation of the spouses, but NGOs have made no clear indication of that in their law proposal. According to their enlightened religious discourse, they should be calling for the abolition of the wife's obligation to obedience, but they do not.

Yet, instead of attacking NGOs for their sometimes 'inconsistent' demands, it is more useful here to understand the possible reasons behind them. Taking a feminist standpoint on this means examining the underlying complexities and power dynamics. Possible reasons for what Cowan et al. call the "unavoidable messiness" of this kind of rights struggles where we find "competing claims and contestation over meaning" (21) include:

- Personal religious faith that prohibits some activists from making certain demands for equality they feel are in contradiction with that faith;
- The perceived socio-political willingness, or un-willingness, of society to accept certain demands for women;
- Concerns that some demands, although calling for equality, could be potentially harmful to women and would deprive them of some current advantages;
- NGOs' structural weakness and lack of ability to mobilize supporters and leverage to effect significant changes in the situation of women; and
- The fact that the discourse is still gradually taking shape, therefore 'inconsistencies' are to be expected during the process of building and developing it through practice.
- NGOs having to grapple with these very real, convergent issues eventually get caught between the concept and its execution. An apparent 'inconsistency' in their work could in fact be one of the very few possible responses to such conflicting factors and pressures.

Cowan et al.'s words well describe the serious struggle of some activists to reconcile their religious faith with their demands for equality. Interviewees explained this struggle as mainly due to the perceived clarity of the text on issues like polygamy and inheritance. This shows the power a text like the Qur'an holds over its believers, the power of traditional interpretations to portray themselves as the only right ones, and the power of the belief that only religious scholars can interpret the Qur'an. All this explains the compromises, silences, or 'inconsistencies' in the demands NGOs eventually have to make in practice. It also means, however, that this new discourse will need to clearly define its relationship with such a powerful text as the Qur'an, and with those who speak in its name. If it is to effect any significant change in the future, it will need to answer some difficult methodological and epistemological questions such as: In which areas will this discourse adopt the 'spirit' or 'purpose' of the Qur'anic verse and in which will it follow the verse literally, even if it proves unsuitable

to women's lived realities in Egypt today? Will it accept the criteria of the classical methodology of *usul al fiqh* that define certain verses as definitive and not subject to interpretations, others as subject to re-interpretation across time and place? Or will it develop new criteria and jurisprudence that open interpretation to all verses alike? And, if it does so, what measures will this discourse take to avoid the potential chaos feared by classical jurists from plurality of opinions and the ensuing loss of consistency alluded to in the beginning of this chapter? Finally, how can this feminist discourse justify its use of 'extra-textual' methods by using a human rights framework to understand the text, thus effecting a sharp break with the Islamic jurisprudential tradition?

Additionally, NGOs still need to develop more conceptual clarity on how equality should feature in their PSLs' reform advocacy. More thought needs to be put into determining what kind of equality they want to construct that takes root in both human rights and Islamic frameworks. Is it an equality that is bound to be contradictory in nature by virtue of its divergent human rights and religious sources? Or can it be one that achieves synchronization and consistency nevertheless?

On the level of equality in human rights, perhaps substantive equality would seem to be more suitable than formal equality as a frame for such NGOs to operate within. It opens up possibilities for positive discrimination in areas where women are known to be disadvantaged, as in relation to financial maintenance and the contemporary globalized feminization of poverty. It also helps us understand the logic of the seeming contradictions in NGOs' demands despite their adopting the human right of equality.¹⁹ On the level of religious discourse, perhaps Abu Zayd's theory of the different domains of equality in the Qur'an can help us understand why NGOs were not able to make certain egalitarian demands such as the prohibition of polygamy, polygamy being sanctioned by the Qur'an, at the same time that they are using the same Qur'an as a reference to realize equality. Such a theory might pave the way for new possibilities of equality held within the Qur'an for future developments in the PSL.

Finally, Islah Jad's research poses a critical view of NGOs' ability to engage politically to reform laws in a successful manner. She shows that NGOs' efficacy is usually compromised because they are particularly susceptible to state control and harassment, lack the ability to mobilize mass support, are plagued by the careerism of some of those working within them, and suffer from vulnerability and suspicion due to their dependence on foreign funds. In the current political balance of power, women's rights NGOs in Egypt have minimal leverage and clout precisely because of these reasons which render them an easy target for continuous hounding by the state and media. That is probably why they sometimes dilute some of their demands, such as eventually accepting the wife's obligation to obedience, to heed the threats they anticipate.

I contend that unless NGOs address these challenges within their structure, especially their lack of mobilization of mass constituencies and supporters, the development of their discourse will always be stunted. They will not be able to translate this discourse fully into action, and will be constantly pushed to make such

comprises and dilutions which lead to half-solutions rather than radical remedies of root causes.

The discourse developed by the NGOs here, however, is full of potential. It combines what some would think incompatible--Islamic law and international human rights law--to provide new solutions for new problems. As summed up by one of my interviewees, it is a discourse that "shows women and society at large that, in fact, being an observant Muslim woman does not necessitate accepting inequality and being treated as a second-class citizen, and; Islam does support us in that!"

¹ This chapter is based on a doctoral thesis by the author submitted in 2013 to the Centre for Socio-Legal Studies, Law Faculty, Oxford University.

² For the purposes of this chapter, when referring to international human rights law, I will particularly focus on the United Nation's Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

³ There have been several manifestations in the last two decades of this discourse that combines Islamic law with human rights in other Muslim majority countries in the Middle East such as Morocco, Algeria, and Iran. Therefore, it is not a new discourse in the region; rather, it is relatively new for PSL reform in the Egyptian context.

⁴ The *Khawarij* are an 'early sectarian group in Islam, neither Sunni nor Shii, although they originally supported Ali's leadership' Citation: Esposito, John. 2003. *The Oxford Dictionary of Islam*. Oxford: Oxford University Press, 171.

⁵ Both Esposito and Delong-Bas (130) and Kamali (40-43) make a distinction between Shari'a and *fiqh*: Shari'a is the divine message of God, while *fiqh* is the human endeavor to unveil that message and render it understandable by humanity. On the other hand, Abdullahi An-Na'im sees no difference between Shari'a and *fiqh*, he states that "Shari'a, as known to Muslims today, is not divine in the sense of being direct revelation. Rather, it is the product of a process of interpretation of, and logical derivation from, the text of the Qur'an and Sunna and other traditions" (*Towards an Islamic Reformation* 11).

⁶ *Mu'amalat* are 'commercial and civil acts or dealings under Islamic.

⁷ Hallaq explains how some of the more "rationalistic" methods gradually gained a negative hue because they became synonymous with "arbitrary reasoning" or 'fallible human thought,' i.e., a way of thinking that failed to consider the authoritative texts" which meant that laws derived by such methods had a human rather than, the more superior, Divine foundation (76).

⁸ By such classical standards of validity, NGO activists studied here will face a serious question of authority and recognition towards their use of international human rights as a source of law informing their PSL reform. Not only is it a source outside of the sacred texts of Islam, but also because human rights reflect the radical changes happening around and within Muslim societies today, this will eventually lead to a sharp break with the established gender norms and laws developed by the different schools of thought across Islamic history.

⁹ See, for example, El Hennawy and Abdel Baky; Zakareya; El Sayed; and Abu Teeg.

¹⁰ For a critique of this see Sonbol.

¹¹ This NGO emphasized that one needs to speak the right language for the right place. They would not go to a village in Upper Egypt and talk about CEDAW, for instance, as it would be seen as a foreign, inappropriate, and suspicious reference. Rather, they would translate such concepts into local frames and images to get the point across.

¹² For more on deconstructing the term see Mir-Hosseini. The term, and the efforts it describes, have been widely contested and discussed over the years. See, for instance, Badran; Tohid; Abou-Bakr; and Moghadam.

- ¹³ These activists were vaguely aware of the scholarly work, mostly written in English, which most of them do not speak, that attempts to create a symbiotic relation between Shari'a and human/women's rights. Only one of them—a university professor—had studied this work in depth.
- ¹⁴ On this, one of the interviewees exclaimed: “We are not going to be asking for haram (religiously prohibited) things just for [the sake of] equality between the sexes!”
- ¹⁵ It is important to note here the work of both Peters and Cockayne, who criticize scholarship that incriminates 'Islam' using a human rights yardstick. These authors argue that it is anachronistic and Orientalist to judge the rules of classical Islamic jurisprudence by today's standards. What these NGOs seem to be doing, rather, is to engage in an interactive dialogue between the two discourses to create a more relevant new one.
- ¹⁶ Nevertheless, in the end, NGOs in the network did not call for the abolition of obedience in their final legal manual.
- ¹⁷ For a critical discussion, see Sholkamy.
- ¹⁸ I consider these breakthroughs because some are relatively new public demands for Egyptian society (excluding polygamy); they are in contradiction with settled traditional Islamic jurisprudence on the matter; and they run against the general sensibilities of what women's and men's roles in Egyptian society today are perceived to be.
- ¹⁹ Abu-Odeh has previously suggested that instead of activists calling for the abolishment of maintenance to abolish obedience, thus harming poor women, they can instead advocate for a substantive equality position where men still maintain but women are not obliged to obey (205). Her suggestion seems plausible, especially considering that the link made between maintenance and obedience was essentially a jurisprudential rather than a Divine one.

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PART II

FEMINISMS AND DIALOGUE IN THE EUROPEAN CONTEXT

1. Empowering Muslim Women in Germany
Kathrin Klausing
2. Between the Rosary and the Qur'an: Cooperation between Catholic Women and Islamic Feminists in Italy
Anna Vanzan
3. Islamic Feminism in the French-speaking Post-colonial European Context
Malika Hamidi

EMPOWERING MUSLIM WOMEN IN GERMANY¹

Kathrin Klausling

Introduction

Muslim women in Germany face several challenges within the Muslim and broader German society in their attempts toward participation. On the one hand, they face present Orientalist stereotypes which are spread through media, laws (for instance, the so-called headscarf laws preventing Muslim women wearing headscarves from becoming teachers in eight federal German states), and policies. On the other hand, Muslim women also face problems relating to gender issues from within their own communities' discourses on women. This chapter explores the different strategies Muslim women in Germany developed in order to challenge and shape these diverse discourses about their identities. The chapter also presents the context within which these Muslim women activists in Germany operate.

On the level of organized activities, several Muslim women activist organizations have evolved since the 1990s, with four major associations which I refer to below. Huda (Guidance) serves as a networking platform on a national level since 1994. The women activists working in this organization publish a monthly magazine that seeks to discuss controversial issues related to Islam from a variety of angles. Another main matter of concern for the organization is offering consultation for Muslim women with regard to personal problems, especially marriage. ZIF (Center for Islamic Women's Studies) mainly works on challenging misogynist religious discourses by publishing articles and participating in inter-religious dialogue platforms. Its publications strongly connect to international strands of Islamic feminist discourses targetting religious debates within the Muslim community in Germany. BFmF (Center for the Encounter and Education of Muslim Women) addresses social problems that prevent Muslim and/or migrant women from full societal participation. Finally, AmF (Muslim Women's Coalition for Action) was initially founded in 2010 after three years of network meetings. The organization explicitly avoids any kind of religious debate.

Since 2000, public discourse on Islam has disabled inner Muslim discussions which were initiated by Muslim women's organizations in the 1990s, because it has forced Muslim women to focus on certain issues created by this discourse. This chapter will, therefore, explain the specific concerns of Muslim women, like racism, islamophobia, or misogynist traditions, as well as show how these concerns shaped a specific form of Muslim women's activism in Germany.

I. Being Muslim and Female in Germany

Before looking closely at Muslim women's activism in Germany, it is important to look at the broader situation of Muslim citizens within German society and the public discourse relating to Muslims and Islam. The image of the (believing) Muslim woman in public discourse is determined mainly by two Orientalist notions that view such women as victims of their male relatives and suspect fundamentalists. These notions of strangeness and dangerousness became more and more popular

as Muslim women began to be more socially visible and claim positions in the public sphere within the German society (Pinn 22; Cakir). Yet, this gender-specific stereotyping also affects the perception of Muslim Germans in general and their status as German citizens, particularly in the spheres of politics, media, and law.

Political Discourse

The German political scene is typically characterized by campaigns, and has recently witnessed a severe shift towards extreme right-wing positions from margin parties into political mainstream parties. Notions such as “Islam” or “Muslims” play a large role within this framework, and have slowly replaced older discourses on unwelcome foreigners over the last decades. This trend manifests itself, among other areas, in the discourse of politicians trying to enhance their public image through measures or proposals that target Muslims’ religious lives, workspace, or education. For instance, in March 2012, Lower Saxony’s Interior Minister issued a paper against the radicalization of Muslim citizens targeting different “security partners” like teachers and employers. This paper suggests that citizens, and especially employers or teachers, observe and report suspicious Muslims (see Interior Ministry of Lower Saxony). Four months later, the Interior Ministry came up with a list of suspicious actions exhibited by Muslim employees: Weight loss, fasting, general increase in religious observance, extended travels in Muslim majority countries, and concealing private activities are deemed suspicious according to the Interior Ministry’s list and should be observed and brought to the attention of the authorities. This measure by Lower Saxony’s Interior Ministry is in line with the politics of the federal state Interior Ministry, which launched a national poster campaign focusing on the radicalization of Muslim youth, inviting parents, relatives, teachers and friends to consult a hotline if they are troubled by increased religiosity or conversion to Islam by their child, relative, or pupil. Muslim and Migrant umbrella organizations repeatedly expressed their worries about further potential stigmatization and marginalization of Muslims through measures like this (KRM).

Media

Gendered coverage of issues relating to Islam and Muslims is a core feature of the media scene in Germany. Reproducing Orientalist stereotypes of *the* Muslim woman (thus always implying a certain stereotype of *the* Muslim man), the media discourse further reinforces the classical image of the “oppressed” Muslim woman and, adding the category of the “dangerous” Muslim woman who poses a threat through her religious fundamentalism (symbolized by her veil) and her extraordinary fertility (see Shooman).

Law

There is a long list of verdicts and legislations that have caused a stir in German popular discourse and either obstructed the discourse on Muslims or helped legally limit Muslims’ religious and personal freedoms. The latest of these verdicts is the so-called “Circumcision Verdict” (*Beschneidungsurteil*; see District Court Cologne) which

has caused an international stir, probably also due to the fact that a verdict from a German court that restricts the religious freedom of Muslims and Jews alike evokes gloomy memories from Germany's history. In the past years, there have been several verdicts regarding Muslim religious practices like the "Prayer verdict" (*Gebetsurteil*)² or the "Headscarf verdict" (*Kopftuchurteil*)³, which had a great effect on Muslim women's opportunities in the job market. The following legal case is an example of the inconsistencies of gendered Orientalist discourse and its negative effect on one specific Muslim woman. In March 2007, a judge declined the motion for a preterm--meaning before the obligatory year of separation--divorce due to undue hardship in the case of a woman of Moroccan origin who was physically abused by her husband. The judge reasoned that since both parties were from the same cultural background (both German citizens of Moroccan origin) where the right of a husband to chastise the wife was not unusual, there was no undue hardship for the woman (Court of Frankfurt). The Judge was soon dubbed the "Koran-Judge" (*Koran-Richterin*) in the subsequent media uproar conveying the idea that she was judging according to Islamic law, hence evoking deep fears of a legal invasion of free and just Europe by the medieval law of Islam⁴. Muslim women's organizations, unfortunately, also reacted in a similar vein, arguing that verdicts like that were a proof of the necessity to re-interpret certain passages of the Qur'an (namely, 4:34; see Huda). This means that the judge never actually had the intention to "judge according to the Qur'an"; she was judging based on the prejudiced generalization and stereotype that Muslim women chose their fate of oppression and abuse willingly, or that they are used to being chastised and physically abused because their culture of origin encourages violence towards women (this further entails the implicit assumption that German culture is somewhat different in this regard). They are, therefore, not entitled to the same rights and freedoms that "white women fought for."

Demonizing the Headscarf

The stereotyping of the "Muslim veil" is as old as Orientalism itself, but it has had a huge impact on reporting, policy-making, and even legislation recently. There is possibly no discourse that has both influenced the perception of Muslim women within German society and negatively enhanced discrimination against women's status in the job market, housing, etc. more than the laws that regulate hiring state employees (in most cases, this directly affects only women who work as teachers with a civil service status). These laws had a wide impact especially on Muslim women in various employment fields, becoming glaring examples of discrimination on the grounds of gender and ethnicity.

Muslim women wearing headscarves, their experiences, and attitudes have been the subject of several German research studies in the past years (see Jessen and von Wilamowitz). Although Muslim women have not ceased to experience increasing discrimination in the workspace, housing market, and other crucial areas that hinder societal integration, large-scale studies aiming to trigger political action are still missing. Muslim women face multidimensional discrimination in almost all areas of life and on a wide scale (see Chbib; Klier; Korucu). These discriminatory acts can include the following:

- A foreign-sounding name or a headscarf is often reason enough for a woman not to be invited to a job interview to begin with.
- Women studying to become teachers or lawyers usually never have a chance to practice their profession. Since 2003, eight federal states have issued so called neutrality laws (HRW 25-40) that ban the wearing of a headscarf as a teacher in public schools, some states extending this law to care workers or civil servants in the police, courts, and prisons, explicitly excluding Christian and Jewish symbols from the ban (see Boos-Niazy).
- Students of all disciplines are often less successful in obtaining internships because of their headscarves.
- Even longtime employees in hospitals and care facilities face dismissal of their contracts because of complaints about their dress by co-workers and/or patients, their employers failing to protect them from this severe form of discrimination.
- Within the service sector and housing market, women wearing a headscarf experience discrimination--for example, by being denied membership in health clubs, adequate housing, or entry into restaurant (see IR).

Muslim women's organizations have repeatedly pointed out the consequences of the verdict of the federal constitutional court in 2003 upon Muslim women. It not only affected teachers, nurses, child care workers, students, and pupils directly, but also had an impact on women in all professions. According to Human Rights Watch, the implementation of laws following this verdict constitutes a clear act of discrimination against Muslim women, thus contravening individual right to freedom of religion and equality before the law (see HRW 2). The verdict has also indirectly affected women looking for employment in the private sphere, as they are still confronted with stereotypes--now officially validated by federal laws (Boos-Niazy 15)

The "Islam Discourse" Serves Many Goals

Hence, the so-called Islam Discourse in German society serves different political and societal goals, poses an everyday challenge for Muslim women, and has, therefore, become an increasing concern in Muslim women's activism over the last decade in Germany. The discourse does in fact distract from the existing discrimination against women in the workspace. Gender is still the most common aspect of discrimination in the German workspace: There is, for instance, a gender pay gap with women earning on average 29% less than men in Germany, unequal family and care work, more poverty rates among single mothers (Weinmann 41), and the higher risk of old-age poverty for women, young women being more dependent on the financial support of their families than young men (Weinmann 14). Moreover, women still rarely occupy executive positions with the rate of women in leading positions in the 200 biggest German companies as low as 3% by the end of 2011 (Hols 1).

Nevertheless, these actual problems of Muslim women on the ground are easily disguised by focusing exclusively on other "cultural" problems, such as forced marriages and marital abuse both of which are viewed as uniquely Muslim problems. Moreover, this focus helps give conservative policies a feminist appearance. One can say that the project to emancipate Muslim women in Germany has failed as

there has not been one single effort to evaluate the increasing unemployment rate among Muslim women by gathering statistical data about their socio-economic situation (Yurdakul 124).

II. Being a Woman within the Muslim Communities in Germany

The other sphere, although mostly absent from mainstream public discourses, that affects Muslim women's activism and concerns is the dynamics within different Muslim communities in Germany. Although the Muslim population began to grow significantly in the decades after World War II due to labor migration, only by the end of the 1980s did the first Muslim women's networks emerge. By then, young Muslim women began a quest for a changed but affirmative religious identity within their religious communities. At the time, mosques in Germany were not used to receiving female attendees at all and were solely addressing a mainly male congregation in terms of space and programs (Klinkhammer 158). Muslim women started to build a spiritual home for themselves and form and institutionalize their female networks at the end of the 1980s (Klinkhammer 157). The last decade saw an increase in newly founded women-only Muslim organizations due to a lack of possibilities to participate as women within Muslim umbrella organizations in their home countries (Abid 107). This was due to the previously mentioned fact that mosques were primarily seen as targeting adult male Muslims for religious rituals, to the exclusion of women. Muslim women began to establish "sister groups" in order to make up for the lack they felt of such a spiritual home. Still, in 1996, the Muslim Women's Almanac (published by Huda) listed only 17 "sister groups" in all of Germany. By the end of the 1990s, most city mosques established special rooms and courses by and for women (Klinkhammer 158). Since 2000 major Muslim Umbrella Organization⁵ started their reform towards a more gender-inclusive policy by appointing women representatives, chairwomen, and female deputies.

Mosques in Germany serve a variety of purposes and their functions expand much beyond being simply a space for ritual prayer. German Muslims use mosques to attend sermons, celebrate holidays, as well as seek advice, consultation, and socialization. Although separate rooms for women are usually indicative of independent active female community work (Spielhaus 65), separation seems to have created problems of its own because of a variety of reasons (detailed below):

- It institutionalizes the separation (most prominent within the ritual prayer) between men and women into separate communities (Abid 108), sanctioning patriarchal privileges and unequal treatment. The women's rooms are usually not equipped with a *mihrab* (prayer niche) or *minbar* (pulpit) and they are, in almost all cases, more modest in their adornment, if they have any at all (Spielhaus 65). This situation acts like a visual reinforcement of the prioritization of male religious worship, which affects social relations between men and women and motivation towards community work.
- Separation also means that women's activities and congregations take place at the periphery of the mosque with the men's prayer room being—even on the architectural level—at the heart of the mosque where main religious and social issues are discussed.

- Men have direct access to an Imam who is often the only spiritual authority and advisor in the mosque. The Imam has a widespread function in Germany, often being consulted regarding domestic problems. Unlike the men of the community, women of the community who want to consult their Imam not only face the problem of accessibility, but also that of being an unknown, anonymous person to the Imam despite having to consult him regarding often very personal issues.
- Segregated spaces also symbolize the separation and divide in the work community and the lack of communication between women and men within that community. This was evident in a survey conducted on mosques in Berlin in 1996. Male representatives reported no activities by women in their mosques, while the women had actually conducted numerous regular activities in their own rooms (Spielhaus 66).

The opening of mosques in the themed-1990s to a wider public through public events like Islam weeks (*Islamwochen*) and Open House Days (*Tag der offenen Moschee*) had the effect of making Muslim women become more visible to a wider public and take over outreach work and representational duties (Abid 109). Muslim women's fields of work in mosques often replicate traditional female duties performed on a voluntary basis: food preparation, religious education of children, religious counsel, etc. (Abid 106).

A number of Turkish-speaking mosque communities, especially those which constitute part of a larger umbrella organization, have taken upon themselves the education of female (and male) religious teachers and scholars and are even partially able to hire them on a long-term basis (although this is a rare occurrence), thus enabling women to attend lectures and sermons and to engage in discussions of a religious nature (Yardim 284).

III. Muslim Women's Organizations in Germany

As mentioned earlier, independent activities by Muslim women take place outside mosques. The organizational mode is very often a registered association or organization, originating from informal meetings in sister groups or network meetings. Many women's organizations work on a local level, aiming to establish a network for exchange and a platform to communicate as Muslim women with local authorities. These smaller women's organizations often address different goals at the same time: They offer a platform for inter-religious dialogues with neighboring Christian or Jewish communities, playgroups, and weekly kindergartens which are a common part of the program. These groups sometimes even manage to establish educational qualification services targeting Muslim women.

Huda⁶ is the oldest networking platform that acts on a national level. The project started with a few women publishing a monthly magazine called *Huda* in 1994, with the group later becoming registered as an official organization in 1996. The organization publishes a magazine that discusses controversial issues within Islam from a variety of angles and conducts debates and dialogues within the Muslim community. The magazine soon became a platform for all women interested in exchange and discussion, as it explicitly encouraged diversity. Later on, consultation

for Muslim women with personal problems, especially regarding marriage, became a growing concern for the women organizers in the Huda network, which was the reason behind the establishment of a helpline for Muslim women in 1998. The founders felt this to be necessary because, from their experience with the magazine readers, they knew that Muslim women were often misunderstood because of their Muslim backgrounds when seeking consultation in mainstream institutions. Due to the widespread use of the Internet, patterns of communication and information gathering have changed tremendously also within the Muslim communities in Germany in the last decade. This seems to be one of the reasons behind the decline of subscriptions to the magazine. Nonetheless, *Huda* itself is probably the one Muslim women's organization that has had the greatest impact on problematizing gender issues and contributing to the development of Muslim women's networks and the establishment of other, now more active, Muslim women's organizations in Germany.

The BFmF⁷ (Center for the Encounter and Education of Muslim Women) is the only Muslim women-founded organization that was established to create work opportunities. It works on a local level in the city of Cologne and encourages the full societal participation of women by enhancing their qualifications and capabilities. The organization mainly offers courses to help women obtain high-school degrees and diplomas (through the study of computer, education, and language homepage). The BFmF also offers counseling in family matters as well as job and unemployment problems on a professional basis.

ZIF⁸ (Center for Islamic Women's Studies) mainly works on challenging misogynist religious discourses by publishing articles and participating in inter-religious dialogue platforms. Its publications are strongly inspired by South East Asian and North American strands of Islamic feminist discourses. The activists affiliated to ZIF articulate their need to engage with religious exegesis because of the lack of innovation regarding gender roles experienced within the Muslim population, whether in traditional or modern-oriented Muslim communities (Erbakan 58f). And at the beginning of the 1990s, they felt that a feminist theological discourse should emerge from within the community of Muslim women scholars themselves (Erbakan 74).

AmF⁹ (Muslim Women's Coalition for Action) is the most recent Muslim women's organization, founded in 2010 as a result of prior efforts that go several years back. The coalition consists of Muslim women from all walks of life in German society, whether women already involved in one of the four major German Muslim unions or individual Muslim women who are not affiliated to any of the major organizations. It also embraces women of all kinds of Muslim denominations. AmF seeks to provide an authentic voice for Muslim women in political and media discourses. The organization explicitly avoids any kind of religious debate.

Conclusion

Muslim women's organizations in Germany have developed their focus of activism from encouraging debates on gender-related issues within the Muslim community in the beginning of the 1990s to challenging increasing discrimination and societal

disadvantages in the beginning of the year 2000. The two organizations currently playing the most active role are AmF and BfmF. While both try to address the same goal (empowering Muslim women to challenge and overcome the hardships caused by societal disadvantage and discrimination), they use different methods to achieve this. AmF operates on an ideational and political level by conducting up-to-date media and policy analyses and strengthening networks of Muslim women on a national level. BfmF, on the other hand, seeks to empower women through helping them achieve educational goals and obtain certificates that further their chances on the job market. While these activities are crucial to the empowerment and promotion of Muslim women's societal participation, the need for debates on specific religious issues within the German Muslim communities still exists, and it might prove beneficial in this respect to develop and draw on the earlier work and efforts of organizations such as Huda and ZiF.

¹ I am indebted to Amina Luise Becker (ZiF), Gabriele Boos-Niazy (AmF), and Hamideh Mohagheghi (Huda) for their in-depth insight into almost two decades of Muslim women's activism in Germany that they openly shared with me in personal conversations.

² This term relates to a verdict of the Federal Administrative Court of Germany, one of the five supreme courts in Germany that ruled it within the boundaries of religious freedom for German schools to forbid their Muslim pupils from performing Islamic prayer rituals during school time (Federal Administrative Court of Germany, 2011).

³ This verdict was issued by the Federal Constitutional Court of Germany in 2003 which ruled that wearing a headscarf was within the boundaries of religious freedom, even for teachers as servants of the state, but also paved the way for specific rulings prohibiting Muslim teachers from wearing a headscarf out of religious reasons on a federal state level (Federal Constitutional Court of Germany, 2003).

⁴ *Der Spiegel* titled a print article in exactly that sense: Are We Ruled by Shari'a? ("Haben wir schon die Scharia?"; HYPERLINK "<http://www.spiegel.de/spiegel/print/d-50990541.html>"<http://www.spiegel.de/spiegel/print/d-50990541.html>). The so titled text is no less prejudiced in its fear-mongering spirit. See also the title of an article regarding the verdict in another national daily newspaper "Shari'a in Germany?" (<http://www.tagesspiegel.de/politik/deutschland/justizskandal-scharia-in-deutschland/825384.html>).

⁵ The biggest umbrella organizations are the Turkish Islamic Union for Religious Affairs (DITIB: HYPERLINK "<http://www.ditib.de/>"<http://www.ditib.de/>), the Islamic Community Milli Görüs (IGMG: HYPERLINK "<http://www.igmg.de/>"<http://www.igmg.de/>), the Union of Islamic Cultural Centers (VIKZ: HYPERLINK "<http://www.vikz.de/>"<http://www.vikz.de/>), and the Central Council of Muslims in Germany (ZMD: <http://zentralrat.de/>).

⁶ See the official Huda e.V. homepage: <http://www.huda.de/>.

⁷ See the official BfmF homepage: <http://www.bfmf-koeln.de/bfmf-root/German/Default.aspx>.

⁸ See the official ZiF e.V. homepage: <http://www.zif-koeln.de/index2.html>.

⁹ See the official AmF e.V. homepage: HYPERLINK "<http://www.muslimische-frauen.de/>" <http://www.muslimische-frauen.de/>.

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BETWEEN THE ROSARY AND THE QUR'AN: COOPERATION BETWEEN CATHOLIC WOMEN AND ISLAMIC FEMINISTS IN ITALY

Anna Vanzan

Islamic Feminism is not only helpful to Muslim women, but it could also represent a model of alternative feminism to be followed by all the women in the world.

The above epigraph is in the words of Farideh Mashini, an Iranian activist for women's political and cultural advancement in Iran whom I interviewed while working on my book on Islamic Feminisms (*Le donne di Allah*). She passed away while I was writing this paper which I want to dedicate to her memory.¹ With these words in my mind, I began researching among Catholic female institutions in Italy that have been building a worthwhile and hopefully permanent dialogue with their Muslim counterparts, i.e., women of the Islamic faith who have moved from their native countries to Italy. So far, inter-faith dialogue has been a patriarchal matter (i.e., male leaders of different confessions meeting and talking to each other often out of social and political necessity). However more recently, women have entered this arena and are currently shaping a new discourse by focusing on the principles of their respective faiths and the latter's often misogynistic interpretations that affect women's rights and roles. Islamic feminists' basic belief that the oppressor is not religion per se but rather the patriarchal reading of its texts is particularly appealing to women who are not Muslim but whose main identity is also a religious one. Hence, slowly but inexorably, the dialogue between Catholic and Muslim women is bringing about positive results: 1. more general understanding of the Islamic religion and culture among other faiths. As Italian Catholic women engage in talks with different religious groups (Protestants, Buddhist, Jews, etc.), the presence of Islamic feminists at these meetings and events is becoming part of a larger inter-faith interaction. Thus, by actively participating in dialogues with women of other creeds, Islamic feminists can offer a new response to rampant Islamophobia. 2. the effective building of a "European Islam," which in order to live and function needs to have a clear agenda about women's issues in these societies, something that only Muslim women can undertake.

The present chapter, besides offering a panorama of the different faces of the interaction between Catholic and Islamic feminists in Europe--particularly in Italy--reflects on the possible future developments of Islamic feminists' role beyond their countries of origin.

From Inter-Faith Dialogue to Gender Dialogue

Islam is the religion with the second largest number of followers in Italy. Data about the percentage of Muslims in the country is rather discordant, depending on the institution collecting it; however, one might say that Muslims currently represent 2%

of the entire population, i.e., about 1,200,00 individuals.² Statistics might not appear important, but we have to keep in mind that Italy is the country where the highest Catholic authority, the Pope, resides.

Muslims come from diverse countries of origin: mainly Morocco and Tunisia, but also from Pakistan, Bangladesh, Egypt, Turkey, Iran, Central Africa, etc. It is also because of these diverse linguistic, cultural, ethnic, and social backgrounds that Muslims are divergent and still have to sign an agreement with the Italian State that would confer on them the same status accorded, for example, to other religious minority groups, such as Jews, Jehovah's Witnesses, and others.³

At the moment, there are two leading Muslim associations: the UCOII (Islamic Community in Italy Union) which combines the majority of Muslims residing in Italy and the Co.Re.Is. (Islamic Religious Community) directed and mainly formed by Italian converts to Islam. Representatives of both associations are quite active in interacting with other counterparts from other religions for a more general mutual understanding in order to solve tensions that inevitably arise in daily life.

Needless to say, this inter-faith dialogue has been mainly carried on--at least officially--by male representatives of the religions involved, with the result that women and the youth have been excluded. This is ironic in light of "the woman's question" being perhaps a most crucial one, as the alleged "mistreatment" of Muslim women is shown as the main cause of friction with Muslims, becoming a major source of stereotyping about Muslims. Thus, Muslim women, who are usually represented as "marginalized" by their own community, become double victims, as they remain the object of the other's gaze and scrutiny, while being denied agency and self-expression.

While in the last two decades several NGOs and women's associations have been active in promoting dialogue with Muslim women in public debates and projects at a grassroots level, the process appears to be long and winding for several reasons; the main one being the fact that a majority of Muslim women does not like to be involved in activities undertaken by extremely secularist institutions or those opposed to religious beliefs. Openly feminist associations, for instance, are perceived by Muslim women as too radical in their gender approach: merely attending one of these meetings would mean being severely criticized by family members (not necessarily males only) for participating in such a rebellious activity.

Therefore, it is not surprising that Muslim women whose main identity is religious have recently found a more comfortable dialogue zone with their Catholic counterparts, with whom they share similar features, such as a long tradition of patriarchy, the difficulty of establishing female clerics, and the necessity to reread sacred texts from a gender perspective. Both Catholic and Muslim women have been struggling for new interpretations of their respective sacred texts and theological traditions.

The Committee for Italian Women Theologians ⁴ and Muslim Women

In June 2003, a group of Catholic women with degrees in Theological Studies founded a Committee for Italian Women Theologists (hereafter CIWT), with the aim of fostering gender studies in the field of theology and ecumenical studies and to collaborate with female theologians from other religions. CIWT's starting point was the belief that the Christian tradition has for long legitimized an unequal anthropological vision by affirming that women and men are equal only in God's eyes, but not with regards to their family and social duties, as the two have biologically different, and therefore opposite, identities. This resulted in a firm reinforcement of the idea of differences between men and women, the hierarchization of society, and the relegation of women to private roles and institutional and political invisibility.

CIWT's strong position can amply resonate with the basic axioms of Islamic feminism; therefore, in recent years CIWT has been trying to engage Muslim women in order to reach a broad consensus and strengthen their collaboration.

The first steps were taken with ADMI, the Association of Italian Muslim Women established in 2001 as a chapter of the European Forum of Muslim Women. ADMI, affiliated with the Italian Islamic Community in Italy Union (UCOII), aims to become a point of reference for Muslim women in Italy, in order to support their integration in society while simultaneously protecting their Muslim identity. Another goal of the association is to redress the distorted images of Muslim women and to promote inter-faith and inter-cultural dialogue that would enhance mutual understanding among the various sectors of civil society.⁵ In order to achieve their aims, ADMI's associates would organize public meetings with mixed speakers, such as Islamic scholars or politicians, especially on International Women's Day (March 8). ADMI also took part in the two large demonstrations organized by Italian secular women in 2011 to protest general injustice against women.⁶ However, it must be noted that almost none among ADMI's associates would accept to be labeled an "Islamic feminist," or a "feminist" at all for that matter. This is a common characteristic shared by the overwhelming majority of women whose self-declared identity is Muslim.

Basically, ADMI women affirm that there is no need for feminism in Islam as their religion does not consider them inferior to men. On the other hand, most of them admit that extensive misinterpretations of the Qur'an and of the *Sunnah* (the Prophet's Tradition), traditional influences (cultural behaviors that are believed to be part of religion), and scarce education of men and women have led to an inferior position for women in Muslim societies.

Therefore, CIWT has reached out to ADMI in order to improve mutual knowledge on both theoretical and practical levels, with the hope of finding a common platform. The dialogue between CIWT and ADMI is based on well-attended and thought-provoking meetings. One of the consequences is the fact that CIWT has already published three books inspired by Islamic feminisms as part of its book series on female theology (2008):⁷ an Italian translation of Amina Wadud's foundational book *Qur'an and Woman* (1999); a volume that presents a state-of-the-art debate among Muslim women theologians and comments on some of their ideas (Guardi-Bedendo); and a book on the concept of the body in Islam (Knauss).

The publication of these books is evidence of the increasing interest among Catholic thinkers in Islamic feminisms: these texts have been publicly presented on several occasions thanks to the joint efforts by ADMI and CIWT, as a way of reinforcing collaboration between the two organizations as well as with the aim of disseminating a different, more positive, vision of gender issues in Islam.

However, this process faces several problems; first of which is the fact that most of ADMI's associates have migrated to Italy as adults, and their knowledge of the Italian language is not sufficient enough to carry on a discussion about theoretical topics. For its inter-faith dialogue, ADMI mainly relies on a few young women who were born in Italy and can therefore speak Italian fluently. This young generation--often called G2: Generation 2--is becoming more and more aware of the necessity to reach a sophisticated level of knowledge about Islam, which might enable them to participate not only in inter-faith dialogue, but also in the political field at large.

G2: Generation 2

G 2, or Generation 2, is the name given to children of immigrants or of inter-ethnic/inter-faith marriages born in Italy or brought to Italy as babies/children. Though of course not all members of G2 are Muslim, young Muslims are particularly active in promoting the birth of new associations, and girls are especially dynamic and resourceful in this respect. For example, one of the promoters of the Association of Young Muslims (Giovani Musulmani; hereafter GM) is Sumaya Abdel Qader, born in Italy from Jordanian/Palestinian parents in 1978. Sumaya and a small group of friends founded GM in 2011 to address all Muslims aged 14-30 and strengthen links between young Muslims and their parents and between Muslims and other Italians more generally. Although GM is not specifically concerned with gender, it has attracted many young Muslim girls who organize and participate in its public events.

As for Sumaya Abdel Qader herself, her personal profile soon assumed a more definite gender identity with the publication of her book *Porto il velo, adoro I Queen*, 2008 (*I Wear the Veil and Adore the Queen*)⁸ and with her activism in the European Forum of Muslim Women (whose Executive committee she entered in 2010). Sumaya, like many other G2 Muslim girls, does not perceive of herself as an "Islamic feminist," though her progressive ideas are very close to Islamic feminism. She is also involved in constant dialogue with Catholic associations, and their collaboration has become particularly strong in the last couple of years when, with the help of a Catholic group, she and other young Muslims launched an on-line magazine: *Yalla Italia* (Go, Italy/Come on, Italy; <http://www.yallaitalia.it/>).

Due to the fact that 22 out of its 28 permanent editors are girls (as of April 2012), the magazine does intensive coverage of gender matters which more often than not are tackled with a frankness that verges on defiance, for example: homosexuality, in vitro fertilization, violence against women, etc. The columnists express their opinions bravely, sometimes in open opposition to orthodox Muslim and Catholic views.

When asked what they think about Islamic feminism, these girls, with whom I often collaborate, do not identify with the “label.” They are all Muslim women who fight for their rights while simultaneously affirming a strong religious identity. In other words, although they struggle for their rights in a religious (Muslim) frame they do not like to be called “Islamic Feminists” or “feminists” at all. Many of them have embarked on a gender-progressive reading of the Qur’an and other Islamic texts, while others are engaged in social activities; but they all struggle for gender equality and justice using an Islamic frame of reference. It is clear from their lives, work, and writings that these women are searching for a way to reconcile their faith and religious values with their modern lifestyles.⁹

On a surface level, these girls' collaboration with Catholic women should be more possible: Their Italian language is perfect; they are fully integrated in their local settings and want to bridge the gap between the two communities. However, according to a leader in the CIWT, the girls' young age and their lack of appropriate theological training are often an obstacle to fruitful cooperation between the two groups. As the leader puts it:

They have University diplomas, but they do not have the necessary theological background required in order to talk with us at a high level. They are Muslims, but their Muslimness is more a matter of personal faith, and they cannot argue in matter of holy texts or religious requirements. They need to study more Islam and to learn about *ijtihad* (i.e., independent judgment in legal and theological matters) before practicing it.¹⁰

It is interesting that a Catholic theologian is urging Muslim girls to study Islam on a specialized level, but this is a proposition that many young Muslims are taking seriously because they know it is the only way to challenge the interpretive authority of the *‘ulama* (religious scholars). This is why some of them study abroad, whether in Muslim countries to learn classical fiqh (jurisprudence) or in Europe where they can be trained as future activists and leaders by taking courses in developing critical skills and on gender studies and their connection to Islam.

Some of these young women are already working with their Catholic counterparts, if not at a theoretical then at a practical level-- for instance, in the field of human/women's rights. The experience of Rashidah is particularly relevant in this context. Rashidah is the daughter of an Italian mother and an Egyptian father, and is particularly active against female genital mutilations, a phenomenon still quite widespread in her father's country and whose effects can be felt in Italy as well--as a consequence of migration. Rashidah's position regarding FGM and its connection to Islam, as well as her position on Islamic feminism, is clearly stated in her words:

FGM is not an Islamic practice, not only because there is no holy text that prescribes it, but also because Islam is the religion of moderation. Islam provided women with full rights since its beginning; hence, Islamic feminism is just the discovery that these rights are out there. In this sense, Islamic feminism places itself in an opposite position with respect to Western feminism: This latter represents a leap forward, while Islamic feminism has to turn back and discover something which already existed centuries ago. And Islamic feminists know very well that FGM is not an Islamic practice!¹¹

Rashidah shows both Muslims and Catholics, with whom she collaborates in an anti-FGM project, that these awful practices are not Islamic. In this respect, prejudices are strong and difficult to eradicate--one of the reasons being the fact that FGM is highly widespread in countries inhabited by a majority of Muslims, such as Egypt (97%), Sudan (90%), Mali (92%), and Guinea (99%) (UNICEF n.pag). Being a young educated Muslim woman activist and feminist, Rashidah's work is very influential in Italian society, and many now have come to distinguish between FGM as a purely cultural practice and Islam as a religion. This awareness is being successfully disseminated at schools, in the media, and other public venues, and so helps debunk stereotypes about the third generation of Muslims presently coming of age.

The Role of Converts

In theory, women who have converted to Islam should represent the perfect link between Catholic/local people and the Muslim community: they know the tenets of Islam because they studied them in order to convert, but they are also familiar, if not with Catholic religion per se, then at least with the rules of Italian society and culture. However, more often than not, converts--to whatever religion or belief--have to prove that they are truly and fully passionate about their conversion, sometimes to the detriment of reason, in order to be accepted by the new community, which might hamper dialogue with these new converts. In the late 1980s, male converts from Catholicism to Islam were the first to interact with the local/Italian communities. Later, they were substituted by other social/political actors (Islamic scholars, sociologists, and so on).

On the other hand, in a chauvinist society like Italy, women converts for a long time could not effectively play a public role. So far, they have not become visible or leading figures of inter-faith dialogue--with a few exceptions, of course. Patrizia Khadija del Monte is the most famous example, a former Catholic trained in theology who became Muslim, and whose experience is particularly relevant.

Patrizia Khadija, now in her mid 50s, comes from a secular family, and did not have any religious education. A personal experience brought her close to (Catholic) religion. She worked for 14 years in a Catholic community while studying for a degree in Theological Studies. Later on, she started reading the Qur'an and converted to Islam. Conversant in both Catholic and Islamic theology, she became the main female informant invited by media and other associations to speak about "women and Islam." At the same time, she became so esteemed by the Italian Muslim community that she was elected Vice President of UCOII (2011).

Patrizia Khadija does not define herself as an "Islamic feminist," though she fully approves of the project of "Islamic feminism":

I am very close to Islamic feminist discourse ... because it works on the interpretation of the holy texts and, therefore, goes to the very heart of the matter. In fact, the arbitrary exercise of power against women (and we cannot deny the existence of despotic abuse of authority against women) is due to the misinterpretation of some Qur'anic verses in certain Muslim communities (Vanzan, *Le donne* 120).

She also points out the importance of adapting this approach according to context. Explaining the reason why she does not belong to any feminist organization, she adds:

Perhaps if I were living in an Arab country where laws concerning women need to be changed, I would have devoted myself exclusively to feminist discourse ... Here [in Italy], I prefer to engage with more general problems ... because we need to talk to everyone, especially to men. What I like about Islamic feminism is its ability to place itself in a non-conflicting position with men.

Though she does not want to be identified as a mere “woman who talks about women,” Patrizia Khadija has become more and more involved in gender issues: For instance, she regularly contributes to the women’s section of *Islamonline* (<http://www.islam-online.it/donne/>), and is a favorite dialogue partner of many women associated with CIWT, who appreciate her solid training in both religious traditions.¹²

Patrizia Khadija believes in the values of “contamination,” i.e., the fruitful exchange between the two communities, an undertaking she works to enhance:

The Muslim community here is thriving; I believe in the positive effects of contamination. That is not a bad word; it just indicates the flow of values. There are Western values which are good and beneficial to the Muslim community. I believe in the interaction between Catholics and Muslims and my experience in this field is totally positive.

The women of CIWT and Patrizia Khadija share the same starting point: reading and interpreting holy texts “in order to reach an interpretation that leads to a greater equality for women,” to use Patrizia Khadija's words. In addition, she is currently involved in spreading the ideas of a prominent figure of Islamic feminism, AsmaaLamrabet (a Moroccan scholar and activist), by translating her books into Italian, and by inviting her to share her ideas with Italian women.

The records of these public events show that even Italian women who define themselves as “secular” are encouraged to compare the two religious traditions, Christian/Catholic and Islamic, in terms of the relationship between religion and women's rights. Many of them have learnt to respect the religious identity of Muslim women and discard the notion that Islam is a “church against women” (Amoretti 108-17).

AsmaaLamrabet comes from Morocco, the country to which most Muslim immigrants in Italy belong, and her activism and presence counter the overwhelmingly negative image of Moroccan women in Italy. In her Italian tours, she is always introduced by Patrizia Khadija del Monte Vice President of the UCOII, the major Muslim association in Italy, also considered more “fundamentalist” than other Muslim associations. Therefore, these two women's presence offers a valid alternative to the prevalent stereotype about innate Muslim misogyny.

Patrizia Khadija was the first Muslim woman in Italy to publicly develop a different interpretation of the original sin in Christian and Muslim theology. As is well known, the original sin does not exist in Islam as Eve is not to blame for the consumption of the forbidden fruit, while the Christian/Catholic tradition strongly adheres to this belief,

from which most subsequent misconceptions about women emanate. Ostensibly, Patrizia Khadija's aim is not to posit the superiority of Islam over Christianity; her main objective, after all, is to expand dialogue between communities, not to increase friction. However, the fact that this point was discussed by a specialist who is well versed in both religions had its impact on the emerging conception by Catholic female theologians regarding Muslim women, Islam, and its views on gender.

Good News, Bad News

It is quite noticeable that dialogue between Muslim and Catholic women is progressing. Catholic women can provide their Muslim sisters with new discussion arenas through which it is possible to publicize their ideas and compassionate vision of Islam. Muslim women can similarly help their Catholic counterparts prove to ultra-secular sections of Italian society that it is possible to commit to one's own religious identity while, at the same time, remaining modern and faithful to a secular state.¹³

Still, there are many problems to overcome. Prejudices are strong and deeply rooted, and those around the Muslim veil are some of the most pernicious ones. Furthermore, Muslim women in Italy have different views on whether and how one's body should be covered, and thus cover their bodies differently. As has been shown, Muslims come from a large variety of countries, and their cultural diversity greatly impacts what Muslim women feel the Islamic dress code entails. Veiling has different meanings for different Muslim women, and some believe the practice is decreed by God. They carry this conviction in their dialogues where it receives various responses and reactions: Some Catholic thinkers establish links with their own tradition (for instance, by quoting Saint Paul's words that command Christian women to veil their bodies) and are convinced that it is just a matter of time before Muslim women will follow the example of Christianity and abandon the veil. There is an implicit racism in this view, which entails that Muslim women are backward compared to others who have achieved progress. Others, on the other hand, do not consider the veil a "religious requirement" and have been trying to disentangle the hijab (veil) from its religious association by asserting that veiling is not mandatory according to Islam.¹⁴

Needless to say, this last position provokes Muslim women's resentment, as they consider it an intrusion on their territory and they cannot counter in similar fashion: No Muslim woman, to my knowledge, ever dared to pontificate on the Catholic Church's requirements for its female believers. Be that as it may, this patronizing attitude of instructing Muslim women on whether they should or should not wear the veil, or about its shape and style, ought to be discouraged.

There is also another dimension to the phenomenon of wearing the veil. The majority of Muslim women engaged in dialogue are veiled, and this is perceived as a proof of their "authenticity" as Muslim women. Some Catholic/Italian women who ordinarily organize public meetings confided to me that they prefer to invite veiled women speakers because they are more "credible"; unveiled women may be equally devout

Muslims, yet when they speak of a liberal Islam, the audience tends to consider this as their own individual position, not representing “true” Islamic views. On the other hand, veiled women who talk about a liberal Islam, compassionate and just towards women, are considered to be the living evidence of a less known, but still orthodox, Islam. Needless to say, this reliance on the veil should give way to other and more profound criteria of “who can speak about Islam,” in order to make room for young Italian Muslim women coming to the forefront with a stock of Islamic knowledge that they can share with everybody, and who do not necessarily observe any form of veiling.

Moreover, Muslim women too need to develop their ideas in order to better undertake interaction and dialogue. For instance, their widespread rejection of the term and concept “feminism” as a stigmatized word is often misconstrued as a form of surrender to patriarchy. As for Catholic theologians, they have adopted feminism and its terminology, albeit partially, a long time ago.¹⁵ One can surmise that Muslim women are still apprehensive about adopting terms and paradigms that can be perceived as alien to, and even anti-Islam.

However, circumstances are changing even in this respect within the Italian Muslim community. Recently, in December 2011, the Muslim community in Italy launched a new organization, the Council for Italian Imams and Religious Guides (hereafter CIIRG) which appointed as member in charge of inter-faith dialogue (Nibras Breigheche), a young woman of Syrian origin, and who has been working in the field of inter-faith dialogue for several years. Nibras, a member of ADMI as well, has been actively establishing positive relations with the local community, and, in particular, with Catholic bodies, as she often lectures at religious institutions and schools. Nibras does not define herself as an Islamic feminist, but she is very close to the spirit of Islamic feminism and follows its development as well as encourages the dissemination of its ideas. Besides, she has organized several meetings in which she has conversed with scholars of Islamic feminism.¹⁶

It is also remarkable that Nibras, in her statement of acceptance of membership of CIIRG, mentions the public role played by numerous women in the history of Islam, as well as underlines how the revolutionary prerogatives given to Muslim women in the 7th century have been stripped by a constant exploitation of religion; thus framing her ideas within the typical discourse of Islamic feminism.¹⁷

By conversing with women of other religions, Muslim women are also breaking a certain “silence code” previously imposed on them, obscuring such issues as that of domestic violence. In this respect, Catholic and Muslim women share certain similar conditions: for a long time, both kept their distance from drastic manifestations of protest against domestic violence, preferring to work in silence to preserve women's dignity. The fact that violence against women is more often than not perpetrated by their family's male members has been one of the reasons why Catholic and Muslim women would rather keep quiet about their abusers in order to protect their own family's honor and reputation.

Nevertheless, the unfortunately increasing phenomenon of domestic violence (in Italy, every three days a woman is killed by a relative/friend) has alerted the majority of women to the importance of resistance. Catholic institutions are offering more and more tangible protection to women, including Muslim women, such as shelter houses, counseling, free legal advice, etc. At the same time, Muslim women have become convinced that they can no longer hide the fact that violence against them is very often inflicted in the name of Islam. A series of crimes against women and girls, especially of Moroccan and Pakistani origins, in addition to human loss, has also led many to blame Islam itself, which continues to be regarded as a religion that permits women's abuse *par excellence*.

Therefore, the “coming out” of Muslim women on this issue is particularly welcome. Some surviving victims of ill-treatments, for instance, have clearly stated in the media that “beating has nothing to do with the holy Qur’an,” and that “Islam places woman at the core of the family and does not allow any violence against her.”¹⁸ On November 25, 2011, the international day for the prevention of violence against women, Muslim women's organizations also took part in some demonstrations organized in the Italian peninsula. In addition, UCOII's official online magazine, *Islamonline*, issued a statement condemning any form of violence against women and calling upon Muslim men to better treat their female companions.¹⁹

Conclusion:

Muslim women who recognize the necessity of a new global approach (i.e., new interpretations of the holy text, gender-based hermeneutics, and the need to collaborate with women who share their concerns of maintaining a strong religious identity, etc.) can be considered Islamic or Muslim feminists, whether they themselves use the label or not. In reality, “Islamic feminism” is a diversified phenomenon that clearly demonstrates how Muslim women who are aware of their multiple identities can hold on to their religious commitment while treading the path of justice and equality.

Muslim women in Italy today, thanks to a meaningful inter-faith dialogue with their Christian Catholic sisters, are confidently paving the way to an alternative middle ground for the creation of a “European Islam”. They know that they can count on their Catholic sisters’ support when they claim their religious rights (a demand shared by Catholic women as well), especially as the latter feel they are more and more put under pressure by a secularized European society.

Cooperation between the two groups at the beginning was almost spontaneous, mainly based on a general do-goodism, especially at a low level, i.e., in the encounter between small groups of Catholic women who “adopted” their Muslim counterparts, so to speak. This kind of cooperation continues to remain alive in some socio-geographical sections of society, as it is mainly based on all-female inter-faith gatherings in which Muslim women basically find a safe environment to share their views. Nonetheless cooperation between these two groups is now assuming a larger scale on both a theoretical and practical level. Yet, it remains to be seen which specific direction they will take in their feminist and activist endeavors: whether they will begin accepting a specific name/label (European Muslim feminists/activists?) or

not, and if and how they will continue their project of inter-faith cooperation.

¹ After observing the phenomenon for quite a long time and meeting several theologians and activists normally labeled “Islamic feminists,” I came to the conclusion that there is not just one “Islamic Feminism.” Rather, the locution implies a diversified reality of women who fight for their rights in an Islamic framework, either in their countries of origin or in a migratory context.

² Data may also vary according to the definition of “Muslim,” e.g., some statistics include everyone coming from a Muslim country, regardless of their practicing the faith; others are more strict in terms of categorization.

³ Italian State's support to religious communities is possible only by implementing an accord between the national government and the representatives of the communities. The accord must be signed by the religion's “representatives,” a very difficult task in this case since Islam does not have official representatives and the Italian *Muslim community* is divided.

⁴ In Italian, “Coordinamento Teologhe Italiane”: <http://www.teologhe.org/>.

⁵ See the ADMI website (in Italian): <http://admitalia.org/ar-sa/home.aspx>.

⁶ The first protest was born almost spontaneously in Spring 2011, and hundreds of thousands of women took to the streets. See <http://www.senonoraquando.eu/> ADMI officially supported the protest and put photos of the events on its website.

⁷ Called “Sui generis,” a Latin term whose original meaning is “of its own kind/genus” and which describes a phenomenon unique in its characteristics, but whose second part, “generic,” has associations with “gender”.

⁸ See Sumaya's blog: <http://sumaya-blog.blogspot.com/>.

⁹ Almost all the women I interviewed do not like the label “Islamic Feminists”; however, I believe that anyone who fights for women's rights is a “feminist” whether she/he approves of the term itself or not.

¹⁰ Personal communications from a CIWT's governing body, November 2011.

¹¹ Personal communication, March 2010.

¹² Personal communication of a leading CIWT member, November 2011.

¹³ Although Italy did not, like France, for instance, fully embrace secularism, there is a large percentage of Italians (women included) who reject all religions out of the fear that the latter might invade secular space. Women who adhere to this belief think that religions are a main instrument in instilling “female apartheid”.

¹⁴ Consider the views expressed by Paolo Branca, a famous Catholic scholar of Islam, in a comment published by the authoritative newspaper *Sole 24 ore*, February 6, 2005: <http://nuke.avventismo.org/FedeeSocietC3%A0/MailvelononC3%A8obbligatorio/tabid/204/Default.aspx>. (last consultation April 2012).

¹⁵ I am aware of the fact there is no single, uniform type of feminism, but I use the term here in its definition as “a movement that aims at defining, establishing, and defending equal political, economic, and social rights and equal opportunities for women”, i.e., in the sense that it is understood and used by CIWT members.

¹⁶ I have often been invited by Nibras Breigheche to talk about Islamic feminism to a mixed (Muslim and non-Muslim) audience.

¹⁷ In Italian: <http://www.islam-online.it/2011/12/nibras-breigheche-nel-direttivo-degli-imam-ditalia/>.

¹⁸ These are the words uttered by Amina, a fourteen-year-old Moroccan girl given in marriage by her parents to a much older man, who later on managed to run away and find refuge in a shelter house (*La Repubblica*, March 1, 2010).

¹⁹ See the statement at <http://www.islam-online.it/2011/11/contro-la-violenza-sulle-donne-com-ucioii/>.

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ISLAMIC FEMINISM IN THE FRENCH-SPEAKING POST-COLONIAL EUROPEAN CONTEXT

Malilka Hamidi

With the advent of the twenty-first century, the emergence of new Islamic feminist figures, in search for renewed emancipation carried out through a religious and a feminist perspective, took off in Europe, specifically in France and Belgium. The manifestation of a new form of *religiosity* takes place against a tense political background, where Islam is seen through a globalized post-September 11 world.

The existence of such Islamic feminists became particularly visible in 2004 that when the French law, banning all clothing that constitute an ostensible religious symbol from government-operated schools, was enforced in France and was the subject of discussion in Belgium. The debate provoked an outbreak of Muslim women in the public sphere demanding their rights to intervene in a political debate that concerned them directly; hence the term “debate hysteria” (“l’hystérie du débat”), to quote Emmanuel Terray’s expression on the banning of headscarves.

Only the growing visibility of these feminist figures, veiled or not, and the capacity for agency that characterizes them, alleviated the animosity of the debate (Mahmood 22). These women lead a battle against “sexism” within their own faith community and within the civil society, as well as against “racism” and multiple discriminations in Europe. The arrival of these women on the public scene is not only symbolic, but is also a reality for French and Belgian societies. The more Islamic women are controlled, the more they become visible, and this visibility is exactly what undermines the debate. As architects of their own history, these women alter social representations and stereotypes usually imposed upon them.

Nowadays, these religious figures are caught between two evils. They are constantly confronted by a dual system of perceptions and representations, which puts them in the core of an identity and political dilemma that does not take into consideration their “unique rationality.” In particular, they are confronted with two main problems: Muslim women are often excluded from the *faith community* and have to struggle for their rights to exist as female believers outside domestic walls. Moreover, they have to face stigmatization and prejudices within a society that victimizes them. These women claim their full feminist identity in the emancipation process. In addition, they are often trapped in multiple representations from the post-colonial era when Arab women were perceived as second-class citizens who need to be protected. Islamic women are victims of a precarious citizenship and have to face a triple discrimination: sex, ethnicity, and religion.

From this perspective, it seems quite difficult for them to “renew” their identity and demand their rights to be feminist unless they get rid of all references to ethnicity, and particularly by abandoning to religious belonging. Nevertheless, through societal debates in Belgium and France, a strong trend can be noticed within feminist groups that question this conflict and fully embrace their nationality and

their Islamic heritage. Yet Muslim feminists are considered political subordinates because they refuse to adhere to the limits imposed upon them.

1. Feminism: A Contradictory Concept?

To the West, Islam and feminism are two conflicting worlds, especially in ideological, scientific, and political matters. Each has a unique world vision, specific knowledge, and logic:

In Europe, the feminist movements from the seventies have also questioned the borderlines between private and public space. The feminist slogan the personal is political illustrates perfectly feminists' will to transpose all forms of oppression that are hidden in the private sphere, to the public sphere, making of women's liberation a political subject. Islamic and Feminist movements are two of the major trends of our times. They look to redefine, in different, or even opposite ways their values and the limits between public and private (Göle n. pag.).

Islam and Feminism: Mutual Appropriation?

The Islam-feminism relationship seems to be inspired by the passionate debate in Belgium and France. In fact, the controversy which emphasizes the emergence of an Islamic feminism reveals the existence of a conflict linked to social representation and mutual stereotypes. In France, the contradictory visions that animate the debate over the banning of the veil can mostly be explained by the fact that Muslim women's social conditions are considered far from being equal to men's. Western mentality is not convinced that Islam can give any rights or advantage to women. While Western feminism relies on Western values, ways of thinking, and ideologies, Islamic feminism is based on an intrinsic contradiction, according to the West, because it is based on the Islamic religion, the antithesis of the values claimed by Western feminists.

The Veil Controversy

The sudden incursion of religion, visible through the use of the Islamic veil in the public sphere, is seen both as a threat and an insult because it symbolizes the domination of moral laws imposed by religion. The question of the Islamic headscarf and its significance are at the center of the debate. Some Western feminist literature on the wearing of the veil has reduced Muslim women to oppressed entities. This reduction derives from a binary construction where Western women are perceived as "free figures" due to resistance against patriarchal domination, while Muslim women are seen as "victims of oppression," symbolized by the wearing of headscarves. Nevertheless, many Muslim women do not consider the use of the Islamic veil a "symbol of subjugation par excellence," but rather view it as a legitimate externalization of women and their morality, which gives them the right to play a crucial role in the debate (Gaspard and Fahrad 49). The veil thus embodies the flag of their own Islam; it represents an answer to their "veiled identity" favorable to the process of integration without assimilation (Khosrokhavar 75-92), and to empowerment outside the private space.

Feminism and Universality

In France and in Belgium, Islamic feminists are examining the notion of universality in feminism. By deconstructing dominant theories and rediscovering diversity, they are in fact endangering the *universal feminist project*. Guided by the common need for freedom against dominant structures and through political and identity demands, they have managed to reconfigure new mappings of the feminist movements. The major feminist trend which promotes *abstract universality* and anticlerical secularism to ensure women's rights has looked upon this new form of female religiosity with profound embarrassment. This feeling of distress has led, in fact, to the standardization of the feminist discourse, claimed to be *universalist* while in fact being based on *exclusivity*. It tends to essentialize Muslim women in order to preserve its own "ideological supremacy." Christine Delphy called this phenomenon an "interlinking or overlapping oppressions of sexism and racism" which characterized the discourse of some feminist movements in European French-speaking countries (Delphy n. pag.). Islamic women are placed in the category of *eternally subdued* which leaves them out of the universalist model, exclusive to free Western women. Yet Muslim women manage to redefine the construction of their identity, combined with a commitment and capacity for agency drawn from the Islamic paradigm itself, despite the denial of their feminist legitimacy.

2. Europe and Islamic Feminism in Public Debates

Since 2004, Brussels, Paris, and Barcelona have hosted three events over this controversial issue: 1) a conference entitled Islamic Feminism: From Paradox to Reality, 2) the International Congress of Islamic Feminism and 3) a Colloquium on what is Islamic Feminism at the UNESCO Congress.

1. Islamic Feminism: From Paradox to Reality Conference:

Islamic Feminism: From Paradox to Reality was a conference held at the European Parliament during the International Women's Day in 2004 where the French network *Femmes Musulmanes d'Europe's* organized a debate in the European Parliament in Brussels.

Femmes Musulmanes d'Europe a group of Muslim and European women, created by the associative platform *Muslim Presence* sharing some of the views of the Islamic intellectual Tariq Ramadan, has taken part in various seminars debating the emergence of Islamic Feminism.

In 2003, Tariq Ramadan organized educational seminars with the objective of women's empowerment which emphasized the need for creating new groups of women who would lead a structured discourse based on a renewed awareness of the their own culture, religion, and femininity. He advocated a position inspired by Islamic sources over questions such as gender equality. In his book *Western Muslims and the Future of Islam*, and in particular in the chapter "Birth of Muslim Feminism," Ramadan underlines the changes that are taking place in Western countries concerning women's issues and which are patent through the emergence of an Islamic feminism (383). Islamic associations have taken a special interest in

the debate and have been able to study the issue in depth on account of translated documents of intellectual value and references linked to this phenomenon. This is how the issue of Islamic feminism has entered the field of organizations and their activities, especially in France and Belgium.

Encouraged by this development, the network *Muslim Women of Europe* organized a public debate spearheaded by deputy Alima Boumedienne-Thierry (Green party) with the contribution of many intellectual figures and committed activists: Christine Delphy (French feminist and Researcher at the Centre national de la recherche scientifique CNRS), Saida Kadda (Chairwoman of the *Femmes françaises et Musulmanes engagées* association), Tariq Ramadan, and Marina Da Silva (journalist at *Le Monde Diplomatique* and Founding member of the network: *Féministes pour l'Égalité*). The seminar's primary aim was to highlight the idea that many European Muslim women can be the architects of their own personal emancipation process while maintaining their rights within the Islamic paradigm. The dynamic that has been activated in the Islamic and the Western worlds has to be thought of as the 'starting point' leading Muslim women to claim their rights and regain control over the religious debate. Moreover, and in the long run, they should be part of international movements and contribute significantly to "global feminism" in order to achieve a better and more equitable society. The gathering also encouraged the participation of Muslim women in Western feminist movements in order to pursue common work, because, beyond specific religious or ideological features, they share various concerns and objectives.

Other goals included making the voice of these women better heard. They are willing to create and lead their own liberation process by participating in societal debates and by promoting a civic discourse that will be more and more structured. Furthermore, the idea of an Islamic feminism that respects the right to a Muslim identity and a Muslim personality that is socially responsible seems to be a proper approach to resisting this double discrimination.

2. International Congress of Islamic Feminism:

In 2005, the Islamic Junta organized its first international congress on Islamic feminism. Abdennur Prado,² a Muslim convert and Chairman of the Islamic Junta,³ clarifies that the goal was to improve global connections and support those who struggle for equality within Islam. "By organizing numerous activities ... we want to send a message to society showing that Islam is not only completely compatible with democratic values, gender equality included, but also that it can contribute to improve our society" (Badran 32). During the gathering, it became obvious that Muslim feminism had become a transnational reality. Ndeye Andujar,⁴ Vice President of the Junta and Event organizer, emphasized during the meeting the need to bridge the gap between local society and foreign Muslims. The other priority of the congress was to promote the basis of a strong collaboration between Muslim women and the global feminist movement. The idea was to reinforce, through workshops, international collaboration with Muslim women. By these means, they would have the opportunity to explain the role of Islamic feminism to foreign Muslim women living in Spain in addition to other non-Muslim women.

As the main goal is to create a solid basis that would allow a real exchange of communication, Ndeye Andujar expects to bring knowledge on Islamic women's movements to the Spanish-speaking context. It is about giving these women, who are fighting for their rights, the possibility to express themselves from an Islamic perspective and not according to an alien Western paradigm easily mistaken for a domination relationship linked to the colonial past.

During the gathering, Amina Wadud, Professor of Islamic Studies at the University of Commonwealth in Virginia (USA), led the Friday Muslim prayer with a mixed congregation. This particular moment of the congress was filled with symbolic meanings and strong emotions. The last three meetings of the International Congress on Islamic Feminism,⁵ gathered worldwide intellectuals and activists, Muslim and non-Muslim, to discuss Islamic feminism, and in particular to share experiences and challenges. The Islamic feminism Congress was met with great interest and gained invaluable international exposure, which has permitted its impact to transcend European borders. The media covered the events widely and contributed to the spread of information on these movements.

3. UNESCO Congress:

The group Islam & Laïcité⁶ organized a colloquium on Islamic Feminism held by the UNESCO on September 18-19, 2006. The colloquium sought to draw attention to the work of an increasing number of Islamic feminists, among whom are Americans, Pakistanis, Indians, Spanish, Nigerians, Malaysians, and French. It also allowed to show their involvement in social change, particularly in the struggle against patriarchal and gender inequalities, carried out from within a Muslim framework but part of the global women's rights movement. The public and the participants had the possibility to discuss their personal experiences, encouraging intercultural dialogues and thoughts on Islam and women's rights. During the gathering, women presented thoughts, strategies, and agency methods for combatting all types of injustices within society and family. One major issue was pointed out: education. Participants unanimously stressed the importance of education, key to women's empowerment and at the core of the process of enhancing the role of women. Islamic feminists questioned women's status in Muslim societies and provided alternative concept of women's rights in Islam, based on a return to the original sources and their own reading and interpretation of sacred texts.

This is an endeavor that has taken place in other religions, too. In fact, the originality of the colloquium was the comparison that took place between Islamic Feminism and existing feminisms in other religions, particularly Jewish and Christian, where there have been similar progressive initiatives, such as the introduction of a Bar-Mitzvah for women and the study of the Gospels according to Mary Magdalene.

On one hand, the focus was put on the historical origins of secular feminism, commonly thought to be exclusive to Western culture, but in reality, it finds its roots in Eastern cultures. On the other hand, the colloquium emphasized the need to engage in dialogue between religious women and secular feminists with diverse social and national backgrounds, questioning the notions of "rights" and "freedom."

Finally, the recent revision of the Moroccan family code was presented. This was made possible by new arguments according to a re-interpretation of Islamic law, and with the help of more egalitarian *hadiths* (Prophet's sayings).

For the purpose of this chapter, I have taken these three events into account as they shed light on the debate over Islam and, more importantly, help familiarize numerous people with Islamic feminism in the French-speaking world. These gatherings drew the attention to the need for a freer, pluralistic, and egalitarian Islam. They were perfect occasions for Western Muslim women to speak out.

3.The The Dawn of a New Era:

From Local to Global: Transnational Feminist Practices

Over the past few years, transnational mobilization has become the platform from which Islamic feminists can spread a new critical discourse. Little literature exists on how exchange, dialogue, sisterhood, and communication among Muslim women are shaping the development of activism, and affecting the transmission of Islamic feminist ideology at an international level. Transnational networks are used as a power tool. Meena Sharify-Funk studies the way transnational dynamics have helped women coming from different backgrounds feel stronger and more confident when claiming justice and gender equality. As a result, this newly acquired self-reliance improves their local activities.

Although a number of studies on local activism undertaken by Muslim feminist associations are available and contribute to the emergence of an "Islamic public sphere," there is still no research that proves that these actions and efforts are co-related to international networks. During the past few years, Muslim activists from Belgium and France have adopted transnational feminist practices to light against gender discrimination and inequalities. This strong engagement aims to make the international community reconsider the field of action of Muslim women through an Islamic value system as elaborated by Islamic feminists. The international debate must be nourished by such feminists' own ideologies and theories. Transnational practices have become a tool to enhance this impact. French and Belgian Islamic associations have contributed to the emergence of a "public Islamic feminist sphere," thanks to the integration of theory and practice and to local protest movements. Transnational dynamics allow these women to assert themselves, to operate more effectively, and to put in practice feminist theories strengthening resistance and activism. Such activities began simply as local protest with no theoretical guidance capable of promoting the re-interpretation and re-reading of religious texts.

Transnational feminist activism has been made possible through the development of communication and information technologies, which enable French and Belgian Muslim activists to share theoretical work written by Islamic intellectuals and to spread information about issues at hand. In this way, they contribute and participate from within the global Islamic feminist movement. European Muslim feminists promote action through transnational networks in order to create communication paths and inspire local women. On one hand, international networking sustains local struggles by supporting their actions at an international level. On the other,

transnational movements are consolidated by local initiatives through a process of mutual support.

The emergence of feminist intellectuals and activists in Europe has led to the creation of “think-tanks” on alternative ways of interpreting the Qur'an from a contemporary feminist and reformist perspective. This “interpretative” community shares the same vision and wants to disseminate this new thought to intellectual and activist communities all over Europe through communication, exchange, and transnational solidarity. Two main consequences are:

The emergence of a political and religious feminist leadership determined to make changes and implement reforms.

The existence of a political and social culture focused on justice, tolerance, and civil commitment.

Today European Muslim feminists are taking full advantage of globalization because it encourages the creation of new forms of “public spaces” which allow the exchange of ideas and dialogue between Muslim intellectuals and activists from all over the world.

From Unity to Diversity: Solidarity Practices in Feminism

Islamic feminism triggers what is defined as “solidarity practices in feminism,” thus allowing the emergence of strategic connections with feminist movements. By adopting principles such as justice and equality, it also creates new common values due to a balanced vision between religious loyalty and feminist commitments. These Islamic feminists promote the principle of dialogue between universality and cultural specificity. They claim social justice laws while staying true to their feminist claims.

Islamic feminism, especially in Belgium, subscribes to Western feminist movements and shares the same objective of suffrage against different types of female subordination. Overall, similarities outnumber the differences because, besides the fact that there are many trends within Western feminism, the main common goal is gender equality in public as well as private spheres.

Nowadays, European women convert to Islam organize their own battles for human rights simultaneously on different fronts. Their strategy tackles the problem effectively. On one hand, they base their work and studies on a religious platform. They reinterpret the Qur'an from a feminist perspective with regards to the discriminations they suffer in their religious communities and in the private sphere of their homes (for instance the issue of arranged marriages,⁷ virginity, domestic violence, the right to work and study, etc.). In addition, they adopt the principle of reconciliation between universality and cultural specificity and demand to be recognized as equal citizens. These demands for justice and civil rights have roots in their religious communities, personal stories, and memoirs.

Universalism and Exclusivity: Decolonizing Feminist Practice

At the present moment, we are witnessing a feminist discourse that claims to be universal, but acts in an exclusivist way through the consideration of Muslim women

and immigrant women as different and inferior. Such women are stereotyped by the Universalist feminist movement so that it can maintain its ideological supremacy. Christine Delphy underlines this interlinking of oppressive sexism and racism which lie at the heart of the discourse of certain universal feminist movements towards Muslim women, who are considered as the *Other*. An essentialist, collective image of Islam and Muslims is created and given negative characteristics: oppression, extremism, inferiority, traditionalism, forced veiling, etc.

The separation of "them" from "us" reveals racist attitudes and an imbalanced power relation between women: *white women dominate the racialized other* (Hamidi n. pag.)

The figure of the *Arab and immigrant* woman is exploited by Western societies and used to symbolize the opposition between a modern, enlightened Western world and a barbarian, primitive Eastern world. Therefore, in addition to denouncing male domination over women, it is important to also recognize the relationship of domination between white women and other women.

An example is the debate on Islamic headscarves that intensely occupied French and Belgian political circles as well as feminist movements. The law banning headscarves, voted in France and effective in Belgium through municipality by-laws, aims to fight the stereotypical symbol of women's oppression under Islam: the veil. Nevertheless, those who pretend to support women's emancipation are actually supporting a law that forces many of these young women to stay home--a place the feminist movement considers already oppressive. Many feminist movements should have focused more on the cause for liberty and eradication of all kinds of domination instead of solely on one visible "symbol" or appearances. One cannot deny the achievements of Western feminist struggles, but one has to question this model and point out that Western feminism does not have a monopoly over resistance against female oppression. Moreover, one has to refute all ideological prejudices that reject compatibility between religion and feminist demands.

Chandra Mohanty critiques the political project of Western feminism in its discursive construction of the category of "third world women" as one homogenous entity, without shades or grades. The experience of oppression is incredibly diverse and contingent on geography, history, culture, and religion. This critique is still extremely prominent nowadays, more than a decade after its initial institution. Mohanty studies some of the representations of "third world women" that can be found in feminist "first world" literature and in "the developing women's approach" to issues such as sexual mutilation. These essays constantly describe women as objects, victims of various types of oppression ("male violence," "economic development processes," "colonial processes," "Arab family systems," "Islamic code," etc.), and not as actors capable of struggling for their rights (Mohanty 1991 n.pg.).

Although universalism as we know it today has been strongly criticized because of its implicit ethnocentrism and its apparent tendency towards so-called Western values, a majority of women recognize the need for a new definition of the Universalist concept, especially in human rights. Nowadays, Western women converts to Islam underline the necessity of establishing bonds and gender solidarity among different feminisms and different cultural sensibilities, towards a national and transnational

coalition. Islamic feminism has legitimacy within Western feminist movements because they share the same objectives: resisting female subordination in all its forms and calling for gender equality in private and public spheres. The feminist movement we are particularly interested in here is a Muslim feminism originated in the West; it is based on the reinterpretation of the Qur'anic text and encourages the call for female freedom from within Islam and not externally imposed.

Therefore, the idea of a national and transnational coalition has to be conceived, taking into consideration previous criticisms. It is clear that from this point of view there is an urgent need to draw attention to feminist movements and to mobilize civil society towards the belief that Western Muslim women have to take part in public and political debates. A reinsertion of social and political activism in feminist practices is clearly needed. In a multicultural and multiethnic society, one has to struggle to end multiple overlapping levels of oppression.. The principle of diversity acknowledges directness and respect. Hence, it is fundamental to send one strong message to all political parties and social movements and equally establish collective resistance strategies against any unequal system.

Conclusion

Islamic feminists who use Islamic feminist rhetoric (Cooke 169-90) are engaged in a real effort of identity reconstruction that will define a new Muslim feminist identity for the first time; this will be achieved through the analysis and the reorganization of relations within the social group. This specificity will allow questioning the concept of a feminine model, whether it is a culturally oriented model or a Western model--as, for example, encouraged by Belgian society. These women are proud to possess a *hybrid identity* which incorporates feminism and Islam in a dynamic process that combines self-fulfillment and religious redefinition. The social, political, and religious project that results from these potential combinations between identity construction process, feminist discourse, social direction, and strategies of agency will create a new form of subjectivity that at first seems irreconcilable. Islamic feminist rhetoric is a critique originated by the interlacement of religion and feminism, on one side, and of *transnational and horizontal* feminist practices (enriched by post-colonial theories), on the other. This way, Muslim women can contextualize the common struggle for women's rights within civil society as well as in their religious community--which is a priority on their political agenda. Islamic feminists will perceive and experience the process of freedom from an active point of view and not from a passive one (moving from a position of objects to to one where they are subjects). They are no longer helpless victims of violence but are actors capable of intervening actively in the processes of construction of their social and historical evolution. This newborn identity, characterized by a religious rhetoric, is shaped by social interaction and transcends local and global notions in the sociopolitical context.

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- ² A. Prado has published a selection of contributions to the first two International Meetings held in Barcelona (2005 and 2007) under the title *La emergencia del feminismo islamico* (Barcelona: Oozebap, 2008).
- ³ A religious organization of converts to Islam which aims to consolidate Islam in the Spanish context of the twenty-first century and defend the civil and religious rights of Catalan Muslims in Spain. It has an educating role; it participates in various debates and promotes dialogue between religions, especially through the Catalan UNESCO head office. Its main goals are to combat Islamic discrimination and foster Islamic feminism.
- ⁴ Winner of the Ten European Muslim Women of Influence Award in 2010.
- ⁵ Created in February 2007 under the initiative of the *Ligue de l'Enseignement*, it aims to join together Muslims, Christians of different faiths, Jews, agnostics, and atheists, around a table to debate French Islam and its relations with other institutions. In addition to trying to analyze Islam, the organization focuses on public opinion through a fieldwork approach.
- ⁶ In May/June 2008, the city of Rotterdam and the Dutch Muslim organizations platform SPIOR (Stitching Platform Islamitische Organisaties Rijnmond), with the contribution of Professor Tariq Ramadan and the European Muslim Network, launched a European campaign (hand in hand against arranged marriages). This campaign aimed to condemn an ancestral practice that has nothing to do with modern Islam, which, as a matter of fact, prohibits it in Brussels, London, Paris, Rotterdam, Madrid, and Bologna.

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PART III

ISLAMIC LEGAL THOUGHT: THEORY AND PRACTICE

1. From Where do we Derive “God’s Law”? The Case of Women’s Political Leadership: A Modern Expression of an Ancient Debate
Nevin Reda
2. Reflections on Islamic Feminist Readings of Jurisprudence and their Significance in the Egyptian Context
Mulki Al-Sharmani

FROM WHERE DO WE DERIVE “GOD’S LAW”? THE CASE OF WOMEN’S POLITICAL LEADERSHIP: A MODERN EXPRESSION OF AN ANCIENT DEBATE

Nevin Reda

Introduction

In the wake of the Arab Spring and amidst renewed aspirations for social justice and human dignity, Egyptian voters went to the polling stations to participate in the first free parliamentary elections after the revolution (November, 2011). As the results emerged, the Islamist political right won a majority of the four hundred and ninety-four seats, while women’s representation decreased from the meager sixty-four seats of Mubarak’s reign to a mere eight seats in the new parliament. The election results reflect reemerging calls for “God’s law” and the application of *Shari’a* as the law of the land.

Implicit in the Islamist agenda is the assumption that God’s laws are known to us, handed down from our forefathers and agreed upon. It lacks due attention to the historical differences around *Shari’a* and their continued resonance to this day. These differences exceed the minutiae of substantive law and reach to the very core of the law’s principles and the relationship between them, particularly the Qur’an and the prophetic tradition (*Sunna*), which constitute its primary sources. The problem lies in this relationship’s opaqueness in Sunni Islamic jurisprudence and the occasional discrepancies between the two bodies of primary texts: What do we do when the Qur’an and prophetic tradition contradict one another? Do we rely on the Qur’an or on the tradition, and what are the substantive implications of our choices? In this chapter, I address the problem of the Qur’an’s juridical authority in relation to the corpus of the Prophet’s sayings (*hadiths*) in *Shari’a* law. I do this through the lens of the primary texts relating to women’s political leadership. I will show the multifarious nature of *Shari’a*, its uncertainties and its potential for women in political leadership positions.

For the purposes of this chapter, *Shari’a* is defined as the law and jurisprudence that we have inherited from the Abbasid empire in the form of the four classical schools of Sunni jurisprudence, as well as the Ja’fari school. These schools have shaped *Shari’a* to this day, and are generally intended in the discourse of those who call for the application of “God’s laws.” They were produced by men whose names, biographies, and works are known to us, but whose interpretations are liable to truth and error, and which are subject to the circumstances of the time and place in which they are formed. Hence, this heritage is a product of human endeavors, and is therefore to be distinguished from the Qur’an, which is doctrinally infallible and valid for every place and time. This distinction helps us draw a defining line between what is truly “from God” and can therefore be called “God’s law,” and what has been produced by human beings (*fiqh*) and therefore ought not to be attributed to Him.

The discussions surrounding the contradiction between the Qur'an and the Prophet's saying (*hadiths*) are not new to Islamic thought, but have historical roots that go back to the end of the first century of Islam and the conflict that arose between Rationalists (*ahl al-ra'y*) on the one hand, and Traditionalists (*ahl al-hadith*) and Kharijites on the other, around around the meaning of belief. The conversation has continued across the ages, taking many forms in our time, of which perhaps the most important in this historical moment is the dispute over the eligibility of women for public office, including major political leadership positions. This dispute is related to notions of responsible leadership, which we are in dire need of today.

I start this chapter with the most important argument supporting a woman's right to hold high political office: the story of the Queen of Sheba in the Qur'anic "Surat al-Naml" (Chapter 27), focusing on its significance for our current notions and expectations of our political leaders and systems of government. I then deal with the main argument of classical jurisprudence, concerning a specific Prophetic Tradition (*Hadith*), examining the soundness of both content and chain of transmission. I then go back in time to the second Islamic century and the debate over the meaning of belief, highlighting the Qur'an-based reasoning employed by the Jurist Abu Hanifa al-Nu'man ibn Thabit (d. 150/767) and his companions in their claim that belief is simply affirmation. I then draw attention to the *hadith* evidence that Kharijites and Traditionalists used to substantiate their claim that faith encompassed both affirmation and deeds. I also briefly review the most important developments in resolving contradictions in the primary texts throughout history, showing that conversations regarding the authority of the Qur'an vis-à-vis the Prophetic Traditions (*Hadith*) are not new to Islamic thought but have precedents in which leading religious scholars discussed and differed over some of the most fundamental points of the Islamic creed. I end my chapter by recounting international developments in the way feminist activists and others have utilized the theory of the objectives of *Shari'a* to develop the law from within, showing how these developments shed light on the issue of women's political leadership. My location in this debate is that of a scholar specializing in the Qur'an and the Islamic religious tradition and an activist in the Islamic feminist movement.

"Surat al-Naml" (Chapter 27)

I begin my examination of the story of the Queen of Sheba by approaching "Surat al-Naml" as a unit. I follow this methodology because I find that the Qur'an itself delineates such an approach; for example it is described as "a Book of which the verses are judiciously expressed and then expounded from one who is wise and well-acquainted (with all things)" (11:1).¹ The Qur'an therefore elaborates on itself, the Qur'anic *sura* being the primary unit into which the book is organized, and the literary context in which each passage occurs. On the other hand, God warns those who divide the Qur'an into digestible units in order to make it easier to follow some parts and leave others, saying: "We have revealed concerning the ones who divide up into shares, who have made the Qur'an into bite-sized morsels; therefore, by the Lord, We will call them to account for all the things that they used to do" (15:91-93).

It is therefore insufficient to look at verses or sections of the Qur'an in isolation,

without considering the rest of the *sura*. Rather it is preferable to understand the passages in the context of the chapter whenever possible, then to look at the rest of the Qur'an to see if there is something that can add to the meaning. My methodology may be classified as Islamic feminist exegesis, which is often characterized by an interest in the integrity and internal coherence of the text, as well as its pedagogical and humanistic value, in addition to the preoccupation with women's rights and gender equality. It follows in the footsteps of "Bint al-Shati'" 'A'isha Abd al-Rahman (d. 1998), Amina Wadud, Asma Barlas, Nimat Hafiz Barazangi, and perhaps even Salwa El-Awa and others. This kind of exegesis falls in the general category of "explaining the Qur'an by means of the Qur'an," which classical and modern scholars classify as the best method of interpreting the Qur'an (Ibn Taymiyya 93-105; al-Zarkashi 2:175-176; al-Suyuti 4:174; al-Dhahabi 1:31-36).

Few early scholars have paid attention to the integrity and coherence of *suras*, their writings generally falling under the "*nazm*" (literally, "order, organization, arrangement") or "*munasaba*" (literally, "suitability, correlation, connection") genre or science (see Reda, "Holistic Approaches"). The most important classical works in this genre are those of al-Baqilani (d. 403/1013) in his discussion of the Qur'anic *suras* of Ghafir and "Fussilat" (Chapters 40 and 41) (al-Baqilani 8-15) and Burhan al-Din al-Biqā'i (d. 885 /1480) in his book *Nazm al-durar* (The Arrangement of the Pearls). Since then, twentieth century, exegetes have realized the importance of this approach, and many have become interested in *suras* as units, such as Abd al-Muta'al al-Sa'idi (d. 1971), Hasan al-Turabi, Muhammad Draz (d. 1958), Muhammad 'Izzat Darwaza (d. 1964), Sayyid Qutb (d. 1966), and Muhammad al-Ghazali (d. 1996). On an international level, there are Amin Ahsan Islahi (d. 1997), al-Tabataba'i (d. 1981), Ashraf Ali Thanavi (d. 1943), Muhammad Faruq Zayn, Angelika Neuwirth (see Neuwirth), Neil Robinson (see Robinson), and Matthias Zahniser (see Zahniser) and others. Thus, approaching *suras* as whole units is not new, but rather it is the method that best suits our current notions and needs.

"Surat al-Naml" is the twenty-seventh chapter of the Qur'an, consisting of ninety-three verses. According to my reading, the *sura* revolves around a central theme of power and is divided into two sections. The first section covers approximately two thirds of the *sura* and contains four stories, which portray human use and abuse of the power allotted to them by God. It begins with the story of Moses and Pharaoh, at a time when Egypt was a superpower, followed by the story of King Solomon and the Queen of Sheba--a kingdom, or rather a queendom, is a relatively lesser power. The third story is that of the prophet Saleh and the gang of nine individuals of his tribe--a tribe is generally a lesser political power than a kingdom-- while the fourth is the story of Lot and his people and the abuse of power on a personal, individual level. All these peoples and powers that are arranged in decreasing order failed to use their power appropriately and were, as a result, destroyed--all except the Queen of Sheba, who led her people to success, and is therefore a model of responsible political leadership. Her story takes up four pages, a third of the *sura*, while the three other stories are told in another third, which indicates a special focus on the story of the Queen of Sheba. The contrast between her story and the others, acts as a foil highlighting her excellent administration of her people's affairs. The final third of the *sura* revolves around God's power in creation. This

section also serves as an antithesis to the first and completes our understanding of power. The objective of this section may be to affirm that all power belongs to God and that He may test with it whomever He pleases, whether persons whom he has gifted with prophethood or persons upon whom he has bestowed political authority. This morale emphasizes the Queen of Sheba's success in carrying out the responsibilities that come with power, hence the centrality of her story and its connection to the rest of the sura.

The Story of the Queen of Sheba

The story of the Queen of Sheba is full of insights in the ways people use power, which is not the topic here, except for what relates to political leadership that is not guided by direct divine revelation. The attributes of Balquis, the Queen of Sheba, are evident from the first words she utters in the Qur'anic verses: "(The queen) said: 'O general assembly, I have received a letter worthy of respect. It is from Solomon, and is in the name of God the most gracious the most merciful. Do not rise up against me and come to me, making whole/peace.' She said: 'O general assembly, counsel me in this affair, for no affair have I decided except in your presence'" (27:29-32).

Thus, she relays the facts to her people in a balanced fashion, transparently, without concealing anything. The words "*aftuni*" (counsel me) indicate a referendum of sorts—the word stems from the same root as the Arabic word for referendum (*istifta*), while the word "*mala*" (general assembly) in the Arabic implies inclusiveness. Both these words suggest a democratic process of sorts. If we compare this passage with the *shura* (consultation) verse: "[Those] who (conduct) their affairs by mutual consultation," (42:38) used in contemporary contexts to advocate for democracy, the story can be read as a detailed exposition of how to apply *shura* at the level of a state. *Shura* is not the only concept related to our contemporary understanding of responsible leadership that can be extracted from the verses. The words "no affair have I decided except in your presence" imply that Balquis systematically resorted to transparency in governance, and regularly called the public to partake in her decision making, all of which assert her transparent democratic approach to government.

The story continues to show us new aspects of Balquis's style of governance in the following verses: "They said: 'We are endued with strength, and great prowess, but the command is yours; so consider what you will command.' She said: 'Kings, when they enter a country, they despoil it, and make the noblest of its people humiliated in spirit; thus do they behave. So I am going to send him a present, and see what my ambassadors bring back'" (27:33-35). In the above verses, Balquis's people take pride in their military prowess and their readiness to face Solomon, but leave the final decision to her. This resonates with modern state systems and the authorization which presidents require from parliaments to declare war and make other grave decisions. Balquis was ahead of her time in dealing with her people, her actions reflecting present-day aspirations. Perhaps even her choice of a diplomatic solution can be considered an expression of contemporary notions of a ruler's priorities, as it spares her people the humiliations of war.

As the events of the story unfold, Solomon does not accept the gift he is sent and threatens her people with war. Balquis in turn does not run and hide within her fortification walls, but instead, sets out to negotiate with him. This initiative shows her courage and commitment to the safety of her people, and her avoidance of bloodshed. Solomon shows her two tangible signs, upon which she decides to make her peace with God together with him. This shows the queen's ability to keep up with evolving times and take appropriate decisions in a timely fashion, in addition to her diplomatic expertise and her commitment to the preservation of the dignity of her people.

Some may say that towards the end she no longer ruled but left Solomon to rule, but this reading is incompatible with the Qur'anic verse and the word "with" in "I do (now) together *with* Solomon make peace with God the Lord of all the people in the world," which indicates togetherness. The verse also states that she made her peace with God as Solomon had before her, as opposed to surrendering to Solomon. Moreover, Balquis is mentioned in the Hebrew Scriptures (I Kings 10:1-13), and when both texts are read together, one can see that the Qur'an focusses on how Balquis exercises her power, whereas the Bible focusses on her journey to visit Solomon and the depiction of her wisdom, her negotiations with him, and the gifts she presented to him. This illustration alludes to her historical impact and that she was never forgotten by the Children of Israel on account of her wisdom and initiative. The Hebrew Scriptures suggest that she returned to her country, her sovereignty untouched, to continue to rule. Hence, claims that she abdicated her throne to Solomon have no basis in the Qur'an or in the historical narrative of the Hebrew Scriptures.

We therefore see an excellent Qur'anic depiction of leadership that we can more fully appreciate through the lens of the Egyptian revolution and other uprisings of the Arab people since late 2010 and the way in which rulers have handled their people. The model provided by the Queen of Sheba is in tune with the aspirations of Arab people for their rulers and systems of government. Had these rulers grown up with the story of the Queen of Sheba and learned modes of leadership from it, what then? Have we not lost a great deal from neglecting this example and its inherent ability to develop our understanding of leadership?

The Qur'an gives us another model of leadership in Pharaoh and the way in which he handles his people and the religious minority that follows Moses. This story is in sharp contrast to Balquis': Even though he is given the same opportunity as she in the form of a messenger of God bearing two material signs, the same number sent to Balquis, he remains an example of an autocratic tyrant, who insists "I am your highest religious-legal authority" (79:24). He does not hesitate to use violence and expose his people to destruction, and does not accept the signs of God that Moses displays before his very eyes, nor does he heed the counsel of his experts on magic; instead, he insists on oppressing the vulnerable religious minority in his land, effectively drowning and destroying those in his care. The contrast between the Qur'anic depictions of Balquis and Pharaoh represents the gap between two systems: the democratic system of mutual consultation and equality between people, represented in Balquis, and the autocratic system of blind obedience and oppressing the vulnerable, manifest in Pharaoh. In our current reading of the two

examples, we can deduce that the success of a ruler is not related to his being male, even if he is at the peak of his power and might, as was Pharaoh in his time. The success of a ruler is linked to characteristics such as democracy, transparency, diplomacy, justice, the ability to keep up with changing times, the prioritization of the dignity of his people, and an abhorrence of seeing their blood shed--qualities a female ruler may also possess, as the historical narrative in "Surat al-Naml" demonstrates at the highest level.

It is worth mentioning that the Prophet (peace be upon him) also sought counsel as he is commanded by God to do (3:159), even though he arguably had no need for the advice of his companions, as God was his advisor. How then do we interpret God's command for him to seek their counsel? Perhaps the answer lies in his companions' need to learn the ways of leadership; hence his dealings with them had a pedagogical purpose, so that they do not think that blind obedience is the most suitable way for a superior to deal with a subordinate. We therefore find that the Prophet (pbuh), who received divine inspiration, followed Balquis's style of leadership rather than Pharaoh's.

Some may look to the Prophet (pbuh) as the role model of a responsible political leader, but use his example to advocate autocratic leadership, enjoining blind obedience on their followers. The deference due unto the Prophet is not for his person; rather it is for his being a messenger of God, entrusted with the transmission of a divine message of belief. They, on the other hand, are people, not prophets; no divinity directly inspires them. Thus, they need to look to the example given in their own category of leaders, that of Balquis, so that they do not find themselves on the path of Pharaoh, teaching autocracy to their followers and the generations to come.

Abu Bakra's Hadith

So why are we suspicious of a woman's eligibility to hold and excel at top political positions or hesitate to support her when we have such a telling example in the Qur'an? The answer to this question lies in our juristic heritage that prohibits women from occupying such positions (al-Jaziri 1:543 and 5:618; Ibn Rushd 1:155 and 4:243; Abu Ya'la al-Farra' 31, 60), although the major scholars who wrote on the rules of governance make no mention of masculinity as a condition for the highest political office (Mawardi 6; Abu Ya'la al-Farra' 20). The reasoning offered by those who have historically excluded women from these positions has not been explicitly based on Qur'anic injunctions, but rather on a certain Prophetic Tradition (*hadith*) narrated by a companion of the Prophet (pbuh) named Abu Bakra, which reads as follows: "During the battle of the camel, God benefited me with a word (that I heard from the Prophet). When the Prophet heard the news that the people of Persia had made the daughter of Khosrau their queen (ruler), he said, 'Never will succeed such a nation as makes a woman their ruler'."

This tradition is considered sound, as it has been cited in al-Bukhari (*Kitab al-nawaya* #4425; *Kitab al-fitan* #7099) and articulated similarly by others (Ahmad ibn Hanbal #27534, 19888, 19960, 19964, 19994; al-Tirmidhi #2262; al-Nisa'i #5904, 919). In spite of the accuracy with which al-Bukhari selected his prophetic traditions, there

are doubts surrounding the chain of transmission and content of this particular one that we must take into consideration. The first is Abu Bakra's personal history: Abu Bakra lived in Basra during the time of Caliph 'Umar ibn al-Khattab and traveled all the way to Medina to accuse a couple of adultery, but was unsuccessful in producing four witnesses. 'Umar ibn al-Khattab subsequently ordered that he receive 80 lashes as punishment for his false allegations. Scholars and jurists, including Ibn Taymiyya, Ibn al-Athir and others, agree that he did not repent his actions, and therefore his testimony is never to be accepted in court (Ibn Taymiyya, *Tafsir Surat al-Nur* 73; Ibn al-Athir 5:39) in adherence to the following Qur'anic verse: "Those who slander chaste women, and do not produce four witnesses, flog them eighty lashes; and do not accept their testimony ever after, for such men are transgressors" (24:4).

If we are forbidden from accepting the testimony of a person who has been exposed as a perjurer by God, how can we consider him trustworthy, accept his narration of *hadith* and base an oppressive ruling on it? Does this not conflict with the content of the verse? Our ancestors clearly differentiated between the criteria for narration and testimony, but how can the criteria for narrations of the Prophet's sayings (*hadiths*) that determine the actual law be more lax than those for the testimony of witnesses in courts? The criteria of narration are in grave need of revision, because there are none less worthy of acceptance than those whom God has exposed. If the narration of one who launched unproven accusations and was sentenced by 'Umar himself, who is known for his great sense of justice, has found its way into the corpus of accredited reports attributed to the Prophet in one of the major collections of Prophetic Traditions, what else have we overlooked?

The pioneer of Islamic feminist discourse in the modern age, Fatima Mernissi, has clarified some of the historical and political reasons for the credibility granted to Abu Bakra's narrations and the support they provided for the Umayyad Caliphate, a fact that may explain why Umayyad scholars favoured him (Mernissi 49-61). However, it does not explain why scholars have continued to use his narrations and ignore Qur'anic injunctions since the beginning of the Abbasid Empire till today. Perhaps their reason for insisting on the veracity of this narration is nothing more than a desire to maintain and justify gender discrimination and disempowerment (*tatfif jinsi*), so that men may continue to take all that is their due when measuring out the right to assume leadership positions, but diminish the lot of women. The freedom to deal inequitably is the paltry price gained by those who advocate for this paradigm (Q. 16:95). The term "*tatfif*" (dealing inequitably, defrauding, cheating) is inspired by "Surat al-Mutaffifin" (those who deal inequitably, defrauders, cheats) (Chapter 83), in which God issues a warning to those who deal inequitably with others, those who do not give others their due rights. The term "*tatfif jinsi*" (dealing inequitably/defrauding/cheating on the basis of gender), refers to the phenomenon of gender discrimination, to which women are subjected based only on their gender, not on any crime committed or guilt perpetrated.

As for the content of this Prophetic Tradition (*hadith*), we have seen the story of the Queen of Sheba who led her people to making peace with God, which is prosperity, for God describes those who have faith as: "These are the ones who have guidance from their Lord, and it is these who will prosper" (2:5). Hence, her people prospered under her rule, in spite of her being a woman, while Pharaoh's followers did not,

even though they followed a man. Gender is therefore a poor indicator of whether a ruler succeeds or fails, and the Qur'an thus contradicts the content of the given Prophetic Tradition (*hadith*). We are in a situation where we are faced with two contradictory texts: One is from the Qur'an and the other is a prophetic *hadith*, and our religious-legal heritage has ignored the former in favour of the latter. How are we then to deal with these texts in light of our current circumstances and political needs while retaining our historical integrity?

Three Traditional Solutions

Perhaps our august juristic heritage which has bequeathed us this problem is capable of surprising us with its solutions and intellectual diversity. Earlier scholars have come across instances when the Qur'an was in contradiction with sound prophetic traditions, which have chains of transmission that extend all the way back to the prophet (pbuh), and they have dealt with them in various ways, which may help us understand our options today, as well as their jurisprudential and practical dimensions. The first major precedent occurred at the time of the jurist Abu Hanifa Al-Nu'man ibn Thabit and his companions, when a contradiction between the Qur'an and a prophetic *hadith* gave rise to a creedal dispute over the definition of belief. There are enough primary sources in existence today that enable us to reconstruct the main outlines of this debate. Several works are attributed to Abu Hanifa, such as *Risalat Abi Hanifa ila 'Uthman al-Batti (The Epistle of Abu Hanifa to Uthman al-Batti; Abu Hanifa 137)*, the only epistle that scholars from both East and West agree is truly his. The epistle deals with the meaning of belief, whether it is affirmation alone or whether it also encompasses deeds. The longest work of the great sage as well as the most comprehensive in elaborating his argument is *Kitab al-'alim wa'l-muta'allim (The Master and the Disciple)*. It exists in several manuscripts (see Schacht) and has been published more than once, the best-known editor being the eminent Shaykh al-Kawthari. The book features an extensive dialogue in the form of questions and answers between Abu Hanifa and one of his pupils. It is generally attributed to Abu Hanifa as the scholar who shares his ideas with his pupil, but in all probability, it was not written by Abu Hanifa himself, but by his pupil, Abu Muqatil Hafs ibn Salam al-Samarqandi, as is indicated in the book's chain of transmission. The contents of both this book and the *Risala* are similar in topic, style, arguments, and rhetoric, all of which reinforces the book's historical accuracy.

Kitab al-'alim wa'l-muta'allim clarifies the position of Abu Hanifa and the followers of his school regarding the question of belief: They use Qur'anic arguments to show that action differs from belief, and that belief is affirmation alone, whereas their opponents use a prophetic tradition to argue that belief includes action, bolstering their arguments with chains of transmission that extend all the way back to the prophet. Their position has implications on the one who commits major sins, for he is then considered a heretic, therefore opening the door to people accusing others of heresy. The heretic's position in society is an unstable one, for he cannot be assured of his life, his honor, or his property, whether these accusations are true or malicious slander.

The text of the prophetic tradition in the book is: “When the believer commits adultery, belief is removed from his head in the way a garment is removed from his head. But if he repents, his belief is restored to him” (Abu Hanifa 24). Al-Kawthari cites a parallel *hadith* of the same meaning: “The adulterer is not a believer while he is committing adultery ...” (Abu Hanifa 24), which comes in various versions and chains of transmission (al-Asqalani #6772, 12:59-64). They include some of the most celebrated names and can quickly show us who were Abu Hanifa’s opponents in the debate. If we look for his contemporaries within the chains of transmission, we find two major narrators of prophetic traditions: the client of Ibn Abbas, ‘Ikrima (d. 106/725) and Ibn Shihab al-Zuhri (d. 124/741). ‘Ikrima’s religious-legal orientation is well-known: He is a Kharijite, a group with well-known doctrinal positions, which has all but disappeared except for the Ibadi offshoot in Oman and a few other regions. As for Ibn Shihab, he is a traditionalist, who transmitted prophetic traditions to the greatest traditionalists of his time and is reputed to have been the first to use chains of transmission (Abu Hatim al-Razi 1:20). Traditionalists and their positions flourished and spread to the present day as a major trend within the Sunni community (Abu Ya’la al-Farra’ 16, 25, 130, 203, 286, 295, 313, 343).

Abu Hanifa’s response was that this prophetic tradition contradicts the Qur’anic verse containing “If two of you commit it [adultery]” (4:16), suggesting that adulterers are still counted as believers, not heretics. He argued that the Prophet (pbuh) would never produce anything that contradicted the Qur’an, citing the verse “And if the messenger were ever to invent sayings in Our name, We would seize him by the right hand, and We would then cut off his artery nor could any of you shield him” (69:44-47). Therefore, when the Qur’an contradicts a prophetic tradition, a valid option is to choose the Qur’an over the contradicting *hadith*.

Traditionalists responded to Abu Hanifa with another *hadith*: “Whoever speaks of the Qur’an according to his personal judgment, then let him assume his place in hell-fire” (Tirmidhi, *Tafsir al-Qur’an* #2950-2952). Abu Hanifa and his school are known as the People of Personal Judgment (*ahl al-ra’y*) or Rationalists, as they are more commonly known in English. Reading this tradition in light of the circumstances surrounding Abu Hanifa and Ibn Shihab and the ideological conflict between Rationalists (*ahl al-ra’y*) and Traditionalists (*ahl al-hadith*), we find that the tradition weakens the position of those who rely on Qur’anic texts, as they may be accused of using their personal judgment. It particularly weakens those who use the Qur’an to refute prophetic traditions, thereby weakening the Qur’an’s judicial authority vis-à-vis the prophetic tradition: It elevates the prophetic tradition’s authority and its independence from the Qur’an as a principle for the derivation of *Shari’a* law. This approach falls under the tenet: “The prophetic tradition is a judge over the Qur’an and abrogates it” (al-Darimi #586-590; al-Ghazali 1:80-81; al-Qaradawi 9). Therefore, our second option which is in keeping with our heritage is to privilege the prophetic tradition and dismiss the Qur’an -for fear of hell-fire. In this instance, we may continue to claim that Islamic law prohibits women from taking up leadership positions, including political office, the consequences of this choice being the propagation of that claim among people under the slogan “God’s law.”

Al-Shafi’i developed Traditionalist discourse to make it more publicly appealing, and attempted to compromise while maintaining the authority of the prophetic tradition.

He denied that the Qur'an and the prophetic tradition could ever contradict one another (*al-riṣāla* #419, 480, 537, 570, 606-607, 629, 631-632, 637-638, 644, 1613-1614), effectively closing the possibility of reflecting on prophetic traditions and critiquing them based on their compatibility with the Qur'an. Al-Shafi'i insisted that the Qur'an does not abrogate a tradition, nor a tradition the Qur'an, for it is only the Qur'an that can abrogate the Qur'an and a tradition another tradition (*al-riṣāla* #311-345, 604-616; *al-umm* 7:273-286). The implications of this approach on women's political leadership is that once no contradiction between the Qur'an and Abu Bakra's reported are thought to exist -neither in content nor in chain of transmission- we are free to accept the tradition without hindrance from the Qur'an. We can thereby continue in our comfortable notions about leadership, so that the outcome of this solution is much like that of the preceding one, in spite of the differences in initial assumptions.

Al-Qaradawi has indicated that some leading scholars, such as Ahmad ibn Hanbal, may have been uncomfortable with the phrase "The prophetic tradition is a judge over the Qur'an," and preferred "The prophetic tradition explains the Qur'an" (51), a concept that was previously elaborated by al-Shafi'i (*al-riṣāla* #101, 129, 257, 300, 490-516, 605, 646). Perhaps this interpretation of the relationship between the Qur'an and the prophetic tradition is the most prevalent and influential in history.

This is our third choice: If we follow this approach in dealing with primary texts related to the issue of female political leadership, we can look to the narrative of Abu Bakra to explain the story of the Queen of Sheba. This path leads us to falsely perceive her as an example of a weak commander whose people cannot prosper. All her qualities therefore become reversed as if those of a failed leader, qualities such as democracy, appeal to referendum, transparency, and the ability to keep up with rapidly changing times. This also includes her acceptance of Islam, her justice, and her preservation of the dignity and lives of her people. Perhaps this reading clarifies why our leaders have shied away from these qualities over the centuries: It is because Balquis is a woman, the gender unsuitable for political leadership (according to this faulty perception), and the gender that will certainly bring her people disappointment and failure.

Modern solutions

The production of ideas did not cease in the modern era; intellectual leaders in Egypt have presented new solutions to this problem, the most notable of which are those presented by Yusuf al-Qaradawi and Muhammad al-Ghazali. Al-Qaradawi is known for suggesting that the prophetic tradition should be understood in light of the Qur'an (93-104). In other words, we need to interpret the *ḥadīth* in ways that are consistent with the Qur'anic text. This is a general solution that has merit and may succeed in the instances where the gap between the Qur'an and the tradition are not so great, but in the case of the Abu Bakra narration, it becomes difficult. Muhammad al-Ghazali is known for his critique of prophetic traditions with a single chain of transmission (*ḥadīth aḥad*). The Abu Bakra narration qualifies as such, since it was narrated only by him and none other claimed to have heard it from the

Prophet. Al-Ghazali linked it to the event of the woman inheriting the Persian throne (55-60). He thereby interpreted it within its historical and geographical context, without generalizing it to all women, and herein lies our fourth option: to read such traditions within their immediate context. This approach is a well-known, and has been used by others, including al-Azhar on the website of the Supreme Council for Islamic Affairs. It is more tolerant and accepting of the tradition, and the results of applying it to the narration of Abu Bakra range from limiting it to the past context in which it arose and applying it in contexts similar to those of the ancient Persian empire. This interpretation is a more bearable for women, as it does not bar them from all positions of leadership, but only particular public ones or the highest office.

Some have tried to support the Abu Bakra narration with Qur'anic verses to prevent women from taking up political leadership positions, most famously the verse "Men are providers for (*qawwamun 'ala*) women" (4:34) which they see as giving men lordship over women, and the right to discipline them. Al-Ghazali responded to this interpretation by explaining that the verse applies only to a man in his home and within his family (55).

And indeed the context of the verse has nothing to do with higher or public office, unlike the story of the Queen of Sheba and the narrative of Abu Bakra. Also, the interpretation of the verse as giving men lordship over women and the right to discipline them and correct their behavior is based on taking liberties with language. These interpretations attribute the etymology to straightening out a spear (*taqwim*, literally, make them upright, straighten their crookedness), as though the Almighty had said "making women upright" (*muqawwimin li-*) not "providers for" (*qawwamun 'ala*). It is neither compatible with the wording of the text (4:34), its immediate context, nor the rest of the Qur'an, for in "Surat al-Tin" (Chapter 95), it says: "We have indeed created the human being in the best uprightness (*taqwim*)" (95:4). A woman is obviously a human being too, and if God has created her in the best uprightness, then it is not for men to attempt to improve on it.

A sound interpretation compatible with the wording of the verse and its context is to link "providers" to the financial provisions that men contribute for the maintenance of their families, which they may fulfill by using their own funds or their preferential shares of inheritances. These provisions are financial support that women are entitled to, whether or not they work, earn, or hold high office. This exemption from the imperative to earn and spend on the household may be a compensation for the time and effort a woman spends in pregnancy, breastfeeding, and other activities related to motherhood, apart from her professional and public life.

Perhaps the reason for resorting to this verse (4:34) in spite of its irrelevance to public office is a matter of habit; for people have become used to the inequality and gender discrimination paradigm, using this verse, loosely interpreted, for support. The Qur'an has other parts that address this paradigm, perhaps the most significant of which are those in "Surat Al-Nahl" (Chapter 16:58-59), in which God addresses discrimination between males and females from the moment of birth, and the disgust some parents express when they give birth to a girl. They often contemplate whether to end her life or keep her alive, but in a constant state of indignity and disempowerment: another form of mental and social infanticide. The

Qur'an describes them as people with woefully poor judgment, just like all who try to denigrate women's positions in society, including those who attempt to prohibit them from taking up public office. The actions of these individuals are not supported by the Qur'an.

The Strength of Abu Hanifa's Thought

Thus, we see three inherited solutions that address contradicting traditions, following the methods of our predecessors, as well as modern solutions that are in tune with the notions and priorities of our times. Perhaps the most convincing of all is the solution offered by Abu Hanifa, since it most closely conforms to the Qur'an and it is the fairest to the prophet (pbuh), absolving him of wrong-doing. Abu Hanifa chooses to discredit those who claim that the Prophet (pbuh) utters contradicting statements rather than think badly of the Prophet; he says:

I discredit these [traditions] and my discrediting of them is not a discrediting of the Prophet (pbuh). Discrediting the Prophet's (pbuh) is when a man says: "I deny the words of God's Prophet (pbuh)." However, should a man say "I believe all that the Prophet (pbuh) has said, but the Prophet (pbuh) never spoke unjustly or contradicted the Qur'an": That affirms belief in the prophet and the Qur'an and absolves him from contradicting the Qur'an. If the prophet should ever have contradicted the Qur'an and attributed untruths to God, God would not have left him until he had seized him by the right hand, and cut off his artery, as God, may He be exalted has stated in the Qur'an (24-25).

Abu Hanifa's views reveal his approach to the corpus of prophetic traditions: He believes in everything that comes from the Prophet but rejects that which contradicts the Qur'an, because he considers such a tradition to lack credibility, thereby absolving the Prophet from speaking unjustly. There are many other verses in the Qur'an that support his argument, perhaps the most important are verses 79-80 of "*sura* Al 'Imran" (Chapter 3):

"It is not for a human being to have been given the book, judgeship and prophethood, and then for him to say to the people: "Become devoted to me, besides God," but rather "Become God's devotees with what you have been teaching of the book and what you have been studying." Moreover, he does not command you to make of angels and prophets religious-legal authorities (*arbab/rabbis*); would he command you with ingratitude (*kufri*) after you have made whole (become Muslim)?" (3:79-80).

These two verses illustrate to us that we run the risk of apostasy should we consider the Prophet a *rabb* (rabbinic-like religious-legal authority). The meaning of the word "*arbab*" (*sing. rabb*) is clarified elsewhere in the Qur'an (3:64; 9:31), when read in conjunction with the exegetical tradition and its historiographical depiction of some of the People of the Book, who are criticized for taking up their scribes and monks in a religious-legal capacity, permitting what God has prohibited and prohibiting what God has permitted (Reda, "The 'Good' Muslim" 234-37). These texts show that the distinctive monotheistic character of the Islamic faith tradition does not allow

for the adoption of similar authorities besides God. It is therefore not permissible for us to attribute to the Prophet (pbuh) that which contradicts the Qur'an, using him to prohibit the permissible and permit the prohibited, and thereby inadvertently following in the footsteps of peoples that have gone before us. Perhaps these two verses show us the strength of Abu Hanifa's thought and how he absolves the Prophet (pbuh) of wrongdoing, preserving the distinctive monotheistic character of Islam from an approach that could potentially lead to apostasy.

Perhaps Abu Hanifa's approach also displays the strongest awareness of the social consequences of such traditions and how they can be misused to oppress people. During the time of Abu Hanifa, the harm resulting from such traditions was the promulgation of judgmentalism and labeling others apostates. At present, the harm linked to the Abu Bakra narration is the spread of tyranny and discrimination against women, due to ignorance of the ways of responsible leadership. Perhaps the strength of Abu Hanifa's thought and its social consequences show us why some of the early scholars gave him the epitaph "al-Imam al-A'zam" (the Greatest Imam), even though they all have made valuable contributions (al-Makki; al-Kardari).

The Objectives of *Shari'a*

We can therefore begin to understand the richness and generosity of our intellectual history, and that contradictions between the Qur'an and *hadith* are not without precedent and were tackled by leading scholars in the past. Some did not hesitate to discard contradicting traditions and derive laws primarily from the Qur'an. We also find the tendency to elevate tradition over the Qur'an, as well as efforts to reconcile the two oppositional trends. Our juristic heritage is full of such treasures, which have still meaning for us today and shed light on current controversies, perhaps the most interesting of which is *fiqh al-maqasid* (the jurisprudence of objectives), a religious-legal system of ethics which is based on the principle of the common good (*istislah*) (Abu Hamid al-Ghazali 139-144; Ramadan 3-20). This theory derives its importance for us today from the way it is used in reformist discourse in general and feminist discourse in particular: It forms a second foundation, the first being the Qur'an. For example, activists within the Women's Islamic Initiative in Spirituality and Equality (WISE) *Shura* Council, an offshoot of the American Society for Muslim Advancement in the United States, routinely employ the objectives of *Shari'a* to develop *Shari'a* from within. They study ways to align their positions with this religious-legal system of ethics, exploring how their work accomplishes the objectives of the protection and preservation of life, faith, intellect, offspring, dignity, and wealth. This avenue of intellectual exploration is in addition to their use of primary and secondary jurist and historical sources, as well as the modern disciplines, thereby effectively bridging the gap between the past and the present.

Confirming the strength of the story of the Queen of Sheba as a proof-text within this objectives-oriented, jurist frame of reference is the kind of common good which her model of leadership accomplishes. This particular category of common good is classified as *maslaha mu'tabara* (accredited common good), the kind that is based on a revealed text and on which jurists agree, not the *maslaha batila* (discredited

common good) which conflicts with an explicit text and which jurists reject, or the *maslaha mursala* (undetermined common good) on which there is disagreement.

Today, objectives-oriented jurisprudence is employed more widely than in the past, where it was mainly used to derive rulings in the absence of revealed texts and other evidence. Today, it is also used to support textual interpretation in the case of accredited common good. So, if we take the objectives of Islamic law as a benchmark against which to compare the paradigm of autocracy, blind obedience and gender discrimination, and the paradigm of democracy, consultation, and equality, it quickly becomes evident that the former fails to preserve life, offspring, dignity, and wealth, whether in the case of Pharaoh or some of our more recently deposed political leaders, while the latter paradigm succeeds in fulfilling all the objectives of Islamic law. This achievement is exemplified in the story of Balquis, who protected and preserved her people's lives and that of their children, their dignity and their wealth by preferring diplomacy to war. She protected and preserved the faith by leading her people to make peace with God. Moreover, her transparency and consultation-style method of governance helps protect and preserve their intellect, since it provides them with the opportunity to grow and develop their collective deliberation skills.

Conclusion

In conclusion, as we find ourselves in the wake of the Arab Spring, poised to rebuild the country, we aspire to just political systems and responsible leadership, while our people are asking for "God's law." We have just explored some of the difficulties arising from this call through the lens of a contradiction between a Prophetic Tradition (*hadith*) and a Qur'anic text, reviewing various solutions inspired by our past and present. Which shall we choose? For if we wish to maintain the Qur'an's function as a source of guidance in our present political circumstances, as an inspiration in the construction of our hoped-for democracy and responsible political leadership, we are left with no choice but to accept the story of the Queen of Sheba. This story alone provides us with a comprehensive role model in the same category as that of our leaders: human beings, whom the angel does not visit with divine revelation. In the entire Qur'an, there is no other example which elaborates the same leadership qualities in this concise, yet comprehensive manner. Hence, democracy and transparency, as well as all the other qualities we crave, are intricately tied to the issue of women's political leadership: If we wish to use her as a role model, then we must admit that women can also excel in the highest political office.

I end this chapter with a question directed at those who wish to mix politics with religion: Why did God choose to make this magnificent example a woman? Was He not capable of choosing a man? How do we read her being a woman from our location here in Egypt today? Do we read it as evidence of God's fore-knowledge of His servants' injustice towards women across the ages and an expression of His displeasure? Or is it a warning from the Almighty that we will not be blessed with responsible rulers or just political systems until we ourselves are also just and empower women in the land? Or is it to be read as a message for women to rise,

for matters cannot be made right without them? Or are its implications greater than that: Is it a test of our integrity and the sincerity of our claim that we truly want God's law that He has set for us in his Book? All these are questions worthy of contemplation.

¹ Unless otherwise stated, translations of all Qur'anic passages are by the author.

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REFLECTIONS ON SOME ISLAMIC FEMINIST READINGS OF ISLAMIC JURISPRUDENCE AND THEIR SIGNIFICANCE IN THE EGYPTIAN CONTEXT

Mulki Al-Sharmani

Introduction

The starting point for Islamic feminism as a modern knowledge project is to produce knowledge that makes the case for the idea of gender equality and justice from an Islamic perspective. There is an on-going scholarly debate around the nature of this project, how to theorize it, how to determine its methodological and interpretive frameworks, and how to assess the knowledge value of the project as well as its significance in achieving social and legislative reform that enables gender equality and justice.

Notwithstanding the contestations among the participants in this debate, there is agreement among them that Islamic feminism is a knowledge project to which female Muslim scholars (and some male Muslim scholars) have significantly contributed since the beginning of the 1990s in the West and various Islamic countries such as Iran, Malaysia, and Egypt. Participation in this project has not been limited to religious scholars but has also included prominent social scientists. But what distinguishes this emerging brand of contributors to Islamic feminism is their sound understanding of the various branches of Islamic religious sciences and their engagement with religious texts and interpretive Islamic tradition. This engagement seeks to problematize dominant interpretations in this tradition that have been discriminatory and unfair to women, and to offer alternative readings that reflect gender justice but are still firmly rooted in an Islamic frame of reference.

The literature of Islamic feminism is highly varied: some works focus on the Qur'an and the science of exegesis (*tafsir*), such as those by Amina Wadud, Asma Barlas and Omaira Abou-Bakr, while others deal with the exegetical tradition as well as the (*Hadith*) tradition and its science. And there are bodies of work that focus on Islamic Jurisprudence, and critically study the processes by which early jurists extrapolated religious rulings related to marriage, divorce, custody, inheritance, and other family relationships as well as the rights and duties of family members.

These works include analytical historical studies of the methods of deduction that early jurists used, their underlying assumptions about gender relations and rights, and the socio-historical context in which these jurists lived and by which they were shaped. The works of Ziba Mir-Hosseini (Iran) and Kecia Ali (USA) are notable examples of the latter category of this knowledge project. The significance of Mir-Hosseini's and Ali's work is twofold. Firstly, they play a vital role in producing alternative knowledge that gives legitimacy to the endeavors of various organizations in Muslim countries that seek to amend and reform modern family laws, and which are

drawn from Islamic jurisprudence. Most of these laws — notwithstanding differences between the specific legal codes of different countries— do not give Muslim women just and equal rights, but rather reinforce a model of hierarchical gender relations and rights. Secondly, this feminist knowledge project which is concerned with Islamic jurisprudence plays an important role in countering contemporary social and religious discourses that marginalize women with an alternative discourse that adopts a view of women as created equal to men and equally entitled to human dignity, freedom of choice, and justice.

Objectives

This chapter seeks to:

1. Shed light on two pivotal points in Ziba Mir-Hosseini's and Kecia Ali's critical readings of classical Islamic jurisprudence in regard to its understanding and doctrines regarding marital relations, roles, and rights.
2. Examine the implications of the two authors' central theses in the context of Egyptian family laws.

Background

My analytical reading of the works of Ziba Mir-Hosseini and Kecia Ali is a prelude to a comprehensive study I am preparing that will address the problems of the interpretive process in selected Egyptian and global scholarship engaging with Islamic exegetical tradition, jurisprudence, and *Hadith* tradition, focusing on the question of gender relations, roles, and rights.

Some aspects of the analysis I present in this chapter are also based on the findings of a previous study I conducted on the Egyptian Family Courts and the new family laws that were issued since 2000 (see Al Sharmani). The research data was collected from 300 interviews with women and men (239 women and 61 men). 200 of the respondents were Family Court disputants; the remaining 100 were selected from outside the courts to record and examine their experiences with engagement, marriage, and divorce. . Of these, 50 respondents were women and 50 men.

The research team consisting of Sawsan Sharif, Fayrouz Gamal, and myself conducted interviews with mediation specialists and court experts working in a number of family courts across the country, and held focus group discussions with lawyers. I also conducted interviews with judges in the Family Court and key actors in civil society, religious scholars, and public intellectuals who were involved in the advocacy work for or against the new laws that were passed in the last decade. And I conducted observation of court sessions in a number of circuits and analyzed court records.

And lastly, the analysis presented in this chapter is also based on content analysis of twenty letters sent to the Egyptian official daily *Al-Ahram Newspaper's* Friday Mail in the period between September 2010 and March 2012.

Marriage in Islamic Jurisprudence: Ziba Mir-Hosseini's and Kecia Ali's Reading(s)

Ziba Mir-Hosseini specializes in legal anthropology, and in particular Muslim family laws and their relationship to Islamic jurisprudence. Kecia Ali specializes in Islamic studies, and in particular Shafi'i jurisprudence. Before I discuss the central theses in the works of these authors, it is important to highlight the following four premises, which underlie their analysis.

1. Jurisprudence is the result of great intellectual human effort on the part of early jurists to derive religious rulings from the *Qur'an* and *Sunnah* (i.e. the Prophetic tradition) to regulate Muslim affairs.
2. Islamic jurisprudence is comprehensive and homogeneous in the methodology and tools it uses to derive rulings.
3. This bulwark of juristic knowledge is itself a product of its historical context with its assumptions about femininity, masculinity, sexuality, and marital relationships. These assumptions had a significant impact on the rulings that were deduced by these jurists, which--over the ages--became the religious and legal foundations for the contemporary model of Muslim marriage.
4. Modern family laws in Muslim countries are derived from Islamic jurisprudence, notwithstanding the fact that the process of borrowing from this tradition was arbitrary, varying, selective, and shaped by the frameworks of the legal systems and institutions of the modern state.

What, then, *is* the model of marriage in Islamic jurisprudence that is the focus of both writers' critical readings?

Ziba Mir-Hosseini's Reading

Ziba Mir-Hosseini's reading of Islamic jurisprudence problematizes how jurists define the institution of marriage; she finds that early jurists defined marriage as a contract whose primary goal was to make sexual relations licit between a man and a woman, the two parties to the contract. She adds that early jurists likened marriage contract to a sale contract by which the husband purchases the right to have sexual access to his wife. She supports this with definitions of many jurists including that of the Maliki (the name of one of the main four Sunni schools of Islamic jurisprudence) jurist Sidi Khalil: "When a woman marries, she sells a part of her person. In the market one buys merchandise, in marriage the husband buys the genital *arvum mulieris*" (Mir-Hosseini, "Classical *Fiqh*" 81). She also quotes Imam Abi Hamed Al-Ghazali: "It is enough to say that marriage is a kind of slavery, for a wife is a slave to her husband. She owes her husband absolute obedience in whatever he may demand of her, where she herself is concerned, as long as no sin is involved" (Mir-Hosseini, "Classical *Fiqh*" 81).

Based on this jurisprudential definition of marriage, the writer finds that the jurists established a structure in which the rights and duties of the two spouses are intertwined. Ziba Mir-Hosseini divides the rights and duties of spouses in this model into two categories. In the first category of rights and duties are those that are closely linked to the juristic definition of marriage. The breach of these has

specific legal consequences: the imperative of obedience and granting sexual access as the wife's duty and the husband's prerogative; the imperative of financial maintenance on the husband as a wife's right, etc. The second category is that of moral rights and duties, which are not legally binding nor constitute the foundation of the juristic model of marriage. These are related to such *Qur'anic* concepts as 'marouf' (fairness) 'mawadda' (affection), 'sakan,' (tranquility), 'rahma', (mercy), 'ihsan' (kindness), which were used in the context of setting the guiding principles for marital relations (e.g. in the *Qur'anic* verses 2:229 and 30:21).

Kecia Ali's Reading

Kecia Ali offers a similar reading to Ziba Mir-Hosseini's. She sees that notwithstanding the diversity between and within Sunni and Shiite juristic rulings, all schools of Islamic jurisprudence adopt the same model of marriage. Kecia Ali explains that early jurists defined marriage as a contract that turned the ownership of a woman, in particular her sexual organs, over to her husband in return for a paid dower. This property transfer that the contract entails legitimizes sexual relations and grants the husband unilateral right to divorce (*Ali, Sexual Ethics* 5). Kecia Ali adds that early jurists likened this form of ownership that the husband acquires following a marriage contract to the ownership of a female slave, while recognizing that there are in fact differences in the nature of the ownership. For instance; the ownership of a female slave is complete and unconditional and therefore she may be sold. On the other hand, a husband does not own his wife in her entirety. That is, while he has the right to have sexual relations with her, he does not own her or own the right to sell her.

Therefore, in this juristic model of marriage, the fundamental rights and duties of spouses center around permitting sexual access and obedience, on the one hand, and requiring financial maintenance, on the other. Hence, the wife's primary duty is to enable her husband to have sexual relations with her and the primary right of the husband is to have sexual access to her. On the other hand, the husband's primary obligation is to pay a dower to his wife and to provide for her. Kecia Ali substantiates her reading of the juristic model of marriage by quoting jurists' definitions of marriage and marital duties from different schools. For example, she cites Imam Al-Shafi'i's work *Al-Umm* where he states that: "It is among her [the woman's] rights due from him [the husband] that he supports her, and among his rights to derive pleasure from her" (5:132).

The writer analyzes various juristic rulings regarding the wife's right to sex, and finds that, although jurists do acknowledge the wife's sexual rights, these are still secondary and unequal to the husband's. In fact, some jurists do not find that deprivation of sex entitles a woman to a divorce in the first place. For instance, Ali notes that the majority opinion in all schools grants a woman the right to have her marriage dissolved if the husband is impotent and the marriage has not been consummated in the first place. . Yet, some of these jurists ruled that if a husband had intercourse with his wife even once, she has no right to ask for a divorce if he abstains from having sexual relations with her after that (either due to impotence or willfully). She quotes the Hanafi (the name of one of the four Sunni schools of Islamic jurisprudence) text *Radd Al-Muhtar*: "After the first time, intercourse is his

right, not her right” (quoted in Ali, *Sexual Ethics* 13). But Ali excludes the jurist Ibn Taymiyya from this position.

All in all, Kecia Ali finds that the problem with this juristic model of marriage is that it creates a hierarchical relationship between the two spouses with different and unequal rights. But more seriously, marriage, according to this model, centers around the twin concepts of sexual access and spousal maintenance, which contradicts the *Qur’anic* definition of marriage since the latter focuses on ‘*sakan*’ (tranquility), ‘*mawadda*’ (affection), and ‘*rahma*’ (mercy).

So what conclusions can we draw from the problems with this juristic model of marriage and what implications does this have in the Egyptian context?

I think that this juristic concept of marriage and spousal duties and rights is very much present in Egyptian Personal Status Laws (PSL here after). Article 1 in PSL No. 25 of 1920 and its amendments in PSL No. 25 of 1929 and PSL No. 100 of 1985 states: “The husband is required to financially support his wife from the date of the contract if she has allowed him sexual access to herself, even if she is wealthy or of a different religion.” (Personal Status Law No. 25 of 1920 and its Amendments Law No. 25 of 1929 and Law No. 100 of 1985, Chapter 1, Maintenance). Article 11b of the same law states: “If the wife unlawfully refuses the husband, financial support is withheld from the date of her abstinence until she returns to the matrimonial home.”

In other words, the above-mentioned laws reflect the juristic definition of marriage, which is based on sexual access to the wife in exchange for spousal maintenance. The implication of this construction of marriage is that marital sex is first and foremost considered a husband’s right. And, though the Egyptian Personal Status Laws implicitly recognize a wife’s right to sexual relations with her husband, since the laws give her the right to file for divorce if her husband causes her harm for a variety of reasons, including husband’s impotence and sexual abuse, still a wife’s sexual rights remain secondary and under-utilized most of the time.

This becomes particularly evident when reviewing the litigation processes in divorce cases in family courts. In our aforementioned study of divorce cases in the Egyptian Family Court where I observed court sessions and interviewed disputants, I noted that whenever a female disputant experienced sexual violence at the hand of her husband (such as beatings and insults, before or after intercourse along with coercion), this sexual violence rarely constituted part of the lawsuit. It appears that this is due to the difficulty of winning a divorce case on the grounds of sexual violence, which I attribute to the centrality of the notion of a husband’s right to marital sex in exchange for spousal maintenance in the law, just as it is in Islamic jurisprudence (Al-Sharmani, “Legal Reform”).

My interviews with mediation specialists and court experts who are part of the court personnel involved in the legal process, along with the judges, also showed that many of these court employees adopted uniform and narrow definition of sexual violence, which is anal sex, while they did not perceive forced sexual relations preceded or followed by beatings and humiliation as constituting grounds for divorce.

Even outside the legal domain of marriage exemplified in family laws or court

room practices, we find a dominant societal discourse that also largely derives its understanding of marriage from this juristic conception although the societal discourse on marriage diverges from the juristic model in some aspects. Yet even these divergences are not necessarily in women's favor. In what follows, I shed light on the societal discourse on marriage, using two sources of data.

The first source is the views of 300 respondents interviewed in the aforementioned study on Family Court. Respondents' ages ranged from 18 to 60, and their occupations ranged from street vendors, domestic workers, factory workers, and builders, to engineers, lawyers, teachers, and civil servants. Their educational backgrounds ranged from individuals with only elementary school education to those with university degrees. The second source of data was readers' letters to the Friday Mail Column in *Al-Ahram* newspaper.

The most important findings of these interviews regarding the conceptualization of marriage in Egyptian social discourse can be summarized as follows:

First, many respondents were employed before and after marriage, but far more female respondents were employed after divorce. All female respondents contributed to furnishing the marital home and did not receive a dower, since the prompt dower was nominal and the deferred portion was to be collected upon divorce or husband's death. In cases of divorce, rarely did respondents receive the deferred portion of the dower because of the adamant refusal of the husband, the hefty costs of the litigation process in terms of disputants' time and money, and the additional difficulty of implementing court rulings related to financial entitlements such as deferred dower and *idda* (post-divorce waiting-period) alimony.

Therefore, in reality, the burden of financial provision falls on the wife before marriage since she contributes to furnishing the marital home and often during the marriage since she works and earns income to meet the financial demands of the family. And, while the husband, his extended family, and the community expect and accept the role of the wife in furnishing the marital home, a wife's role in contributing to the support of the nuclear family after marriage remains contested. For, while this may be an economic necessity in many cases, it does not necessarily lead to a balanced, healthy relationship between the two spouses, nor does it give the woman more power and choices within her marriage.

In other words, married Egyptian women, such as these respondents, who share an income with their spouses and children, are not necessarily empowered as a result. Many respondents found employment because their husbands were not fulfilling their religious and legal obligations of maintaining the family, and a great share of this burden fell upon the wives. However, this did not translate into legal rights for the women, and their role in family laws and religious discourse remains limited to that of the passive wife who must obey her husband and grant him sexual access in exchange for financial maintenance. This breadwinning wife is also not equal to her husband in divorce and child guardianship rights.

And, while many respondents felt that their work outside the home was necessary because their husbands could not--or would not --maintain the family, the price they paid to take on this role was usually extremely high. Many reported stressful

working conditions and long commutes by unreliable, scarce, and expensive means of transportation, long exhausting working hours, and their lack of many of the worker's rights provisioned by international treaties and Egyptian labor laws. In addition to the obligations of earning an income, these women shouldered all the burdens of childcare and housekeeping without their husbands' assistance. Some respondents even reported domestic disputes with their husbands over which spouse is entitled to make decisions regarding the disposal of the wife's income.

Second, most male and many female respondents showed acceptance of the notion of due obedience to the husband within a marriage, but they did not link it to spousal maintenance. However, the idea of obedience itself held different meanings for different respondents. For example; there was a prevalent opinion among the respondents that the husband has a leadership role within the family and that this role often requires the obedience of his wife and children. However, when the respondents were prompted to explain further what this obedience meant in their daily lives, many discrepancies were noted. Some female respondents felt the husband-as-leader role was contingent on his fulfillment of his moral as well as financial support of the family. For these respondents, wifely obedience meant respect and appreciation to the husband rather than yielding to his will. Other respondents linked wifely obedience to consulting the husband in matters concerning the wife, and upholding his decisions. It is worth noting that some male respondents expressed a desire and need for their wives to take leadership of the family.

The discrepancies in views and practices relating to sexual access and obedience/maintenance were also found to be linked to the educational and professional backgrounds of the respondents.

Third, many respondents felt that marital sexual relationship is primarily the prerogative of the husband, but many agreed that it was important that this relationship be built on mutual consent, and that the wife's needs and physical and psychological readiness be taken into consideration. However, the majority felt that this relationship was primarily the husband's right and the wife's duty. This view resonated strongly with those expressed by both husbands and wives in the Friday Mail letters in Al-Ahram Newspaper, which were analyzed. One example, is a letter dated February 24, 2012, titled "Half an Hour," where a husband complained that his wife did not consistently fulfill her marital duties whenever he desired her and made excuses that their child was ill or that she was anxious because of the financial distress they were experiencing. The language used in the letter asserted that intercourse was the husband's right and the wife's duty. Naturally, there is a methodological problem with analyzing the language of these letters because probably the page editor reformulates them. Nevertheless, the idea that marital sex is primarily the right of the husband was also confirmed in the views expressed by respondents in the family court study.

The letters also reflected problematic assumptions about the nature of women and their sexual needs. For instance, many letters adopt the notion that it is part of the nature of female physiology to have less or not as strong sexual desire as men, and hence the writers of these letters assumed that in some cases and if need be, a woman could dispense all together with sex.

For example, the wife of the sender of the aforementioned letter sent a letter titled “Simple Things,” dated March 2, 2012. She explained that the root of her marital problems was that her husband did not take into account her mental and physical condition when he requested sexual intercourse. She said he did not understand the great effort she puts into raising their three children and housekeeping. She also said that her husband did not appreciate the natural differences in sexual appetite between men and women. In short, the sender believed that while sexual intercourse was her husband’s right, he demanded this right excessively and did not choose the appropriate times for it. She also saw sexual intercourse to be a duty rather than something she desired and requested, and that her female physiology along with the burdens of life were responsible for her sexual disinterest.

Finally, I would like to point out one notable difference between the concept of marital roles in jurisprudence (which focuses on sexual access to wife versus husband’s financial support) and that in modern Egyptian public discourse. The latter focuses (in addition to the sexual role) on the role of the wife as a homemaker, mother, and family caretaker. And this modernist discourse sees the wife’s role as the homemaker and caretaker as complementing that of the husband as a breadwinner. And the complementarity between the roles of the two spouses is presented in this discourse as the basis for family balance and stability. But the lived realities of spouses depict a different picture in which even when this complementarity is observed in spousal roles, it does not necessarily lead to family balance or stability as long as the relationship between the spouses remain hierarchical.

Fourth, the general sentiment among respondents was that marriage was an experience laden with contradictions. On the one hand, marriage is the path that religious laws, culture and society acknowledge and promote for those seeking an independent life, a romantic relationship, and a legitimate sexual life. On the other hand, it represents a financial burden on women and men, and is a source of anxiety about the difficulties and risks of choosing an “appropriate” and “safe” life partner and fears of the potential failure of the marriage and the concomitant loss of material and non-material resources.

It could be argued that these difficulties and risks are part of any marriage experience, but what increases these difficulties in the Egyptian context (and perhaps in other Muslim contexts as well) is the disharmony between the juristic model of marriage , which is still reflected in contemporary Muslim family laws on the one hand, and the needs of the realities of daily life as experienced by many women and men on the other hand, and perhaps because this model of marriage constitutes an obstacle to women’s attainment of Qu’ran-given rights of dignity, equality, and justice.

II. Confusing Fiqh (Jurisprudence) with Shari'a: The Problems of Using the Legitimacy and Authority of Religious Tradition in Contemporary Public Discourse in Muslim Societies

Ziba Mir-Hosseini and Kecia Ali find that what exacerbates the problems of the juristic model of marriage is confusing *fiqh* with *shari'a* in contemporary public discourse. Ziba Mir-Hosseini defines *shari'a* as “totality of God’s will as revealed

to Prophet Muhamed” (Mir-Hosseini 2009b: 25). That is, Mir-Hosseini sees *Shari’a* as “a transcendental ideal that embodies the spirit and the trajectory of Islam’s revealed texts, a path that guides us in the direction of justice” (Mir-Hosseini, “Towards Gender” 26). And Kecia Ali understands *shari’a* as God’s revealed law (Ali, *Marriage* 3). Both note that the repercussions of blurring the boundaries between *fiqh* and *shari’a* can be observed at the following levels:

First, generally, when *shari’a* and *Fiqh* are presented as the same thing in modern Muslim public discourse, this obfuscates the fact that, historically, Islamic jurisprudence has been an open and flexible legal science that relies primarily on debate and diversity among jurists, and, within this system, there has always been a hermeneutical space for alternative interpretations. Second, confusing *Fiqh* with *shari’a* distracts us from examining the methodologies and interpretive tools adopted by early jurists in defining marriage and deriving rulings that delineate the duties and rights of women and men. A precise understanding of their methodologies can shed light on these jurists’ assumptions and the social norms of their times that impacted the interpretive processes in which they engaged and the resulting rulings.

An example of this is Kecia Ali’s analysis of the Shafi’i ruling that deprives a recalcitrant (*nashiz*) wife of marital financial support (Ali, “‘A Beautiful Example’”). She finds that Shafi’i’s deductions pertaining to the recalcitrant wife’s rights to financial support in his book *Al-umm* deviate from the principle of adherence to the text in the interpretive process. This is because he defines recalcitrance as the wife’s refusal to allow her husband sexual access. According to *Qur’anic* verse 3:34 there are three successive steps to be taken in dealing with a recalcitrant wife: to advise her, to abandon her bed, and, finally, to strike her. In spite of there being clear mechanisms for dealing with wifely recalcitrance, Shafi’i finds that suspending financial support is an appropriate ruling, although there is no *Qur’anic* text or *Hadith* to support this.

Kecia Ali believes that the development of this Shafi’i juristic ruling, despite the lack of support for it from a *Qur’anic* text or *Hadith*, reflects the extent of the influence of the early juristic model of marriage on Shafi’i’s interpretation since it is based on the notion of a wife’s sexual submission and obedience to the husband in exchange for his financial support.

Mir-Hosseini also points out that understanding and contextualizing the methodological approaches of early jurists enables us to detect contradictory voices within this juristic tradition: a patriarchal hierarchical voice that defines marriage as a type of proprietary contract and another that seeks the *Qur’anic* path towards achieving justice in gender relations (see Mir-Hosseini, “Muslim Women’s Quest”).

There is no doubt the problems of confusing *shari’a* with *Fiqh* are pertinent in the Egyptian context, particularly in the social and religious discourse that has been resisting the reform of the country’s personal status laws in ways that would achieve gender equality. Diverse actors take part in the articulation of this discourse including legal figures, religious scholars, members of civil society, and public thinkers. While the approaches of these actors differ, they are united in their regard of *Fiqh* as a sacred religious tradition whose doctrines cannot be revisited or changed.

An example of this understanding can be seen in an article published by the lawyer Montassir Al-Zayat in *al-Masry al-Youm* newspaper dated April 19, 2011, titled “Qawanin al-hanim” (The Lady’s laws). In this article, Al-Zayat criticizes the new Personal Status Laws that were promulgated during Mubarak’s era and in particular the *khul’* (judicial no-fault divorce initiated by the wife) and the amendments to custody laws. He rejects the laws on two grounds. Firstly, they were created by the former First Lady Suzanne Mubarak to serve her personal agendas, and had repercussions that, in his opinion, would destroy the Egyptian family. While his argument in this first reason contains inaccuracies and fallacies that are worth discussing, I will focus only on analyzing the next reason that he puts forth, and which is that these laws contravene with Islamic *shari’a*

Al-Zayat clearly blurs the boundaries between *Shari’a* and *Fiqh*, and tries to legitimize his position by invoking terms such as “Islamic legality” and “the law of God”, without explaining to the reader his understanding of either *Shari’a* or *fiqh*. He states that “Suzanne decreed the *khul’* law with an aberrant Egyptian version that does not stem from or aspire to *shari’a* law, a *khul’* that relies on fraud and forgery, where the woman denies an unregistered dower she has received and insists on only being held accountable for the amount recorded on the marriage certificate.”

Here, the writer is objecting to the Egyptian *khul’* law that requires the female disputant to reimburse the paid prompt dower to the husband and concede the deferred portion to dissolve a marriage, provided that all other case proceedings are adhered to. Al-Zayat finds it against *Shari’a* that the wife return only the recorded dower, as only a nominal amount is often recorded as the prompt dower in most Egyptian marriage contracts. What he fails to mention is that in the Egyptian reality both spouses contribute to furnishing the marital home, and the wife is rarely given her deferred dower.

In his view, the Egyptian *khul’* law contradicts *shari’a*, while, in fact, early jurists disagreed over what it is that the wife must return to get a *khul’* divorce. For instance, some agreed to the return of the dower alone, while others permitted the wife to pay more for her freedom if the couple reached an agreement. In addition to this some jurists focused on the prohibition of the husband driving his wife to file for *khul’* so as to force her give up her financial rights. In other words, there are multiple juristic perspectives on this topic. Al-Zayat uses the word *shari’a* as a blanket term that he deploys as the basis for his argument, while failing to mention the wide juristic debates around *khul’* financial settlements. It is worth mentioning that the writer uses the word *fiqh* two times in the other parts of the same article. The first is when he points out that Jehan Sadat (wife of late Egyptian president Anwar Sadat) had “patched together weak juristic opinions to formulate a new family law”. The second instance is when he writes: “I hold fast to my belief that family laws should not forsake the framework agreed upon by the four schools.” This final sentence summarizes the writer’s positions on this issue: first, that he is interested in preserving the relationship that Personal Status Laws have with *fiqh* and not *shari’a* and, second, that he shows an understanding of *fiqh* as divine law that should not be revisited or changed, ignoring the long history of juristic diversity in this tradition and its built-in hermeneutical space that accommodate differences.

Conclusion

In conclusion I would like to draw attention to three points. The **first point** is concerned with the convergence in the readings of Islamic jurisprudence by Ziba Mir-Hosseini and Kecia Ali as well as the significant differences between the two authors in: a) the alternatives they envision to the juristic model of marriage, and b) their views on the centrality and significance of the notion of gender equality in the religious knowledge and the alternative discourse emanating from the project of Islamic feminism.

Both authors believe that dismantling the problematic model of marriage in jurisprudence is the first and most important step in creating new knowledge that enables family law reform. They both affirm that the juristic model of marriage is in contradiction with the *Qur'anic* concept of marriage that is based on affection, tranquility, and mercy. The writers agree that an alternative to the current conception of marriage would be one that adopts the *Qur'anic* principles guiding marital roles and relations since these principles enable the establishment of a new model of marriage based on partnership and mutual respect between spouses.

Nonetheless, Kecia Ali believes that although the Qur'an provides a better definition of marriage than the fiqh tradition, the former still adopts a similar view of the sexual rights of spouses. For example, she points out that the Qur'an addresses the male spouse in all verses on marital sexual relations, referring to the female spouse only in the third person, and never directly addressing them. She finds that, in these verses, the female spouse is only the subject matter rather than an addressee, whereas the divine address in these verses seems to be primarily between the Divine Legislator and the male spouse. This supports the juristic understanding of marital sex as primarily a husband's prerogative.

Ziba Mir-Hosseini, on the other hand, does not directly address the *Qur'anic* verses pertaining to sexual rights, yet she emphasizes the importance of connecting endeavors that re-read and reinterpret traditional jurisprudence with those that revisit *Qur'anic* exegetical tradition and address the question of the various levels of meaning in *Qur'anic* discourse. She contends that the works of Egyptian scholar Nasr Hamed Abu Zayd and contemporary Iranian scholars such as Hasan Yousefi Eshkevari and Mohsen Kadivar mark the beginning of linking these two endeavors to produce an alternative body of knowledge that addresses the problematic hierarchical relationship between men and women, a relationship that excludes the latter from religious sciences and their modern prevailing discourses in various Muslim countries.

Another difference between the two authors is that Kecia Ali considers the idea of gender equality a modern one that has no basis in any of the branches of traditional Islamic knowledge. On the other hand, Ziba Mir-Hosseini believes that while in this day and age, it is impossible to envision justice without equality (this being partially the result of the modern discourse on human rights), still this kind of justice is inextricably tied to realizing the purpose of *shari'a* laws that require constant dynamic flexibility in the development and implementation of legal provisions. She believes this view is supported by the diversity in the understanding and

implementation of Islamic jurisprudence by judges and jurists over the ages, before the establishment of the modern state and the codification of Muslim family laws. Hence, Mir-Hosseini sees that while the justice that is needed today is to be based on equality and is to be compatible with the realities of our modern times and fulfilling the aspirations of contemporary Muslims, still this justice remains first and foremost stemming from Islamic terms of reference and legitimacy.

So, both Kecia Ali and Ziba Mir-Hosseini understand the importance of engaging with juristic tradition, not simply to create knowledge, but for political reasons as well, since the philosophy of marriage in Islamic jurisprudence and its doctrines is the basis for modern Muslim family laws. Both writers find that the alternative lies in some of the principles of the *Qur'an*, such as justice and equality among God's creatures, and *ihsan*. Yet, Kecia Ali--as mentioned earlier--finds that the *Qur'anic* text itself may be an obstacle to achieving the kind of justice that gives Muslim women full equality with men.

What Kecia Ali seems to have missed and can be deduced from Ziba Mir-Hosseini's analysis is that: the success of Islamic feminism as both a knowledge-production and political project relies on production of systematic and comprehensive body of knowledge that links the Islamic feminist projects that work on the *Qur'an* and exegetical tradition and those that work on Islamic jurisprudence.

I agree with Ziba Mir-Hosseini on the importance of making this link between these two types of projects for two reasons. First, there are studies such as those by Nasr Hamed Abu Zayd and Khaled Abou El Fadl that theorize the interpretative process of the *Qur'anic* text and the relationship between the interpreter and the text. I believe that this knowledge can facilitate the process of reaching alternative readings to the dominant and prevalent ones that marginalize and demean Muslim women and deprive them of justice and rights both in the family and in the public sphere. I maintain that the solution to the problem that Kecia Ali raises regarding the *Qur'anic* text itself can be solved through endeavors that generate new theories to pave the way for a new understanding of the nature of *Qur'anic* text and how to engage with it hermeneutically. Secondly, some Islamic feminist works are part of a hermeneutical project that is working on the *Qur'an* and exegetical tradition and is producing new knowledge on *tawhid* (the oneness and unity of God) -as a *Qur'anic* concept--and the relationship of Muslims with God. These works expand on how the *Qur'anic* vision of *tawhid* contradicts with patriarchy which is the basis for the hierarchical relationship between men and women in Islamic jurisprudence (*Wadud*; Barlas).

The **second point** that I would like to highlight in this conclusion is contemporary hermeneutical projects adopted by Egyptian religious scholars that present various critical readings of Islamic jurisprudence, such as the works of the late Abdel Moty El-Bayoumy, Amna Nosseir, Zeinab Radwan, and the late Gamal El-Banna. Here is not the place to review these scholars' theses, but I would like to point out that while the works of most of these scholars critique some juristic rulings pertaining to gender rights in the family domain, they do not address the problem of the juristic definition and model of marriage itself. However, it is important to add that Gamal El-Banna is the only scholar to have proposed a radical critical reading of traditional

jurisprudence, and his approach is worth studying in Islamic feminist projects.

My **final point** is to reiterate the importance of examining and solving the problems of the juristic model of marriage and of confusing *fiqh* with *shari'a* in the Egyptian and global contexts. The importance of this task arises from three issues. Firstly, it has to do with the problem of one's relationship with the traditional religious knowledge: how we understand this tradition, its content, boundaries, and role in our lives. Secondly, it has to do with the politics of using religious knowledge in lawmaking and the contestations entailed in such processes and their implications. And thirdly, the juristic model represents a moral dilemma for Muslims who believe in their religion and the value of its epistemological tradition as a frame of reference, but whose consciences are troubled by the notion that God, who embodies the ultimate justice and nobleness, meant marriage to be a hierarchical relationship that positions the woman as the weaker party who becomes her husband's property upon his payment of a dower and his subsequent provision of financial maintenance.

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PART IV

NEW DISCOURSES AND RE-INTERPRETATIONS

1. Towards an Alternative Feminist Discourse: A Critical Reading

Hind Mustafa Ali

2. The Principle of Equality in Divorce: The Qur'anic Perspective

Asmaa Lamrabet

3. Contemporary Interpretations of qiwamah

Nasr al-Joueli

TOWARDS AN ALTERNATIVE FEMINIST DISCOURSE: A CRITICAL READING

Hind Mustafa Ali

Introduction

This chapter is based on the supposition that one of the preoccupations of Islamic feminists is conducting a constructive critical review of Western feminism.¹ It maintains that attempts to bridge the theoretical positions of Western and Islamic feminists are crucial, as this link supports and vitalizes Islamic feminist alternative discourse in practice. This assumption is founded on a belief that the value of the ideas which Western feminist movements have put forth are -regardless of whether we agree or disagree with them- the product of a human experience, and are formed in response to the realities, problems, and needs of human beings/women. This may be what distinguishes them and the propositions of our alternative discourse -which, in the context of defending its self-identity, stem from theories that are neither grounded in reality nor result in direct solutions to the daily problems women face in various social contexts Western feminism is high-pitched, prolific in production, and emanates from an accurate understanding of women's problems on the ground. It has therefore strongly influenced the actions of top international decision-makers. In spite of this, because of its lack of a stable reference point, it continues to waver through crises of identification and the subsequent social role it ought to assume, and the course of action it ought to take when dealing with social ailments.

Islamic feminism, on the other hand, revisits Islamic references in the Qur'an and Prophetic Tradition to prove the integral position of women's rights therein, and the extent of the gap between what these reference texts decree for women and the reality of women today. This effort is important to establish the requisite referential frameworks for steady reform. Nevertheless, it is limited in that it stops short of applying these readings to women's daily problems, and formulating a discourse capable of influencing social conventions and setting an agenda for decision-makers in our societies.

Feminist Thought

This term is a loose one that indicates a flood of ideas, trends, and visions, which, upon closer examination, shows its instability in providing a single definition or classification for what it truly is. There are various focal points to categorizing Feminist thought; ideological foci, for instance: liberal, socialist, Marxist, radical, and environmental feminism, etc. There are also historical classifications of feminism that describe its stages: first, second, and third waves of feminism.² Some identify a certain cognitive leap as 'post-feminism,' while others classify feminists according to their theoretical orientations, such as post-modernism or post-structuralism, not to mention classifications according to regional trends or identity, for instance, postcolonial, African, or Black feminism.

The fact is classifications diverge and converge at various platforms and disciplines: Law, history, politics, literature, language, international relations, philosophy, and psychology--each has a different classification.

Positive Features of Feminist Thought

1 –Dynamism

Feminist ideas and movements are seen to be in permanent dialogue and debate with one another; once an idea crystallizes, it gives rise to the opposite idea, then a third idea emerges, itself giving rise to a series of others. For instance, radical feminism emerged in opposition to liberal feminism, which it deemed fragmented and superficial on the topic of gender disparity, offering ‘patriarchy’ as the turning point in explaining the systematic hegemony of males over females in society. And, when the notion of patriarchy itself came under criticism, as an inadequate explanation for comprehensive and systematic female oppression over time and across cultures, the concept in turn became more sophisticated. It was then explained that patriarchy consisted of six interactive formats that worked together to discriminate against women: production within families, labor wages, the patriarchal state, routine male behavioral violence, double standards for sexual relations, and patriarchal social institutions, such as the media and socialization institutions which generate and reinforce images of women that serve patriarchy (Giddens 198-99). At another stage, the focus on patriarchy, even in its sophisticated form, ignored other essential factors such as race, social class, and colonialism. From this realization, stemmed the idea that systems of control are all linked together in a matrix of factors such as age, religion, sexual orientation, race, class, and gender (Collins 222-27). This also acknowledged that both male and female individuals may be oppressed in certain situations and favored in others, and that it was therefore possible to mollify men and women within various systems of control (Zinn and Dill 321-31).

Concepts such as power and its transformation can be studied through the eyes of various feminist currents in the same way that patriarchy has been. There is the liberal understanding of power as a resource or a positive social commodity that ought to be redistributed more fairly within society, or the radical or socialist feminist understanding that it is the oppressive control of one party over another. In the literature of empowerment, on the other hand, it has the possibility of becoming transformative and enabling. By extrapolation, this analysis shows that scores of diverging, conflicting, and endless ideas and perspectives exist within currents and between them.

These ideas are constantly grappling in dialogue with one another, and, as a result, are constantly renewed and reborn. This is, in fact, a general feature of Western thought, which brings us to the second feature of Feminist thought.

2 - Cognitive Consistency

What I mean here is simply the massive overload of ideas that accost the reader of the feminist text, regardless of its affiliation. For, while feminism represents a

form of rebellion against--or a departure from--established systems of knowledge, it remains tied to these systems through major given reference points, such as the assumption of individualism and conflict, or through the ideas and concepts of movements.

In Western sociology, for instance, there is major debate around human behaviour, between structure and action, namely: To what extent do we as human activists control the circumstances and conditions that shape our human lives? Is the majority of what we do the result of general social powers that we exercise no control over? This is a bone of contention among proponents of symbolic interactionism, which asserts the innovative, creative element of human behavior, functionalists and Marxists, who believe that society restricts human behavior, and others still who claim that humans are actively involved in formulating and reformulating social structures through thinking and behavior (Giddens 702-03). The highlight of many discussions on social structures and actions are discussions on gender as an institution, a performance, or a construct. Margaret Andersen asserts that one of the most significant issues in feminist theory in the last quarter century has been the relationship between structure and agency (441).

It is within the literature of development that we find that the concept of agency, problematized by Amartya Sen in his *Development as Freedom* and widely used in debates surrounding women's empowerment, since supporting women's agency (through education and employment) strengthens women's voices and status (281-84). Naila Kabeer considers empowerment to be the result of the interaction of various elements, foremost among them is agency, which is a person's ability to make and execute life decisions. Resources, on the other hand, are the medium through which agency is exercised by institutions and various societal relationships.

Agency is not limited to free choice, but also includes making choices that challenge dominant power relations in society and being motivated to exercise and fully assume one's sense of agency. Paid work is an example of female agency from the developmental perspective of Millennium Development Goals. However, it is only so if accepting the work is in response to a new opportunity or part of a quest for greater self-reliance, not if it is limited to exchanging labor for minimal compensation. Therefore, employment is strong evidence for agency if it contributes to female independence rather than fulfils basic living requirements (Kabeer 12-24).

What I mean by consistency, therefore, is the resonance of these ideas and basic concepts that come from various disciplines and paths of Feminist thought.

Another example: If we compare the nature of change and development in Western thought in general with that within Feminist thought in particular, we can trace how general changes in thought effected changes in Feminist thought and its approaches from specific perspectives, and how the latter also contributed to the development of the former.

Reflecting on the methodological development in the social sciences such as legal, behavioral, systemic, and humanistic approaches can help pinpoint areas where the discourse of feminist movements that paralleled this development were affected. (For a long time, the focus of feminist movements was to address inequity in the

legal status of men and women in Western industrialized countries, and demand equality before the law. At a later stage, specifically the 1960s, the issue of equality took a deeper social and cultural significance, where the movement focused on highlighting and clarifying the structures and practices of inequality in the social system).

On the other hand, it is possible to trace the fruits of efforts made by feminist currents in academia to develop methodologies and theoretical frameworks. For example, feminist theory was essential to the dismantling of dogmatic modernist concepts such as objectivism and rationalism, as it revisited traditional epistemology and critiqued prevalent contexts and limitations on knowledge that ignored social and political circumstances surrounding the production of knowledge and those who generated it. Feminist epistemology grew out of the idea that perceptions, concepts, and cognitive practices, which prevailed throughout history, hindered women--in their capacity as beings that possessed and produced different knowledge--from presenting feminist visions, concepts, and cognitive practices. Among these perceptions and concepts are the definitions of rationality and objectivity. Feminist thought has resorted to sociology to reread the history of science and detect the social and authoritarian structures at play therein. It has also exposed the incoherence of views that separated scientific and cognitive concepts from the histories of their creators and the societies they lived in, and questioned the view that science is objective and therefore unaffected by social processes (Kutb 477-82; Chafetz 100).

I must emphasize that by “cognitive consistency” I do not mean freedom from contradictions and weaknesses, and this is the point I address next; rather, I mean internal harmony between the language of knowledge and its intellectual environment as well as the interaction between the two. I would also like this definition to include harmony between ideas and their social surroundings, in the sense that feminist literature constantly refers to popular cultural products such as films, advertisements, and works of art.

3. Experimental Tendencies and Field Studies

Many feminist ideas rely on case studies and practical experiments on sample female groups in specific contexts. Within the framework of my personal interest in women in situations of armed conflict, I come across a great number of studies that approach the conflict from the perspective of women, or those who monitor the status of women in various areas of tension from different angles: whether they be women in local environments subjected to violence and aggression, or those fighting for survival by adopting various innovative roles, or those involved in war, or women who are part of local peacemaking or peacekeeping organizations, as well as women involved in negotiations or peacekeeping missions.

These studies explain existing and potential relationships between gender constructions, power, race, ethnicity, and class. Studies based in real events generally get attention and have credibility (see Moser and Clark; Olsson and Tryggestad).³ It can be said that these field studies have weighed in significantly in

shaping international legislation. Within a few years, the Security Council adopted a number of resolutions pertaining to women in armed conflict, most famously: resolution 1325 (2000), and the relevant resolutions that followed from it: resolution 1820 (2008), resolution 1888 (2009), resolution 1889 (2009), and resolution 1960 (2010). This has led some to describe the way in which feminist ideas are integrated into legal institutions and shape international criminal law as “Feminism Governance” (Otto 79).

4. Focusing on the Uniqueness of Human Experience

This is another point of intersection between Feminist thought and the greater intellectual umbrella under which it operates; some may go so far as to say that feminist contributions have forced Western thought to focus on humans and their unique experience. This is evident in the field of developmental studies, which has moved from economic development to human development that broadens the scope of options before humans, to Amartya Sen's thesis on development as a process of expanding the real freedoms available for humans.

In the field of security studies, we find the transition from national security to human security as the current theme for international action for women, which, in turn, greatly intersects with Amartya Sen's propositions.

Concepts of development and security have transcended their old meanings associated with economic and national military frameworks to become more in line with the lives and situations of humans themselves. Observers of theoretical literature on women's empowerment clearly point out these new meanings of development and security that focus on expanding options, enhancing freedoms, and promoting self-actualization.

In terms of concrete and accurate examples, the humanized connotations of development and security find their applications in the theses proposed by a team of feminists within the field of international relations known as ‘peace feminists. They define peace as not only the absence of war within a state or between countries, but as the achievement of positive social and cultural values. They distinguish between negative peace, which is the absence of violence based on discrimination (gender, race, and religion) against women, children, and men, and positive peace, which is the absence of structural violence. This is a situation where a certain group possesses power/influence over the means of satisfying basic needs, and the processes of expressing and obtaining these needs, thus depriving controlled parties from the right to self-determination (Atack 39-51).

Problems of Feminist Thought

Feminist analyses have succeeded in utilizing the tools and concepts that their intellectual environments have made available to them, approaching the realities of women in various contexts. This is a relatively great success from the perspective of problem description, yet one that is problematic from a solution-finding perspective. These problematics are exacerbated when dealing with the issues of women from

social and cultural backgrounds and frameworks that differ from those of women who have produced the theoretical frameworks.

One of the primary points of contention in feminism is the question of the female essence and whether it is different than the male essence, and, if so, how different is it? In responding to this question, some confirm and glorify this difference and emphasize its advantages. Cultural feminists, for instance, have developed an ideology around the female essence that proves that there are female characteristics that have not been fully appreciated, valuing the differences between men and women. Standpoint feminism, on the other hand, starts from women's experiences and considers women to have a different worldview that varies from the male dominant view (see Ring). Eco-feminism also believes in the special nature of women and draws parallels between man's oppression of women and the oppression of the environment (see Somma and Tolleson-Rinehart). Peace feminism highlights women's natural pacifism and aversion to war. Feminist trends in the field of law have contributed to shaping what are known as 'care ethics,' primarily centered around solidarity and collective welfare.

On the other hand, we also find those who deny the existence of a distinct homogeneous female experience upon which knowledge can be built. There are also those who deny the responsibility of biological determinism for the differences between men and women, scoffing at the celebration of women's special psychological makeup, seeing it as nothing but passivity presented as pacifism, sentimentality as a tendency for caring, maintaining that female subjectivity is in fact evolved self-identification (Alcoff).

For all the efforts made by feminists since the 1960s to discuss the issue of essential differences between men and women, some contemporary feminists find views that differentiate between the sexes simply promote gender discrimination and, therefore, cannot be touted as feminism. Post-modern feminists, on the other hand, categorically reject the logic of profiling and stereotyping, such as claims that women are more caring and pacifist, saying that this is a male logic (Mason 2-3). In fact, some doubt the existence of "women" as a category in principle.

The theoretical dilemmas of Feminist thought make it difficult to determine the identity of women, their roles, what they want, what the solutions to their problems may be, and what those problems are. Socialist feminism, for example, links female oppression--in the context of Marxist ideas--to exploitation, oppression, and work. It views prostitution, domestic work, childcare, and marriage as ways of exploiting women within a patriarchal system that demeans women and their work.

One feminist writer who belongs to the third wave of feminism (Naomi Wolf) criticizes "second-wave feminists who want women to renounce heterosexuality through marriage instead of working on advancing civil rights and to ignore the demands of beauty instead of expanding its definition. She adds that the second wave of feminism fears that pleasure or desire may pose a threat to the revolution and the demands for equality, a criticism that indicates the disharmony of feminist waves when it comes to deciding what is best for women (qtd. in Snyder 179).

This dilemma associated with anxiety over female identity has been reflected in

successive Security Council resolutions: For example, resolution 1325 (2000) was celebrated by a wide range of feminists within the fields of international law, international relations, and political science, as they believe it transcends the stereotyping of women as victims needing care and focuses primarily on women's participation in war and peace. In this context, resolutions 1820 (2008) and 1880 (2009), which tackle sexual violence against women during armed conflicts and the importance of including specific provisions regarding the protection of women and children, were considered a setback to the progressiveness exemplified in resolution 1325, a return to the protectionist view of women as 'special' creatures.

I think we are entitled--without sensitivities or feelings of inferiority--to support and celebrate a legal framework that protects women who are in reality vulnerable, rather than legal frameworks that ideally uphold the value of full participation without addressing actual needs. In fact, these may be associated with false needs created by the directives of international finance organizations. A woman's need for care and protection in realistic/historical contexts does not denigrate her humanity, and this is the identity crisis Western feminists fall into--unlike Islamic feminism, as I will soon demonstrate.

The focus on the example of resolution 1325 and subsequent relevant resolutions is important, because it clearly reveals how ideas that seem very theoretical can influence top decision-making circles that bind us all and are meant to express all of our voices. The United Nations espouses feminist liberal discourse as the most moderate, hence, resolution 1325 is clearly grounded in post-modern feminism. We have no issues with any feminist trends, but what matters most is the question: Are voices who present themselves as expressive of us all really representative of all sectors and segments of women of all cultures and human civilizations? And, as women who belong to an Islamic frame of reference, what are our roles and responsibilities in expressing our voices?

Islamic Feminism and Dilemmas of Western Feminist Thought

One can claim that Islamic feminism has theoretical solutions to a number of Western feminist problems, as its reference point resolves many things. The question of the feminine essence--as one of Western feminism's most important problems--has been definitively resolved by a considerable number of Islamic feminists. Some of the efforts made by female Muslim scholars root the monotheistic cognitive system in a dichotomy of One God (that is not ontologically like any other being) and humans who are on equal footing at another ontological level that is not characterized by the oneness of an Absolute God, but by constant duality. In Qur'anic references, there are clear signs that affirm the unity of the human essence of both men and women, a consensus over the moral authority of values but a divergence in roles depending on the context.

Amani Saleh's valuable research discusses this issue and makes it clear that in the Qur'anic system, human existence has both unity and diversity, and two levels of existence, namely, "essence" and "display." Saleh sees that the Qur'an relegates human essence to the level of the "soul" (*nafs*), while display is evident in the "body."

The Qur'an deems the essence to have unity, while the body is the place for diversity, acculturation, and plurality. Saleh sees that the Qur'an's affirmation that, in spite of the unity of the essence, division is inevitable--first, because humans are imperfect creatures who must change as long as they continue to exist and, second, because they must develop a realistic self that can meet tribulations squarely through choices and actions. She adds that the Qur'anic vision reveals that the splitting of the soul is originally based on gender, and not simply the multiplication and propagation of likes. And this gender-based division has a function in providing a mechanism for reproduction through heterosexual marriage, propagation, and material development. Therefore, both essence and display have an existential function; the soul knows and understands, it chooses rightly and wrongly, it elevates or debases itself, etc. The body is the first step towards action, through and with which the soul elevates or debases itself, and, in terms of material interaction between souls and bodies in the world, human tribulation is greater, for the nature of this body (male or female) comes first, as it places souls within various systems of tribulation from birth to death according to existing human historical standards (22-23).

In describing the gender division between men and women, the Qur'an uses the term "couple" (al-Zawjijah). In Qur'anic space, there are multiple levels to this pairing, starting from the general cosmic level with its intricate physics and variety of creatures, plants, animals, and humans, to the uniqueness of the relationship between male and female humans. On the cosmic level, consider the following Qur'anic verses:

And of everything We have created pairs: that ye may receive instruction. (51:49)

Do they not look at the earth-- how many noble things of all kinds we have produced therein? (26:7).

And it is He Who spread out the earth, and set thereon mountains standing firm, and (flowing) rivers: and fruit of every kind He made in pairs, two and two: He draweth the Night as a veil o'er the Day. Behold, verily in these things there are Signs for those who consider! (13:3).

He created the heavens without any pillars that ye can see; He set on the earth mountains standing firm, lest it should shake with you; and He scattered through it beasts of all kinds. We send down rain from the sky, and produce on the earth every kind of noble creature, in pairs. (31:10).

In them will be Fruits of every kind, two and two. (55:52).

He created you (all) from a single person: then created, of like nature, his mate; and He sent down for you eight head of cattle in pairs: He makes you, in the wombs of your mothers, in stages, one after another, in three veils of darkness. Such is Allah, your Lord and Cherisher: to Him belongs (all) dominion. There is no god but He: then how are ye turned away (from your true Center)? (39:6).

That He did create in pairs--male and female. (53:45).

Within the duality that characterizes cosmic construction, comes the man/woman couple:

And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts); verily in that are Signs for those who reflect. (30:21).

O mankind! reverence your Guardian-Lord, Who created you from a single person, created, of like nature, his mate, and from them twain scattered (like seeds) countless men and women; reverence Allah, through Whom ye demand your mutual (rights), and (reverence) the wombs (that bore you): for Allah ever watches over you. (4:1).

It is He who created you from a single person, and made his mate of like nature, in order that he might dwell with her (in love). When they are united, she bears a light burden and carries it about (unnoticed). When she grows heavy, they both pray to Allah their Lord, (saying): "If Thou givest us a goodly child, we vow we shall (ever) be grateful." (7:189).⁴

It could initially be argued that proving the duality of the remainder of creation as well as that of the physics of the material world expresses a harmony between human life and nature in general, and brushes aside perceptions that place humans in confrontation with nature or against it. In fact, human life becomes a harmonious extension of a cosmic life force that falls within the same ontological framework, and which is characterized by plurality, diversity, and relativity. This varying ontological level is placed in diametric opposition to One Absolute Divine: "there is nothing whatever like unto Him" (42:11). With couples in the cosmos moving in great precision, geared by the Divine, humans--male or female--have a special position, that of honor and choice: "We have honored the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favors, above a great part of our creation" (17:70); "We did indeed offer the Trust to the Heavens and the Earth and the Mountains; but they refused to undertake it, being afraid thereof: but man undertook it; He was indeed unjust and foolish" (33:72).

Similarly, when the universe with all its complexities and intricacies is founded on duality, then the farthest thing from the mind should be replication, replacement, opposition, and conflict. What it ought to conjure is meanings of enriching differences that promote life, and that is what is evoked in the verse "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). Verily the most honored of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all things)" (49:13).

The variance between male and female (the first level of differences evidenced by the verse) is shown to be for the purpose of attraction and creating intimacy, reproduction and populating and inhabiting the planet, or what the verse expresses as "knowing one another." By the same logic of differences in all things, the man and woman in a couple complement one another to propagate life and cause the cosmic wheel to spin indefinitely. Duality, in this sense, does not permit talk of a

lesser or higher party, regardless of degree of faith; it is simply a mechanism for the smooth and perfect conduct of life: “We have indeed created man in the best of moulds” (95:4); “Who hath created, and further, given order and proportion; Who hath ordained laws. And granted guidance” (87:2-3; see Mustafa 59-62).

Saleh also makes several observations regarding the marital system as an expression of the relationship between men and women in light of Qur’anic discourse. She clarifies that marriage is a system that stems from a comprehensive historical perspective that extends throughout ages and social contexts which, in turn, differ within themselves in what rights they grant or deny women. This system works to preserve a set of basic guarantees for women, the most important of which are financial support, in light of the biological function of women in procreation and their responsibility in caring for children. The Qur’an has committed men to financial maintenance, and hence this gender-based division of duties has remained a fundamental aspect of Muslim social organization, regardless of the divergence, exceptions, or exclusion of individuals or groups in particular eras.

If the Qur’anic vision endorses this distribution of functions as a general principle applicable to most human conditions, it does not impose it as an inescapable, closed, rigid division--thanks to the Creator’s knowledge of our changing social and historical realities and the possibility of reconciling, or failing to juggle, various roles and functions. The Qur’an also does not associate this distribution with any hierarchy or discrimination in the value of the responsibilities shouldered by women and men in promoting life on earth; rather, it praises or disparages each gender for fulfilling its roles according to Qur’anic guidelines (Saleh 26-27).

Islamic Feminism and How to Transcend its Problems in Light of Western/Global Thought

Although Feminist thought--by virtue of its frame of reference--has a relative advantage because it already has theoretical perspectives/preliminary contractual premises for dealing with basic issues that are problematic for various Western feminist currents, it is nonetheless inadequate at solving many other problems:

A. On the one hand, intellectual propositions within this field are disparate, and do not find cohesion through dialogue, mutual benefit, collaborative works, or works that depart from other research in the field. Therefore, I call for efforts to monitor, collect, and catalogue previous contributions to the field of Islamic feminism, to create a print or online bibliography of work conducted and a database of contributors active in the field. This would be a first step toward an interest-based cohesiveness where contributors know one another, where their works would inform each other—a step that paves the way for dynamic exchange, dialogue, development of ideas, and the accumulation of a useful body of knowledge.

B. There are also shortcomings related to failing to transcend the theoretical origins of feminism to force it to contend with the realities of Muslim women on the ground, a point which is linked to A above. Had there been real readings and explorations of what has already been written in the field, this would have saved redundant efforts

that have focused on one issue at the expense of others that also merit attention.

We should also take advantage of global feminist studies that have tried to describe the lives of women in different contexts, their suffering, and their problems. Taking reality as a point of departure is an important step towards gaining public trust. In women's issues in our Arab countries in particular, and given their cultural sensitivity, research which relies on actual experiences and case studies has a far greater impact than theoretical discourse, which, although valid, is considered by some to be an intellectual luxury and a lofty pursuit for those with little to do, and, above all, an imported idea not grounded in reality.

Many of the problems women have with Islam lie in the type of Islamic discourse commonly propagated by some clerics, or pseudo-clerics, and readily consumed by the public. It is a problem which resolves itself naturally when one resorts to legitimate sources: the Qur'an and the *sunnah*, and even early books of jurisprudence whose writers respect differences and diversity of opinion and recognize that there is no denunciation in matters scholars differ on. The challenge is no longer theoretical, but one of developing the culture of a community that has tended to accept, narrow, closed, and even cruel discourse as true religion at the time it rejects all that pertains to freedom, mercy, tolerance, and respecting differences as contrary to religion. This culture itself is what we need to work on, by bringing scholars closer to one another and to the realities at hand.⁵ For instance, at the end of the nineteenth century and early twentieth century, the cultural scene was inflamed with debates on the veil as a patriarchal notion, and women like Malak Hefny Nassef, Huda Sharaawi, and others, active in practical reform of women's issues as well as social and national affairs, were considered reformers par excellence.

C. Why does Islamic feminism appear primarily engaged with the religious sciences of jurisprudence and interpretation alone, paralleling the prevailing cultural trend that restricts the study of Islam to that of jurisprudence? This disregards jurisprudence's position within an integrated and complex system produced through an Islamic vision, for Islam is an integral life system, not a science or an amalgam of sciences, rituals, and institutions. It is a way of life that begins from the soul's intentions and ends with acts of stewardship and propagating life on earth in various fields. Muslims conjure a knowledge system that shapes their views on life and all their actions; for what is religious intersects with all that is social, moral, psychological, economic, etc. They all appear to be coherently interrelated; for when a Muslim plants seeds, removes obstacles from public roads, or reconciles quarreling couples, when s/he heads to their office, factory, space station, or workplace in the morning, when s/he makes love to a spouse and when s/he performs ritual purity thereafter--all these public and private acts are done within a moral framework of justice, charity, pure intentions, honesty, piety, and reform. They are also driven by motives of stewardship and propagation of life on earth as well as aspirations for this life and the hereafter.

I hereby call upon those affiliated with Islamic feminism to broaden their horizons, especially since we do not define the term "Islam" (in "Islamic feminism") as a doctrinal position that corresponds to Christian or Jewish feminism, but rather consider it to be a system of knowledge.

In other words, as a Marxist feminist researcher might provide input to the fields of political science, economics, law, or any of the sciences, we are also invited to provide input into our own specializations, which highlight our identity and our vision as women and our Muslim frames of reference. By “Muslim frames of reference,” I naturally do not mean that “Islam” or any other religion-associated term be part of the research title or text, but that the question of pre-methodology be present in the mind of the writer as s/he presents a phenomenon, prioritizes elements, draws relationships between them, and determines the way in which priorities are set and solutions found.

In this sense, we are contributing to the promotion of global feminist currents by asserting the existence of a feminist consciousness that envisions women in a variety of ways according to their life experiences and cultural surroundings. We will also enrich Islamic feminism by putting our Islamic visions into practice in a number of scientific and intellectual arenas and areas of life. Therefore, the efforts of Islamic feminists to theorize the areas of jurisprudence and interpretation can be considered a branch of a broader Islamic feminism.

Finally, I call for the implementation of an Islamic feminism, not in the narrow sense of using a superficial religious discourse filled with Islamic terminology, but as a feminism that belongs to this cradle of civilization, and is preoccupied with its concerns. I envision it as a feminism which addresses the problems of poor women, working women, educated women, as well as various societal issues within an Islamic frame of reference, not in its juristic sense related to issues of *halal* and *haram* (religious permission and prohibition), but in its broader sense as a knowledge system that considers humans to be stewards of the earth and worshippers of the Divine.

¹ Despite multiple indications that Feminist Thought is “Western,” this does not obliterate the fact that various global contributions have organically helped shape this body of ideas; The term “Western feminism” indicates characteristics of referential frameworks and a specific paradigm of knowledge rather than a geographical location.

² Some researchers consider the first wave of feminism to extend from the nineteenth century to the early twentieth century, in both the United Kingdom and the United States. It focused mainly on promoting equal rights for women in property and entering contracts, as well as opposing temporary marriages and the husband’s ownership of his wife and children. It later focused its activities on political participation, particularly women’s suffrage. As for the second wave of feminism, it refers to the feminist activities of the early 1960s until the late 1980s, when the slogan “The Personal is Political” was coined and became synonymous with the wave. This wave regarded cultural and political inequality to be inextricably intertwined, and encouraged women to recognize that the details of their personal lives were deeply politicized and reflected power structures that were biased against women. The third wave began in the early 1990s as a reaction to what was considered a failure of the second wave, where feminists sought to challenge or avoid the definitions of femininity second-wave feminists had constructed, as they allegedly focused on the expression of the experiences of upper-class white women.

³ In a meeting organized by the Arab League in March 2012 to discuss the initiation of “The Arab Strategy for Disaster Risk Reduction,” which paralleled the “International Strategy for Disaster Reduction,” officials spoke of the need for the UN to integrate a gender dimension into the strategy because field studies of

some major disasters, such as the tsunami, reveal that women are sometimes less likely to survive due to cultural considerations, including the fact that some may refuse to leave their houses without their husbands' permission, and sometimes their traditional clothes are an obstacle to taking appropriate reactions. When the speaker mentioned this fact, some audience members, who would smile whenever "the integration of a gender perspective" came up, sat up and paid attention.

⁴ All English translations of the Qura'nic verses in this chapter are taken from *The Holy Qur'an: Text, Translation and Commentary* by Abdallah Yusuf Ali. New Revised Editions (Bretonwood: Amana Corporation, 1989)

⁵ In many parts of the Islamic world, when major crises require military intervention or foreign relief, internal voices begin to warn of the cultural imperialism of the intervening body of those they save in crisis areas, particularly women in vulnerable poor living conditions, usually an extension of their living conditions before the crises, related to prevailing value systems that are naturally linked with Islam. On the other hand, none of us had paid attention to these women or the reality of their problems beforehand. Instead of stopping at criticizing the interventions of others who come within a cultural framework and preset agendas, we need to develop our own vision of the situation and generate solution proposals that we can submit to regional or international organizations to resolve the problems of crisis areas.

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CONTEMPORARY INTERPRETATIONS OF QIWAMAH¹

Nasr al-Joueli

Being a primarily human and social issue, the current status of Arab women proves major theoretical and practical problematics and poses political, social, and economic questions. The problematic issue of women's status in general, especially in this era involving changes on all levels, makes it often addressed from two conflicting perspectives. The first includes old, and even contemporary, literal textual interpretations of the Qur'an, regardless of the legislative purposes of the Qur'anic ruling or the reason for the verses revealed. The second includes contemporary writings from a modern perspective and new readings of the Qur'anic text in light of modern knowledge, and other debatable issues that have prevailed in modern and contemporary Arab thought, such as heritage, modernity, Renaissance, progress, identity, democracy, and human rights.

One of the key issues that is based on the Qur'anic text and have raised much controversy to date is that of *qiwamah*, its legitimacy, and the extent to which it can be maintained today as an inalienable right of men at a time when women have assumed intellectual and economic roles side by side with their family duties. How can this issue be addressed without violating *shari'a*? Where does the dispute lie between Qur'an exegetes and Muslim jurists, on the one hand, and those who adopt a different contemporary reading of this issue, on the other? What are the foundations used by each group as a springboard for their argument? What are the methodological tools they adopt to build their views and interpretations of this issue of *qiwamah*? Why do those who hold a different view with regard to the system of heritage delve into an issue that often falls within the exegetes' scope? The answer to these relevant questions requires, first and foremost, an understanding of old as well as modern exegetes to elaborate on their interpretations of *qiwamah* and then move to some contemporary writers, who pondered Qur'anic verses pertaining to women's rulings, using an entirely different perspective from that of their predecessors working since the Prophet's time till the Arab Renaissance of the nineteenth century.

Qiwamah in exegetical writings

I will present two examples of classical exegetes, Ibn Kathir and al-Qurtubi, and two modern ones, Muhammad Abduh and al-Tahir ibn Ashour.

Definition: Two verses in the Qur'an are specifically used by jurists and exegetes to infer the legality of men's *qiwamah* over women: "And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree (of advantage) over them. And Allah is Exalted in Power, Wise" (2:228). and "Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means" (4:34).²

Most Arabic dictionaries agree on the linguistic meaning of *qiwamah*. According to Ibn Manzur's *Lisan al-'arab* (Arab linguist): "Ibn Birri explains that *Qiam* may mean maintenance and reform, such as Allah's saying, 'Men are the protectors and maintainers of women'. *Qawwam* means the just, such as Allah's saying, 'Those who, when they spend, are not extravagant and not niggardly but hold a just (balance) between those (extremes)' (25:67). The *qayyim* of a people is their custodian and the one who is in charge of their affairs, needs, The *qayyim* of a woman is her husband, because he is in charge of her affairs and provides for her sustenance. The *qiwam* of something is its system and support. If someone is *qiwam ahlih* [his family], he is the provider and supporter of his family." (Ibn Manzur 499).

Through these linguistic meanings of *qiwamah*, one can say that it comprises preservation, management, a supporting system, and family leadership and guidance.

The Legality of *Qiwamah*

Based on the above-mentioned verse, "And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree (of advantage) over them," most Muslim jurists and exegetes maintain that *qiwamah* is a man's right. In his *Ahkam al-Qur'an* (Rulings of the Qur'an), Abu-Bakr Ibn Al-'Arabi (d. 543 AH) writes: "This text indicates that he [man] has advantage over her [woman], and is given preference over her in marriage rights. But the degree [of advantage] [in the verse] is not clear here as to what it means. However, the meaning is inferred from other evidence than that mentioned in *Surat Al-nisa'* [Chapter Four of the Qur'an]" (734).

The same view is maintained by Ibn Kathir (d. 774 AH) in his interpretation of the verse, "Men are the protectors and maintainers of women": "The man is *qayyim* [protector and maintainer] of the woman; he is her chief; he rules her; and he disciplines her if she deviates [from that which is right]. Men are better than women. Hence men were duly and legally qualified for prophethood, kingship, judiciary, and other leaderships" (734). He goes on to emphasize men's advantage over women citing dowry, *nafaqah* (maintenance, provision of livelihood), and the responsibility explained in the Qur'an and Prophetic Traditions. Therefore, a man, according to Ibn Kathir, is suitable to be *qayyim* over a woman, citing Allah's saying: "But men have a degree (of advantage) over them."

In *Al-jami' li-ahkam al-Qur'an* (Compendium of Qur'anic Rulings), Al-Qurtubi (d. 671 AH) gives reasons for *qiwamah* being a man's authority, arguing that a man is better (than a woman) in terms of virtue, maintenance, reason, strength in *jihad*, inheritance, and promoting virtue and preventing vice.

Al-Qurtubi maintains that *qiwamah* also "includes provision of livelihood, protection, and discipline in exchange for [women's] obedience [to men]." He adds: "Allah informs women here that men have advantage over them and then lets His Prophet explain this" (173).

Reviewing various views maintained by scholars with regard to the "degree (of advantage)" mentioned in the verse, Ibn al-'Arabi says that some jurists attribute the "degree of advantage" granted to men over women to their difference in the share of inheritance and in jihad as well as other moral and congenital differences. Ibn al-'Arabi writes: "It is no secret that men have preference over women, for if woman [Eve] was created from man and he, therefore, is her origin. Since the verse does not state an absolute degree [of advantage] explaining the virtues of men over women, it is incumbent that this should be sought in the women's right to be given preference in marriage" (734). However, the verse, in my view, does not state an absolute degree of advantage of men over women. Except in terms of providing livelihood, the verse does not refer to any other aspects of advantage. Yet, in clarifying this distinction of men, Ibn al-'Arabi proposes: "The meaning is that Allah grants man *qiwamah* over woman because Allah prefers him to her in three things: first, perfection of reason and discretion; second, perfection of religion; and third, spending money in dowry and provision of livelihood" (416).

As long as men are allegedly higher in degree than women, according to the literal meaning of the verse, *qiwamah* has become a man's vested right that no one can dispute or strip him of. This is why scholars and exegetes link this verse, "But men have a degree (of advantage) over them" and the *qiwamah* verse with full obedience on women's part to their husbands except when what they ask is sinful. Al-Qurtubi considers the term *qawwamun* (maintainer, sustainer) as stemming from the meaning al-qiam '*ala al-shay*' (performance of something or being in charge of something or someone), giving due attention to it, and preserving it with one's utmost effort: "That he provides for her, disciplines her, keeps her at home, and prevents her from going out" (173).

Modern Exegesis

This new school is represented by two main scholars: Muhammad Abdu of Egypt and Sheikh Tahar Ben Achour of Tunisia. Modern exegetes have become aware of the shortcomings of the old readings--despite their proliferation and variation--in providing answers that meet twentieth century's social needs, arguing that the old exegeses were flooded with linguistic, juristic, and scholastic issues and Israelite narrations.³ In this regard, Sheikh Mustafa al-Maraghi (d. 1964) writes: "A book, whose themes do not inspire you when you read it, does not deserve the time you waste in reading it" (4). This explains why modern exegetes adopt a different interpretative view from that common among classical ones. Nevertheless, we find repeated references to these previous interpretations in the introduction of most modern works.

Modern exegetes, including Abdu, Ben Achour, and others, paid due attention to crucial issues associated with the life of the Muslim community, such as that of women. Both tackled this issue from the standpoint of the Western society, with its progress in various fields, including women's liberation, on the one hand, as well that of the Arab-Islamic society, with its backwardness in many areas, particularly the underdeveloped social status of women and men alike, on the other.

Abdu, for example, sees the *qiwamah* verse as related to what is mentioned before it, i.e. stating the preference of men over women in inheritance and jihad. Therefore, the verse shows the reason for this advantage—that is, granting men *qiwamah*. And this is well known by exegetes. Abdu believes that this divine preference for men is attributed to the beginning of creation and, therefore, it is an inborn nature of men as created by God. Excellence is also attributed, on the other hand, to the duties assigned to men, such as providing livelihood and paying dowries to their wives in compensation of, and as a reward for, coming under men's leadership through a marriage contract (5:67). If the *qiwamah* mentioned in the verse means leadership where one disposes of their affairs with their own will and choice, this does not mean that the subordinate should be subdued unwillingly.

Abdu's disciple, Muhammad Rashid Rida, sees that the excellence mentioned in the verse refers to the preference of one gender over another, not all men over all women (5:60). This means that Sheikh Abdu did not come out with a new view other than that defined by former exegetes on this issue in terms of the degree (of advantage) given to men over women and Allah's preference of men over women.

The method Abdu adopted in interpreting such women-related issues is evident in the approach of Sheikh Ben Achour (d. 1973) who also belonged to the modern reformist school. The latter considers *qiwamah* a holistic legislative foundation, from which rulings mentioned in the verses that follow branch out. It is like an introduction to a certain ruling by providing its preliminary evidence (35-36). *Qiwamah* of men over women is thus meant for preservation, protection, sustenance, and provision of money.

Ben Achour justifies this by preference and provision of livelihood, because preference constitutes "inborn advantages that require the women's need for men in matters of protection and guarding for survival. The manifestations of this preference appeared throughout ages and generations until men have seen it as their birthright" (qtd. in Belaid 118). Given the fact that men are protectors and maintainers of women, Ben Achour argues that women are always in need of men for protection, though that need strengthens or weakens depending on the circumstances and conditions of women.

He infers from the Qur'anic phrases of the verse "and because they support them from their means" that providing sustenance has been well established in human societies since ancient times. Accordingly, men are the supporters of the female members of the family, because the provision of sustenance is their business.

Commenting on Ben Achour's view of the preference of men over women, Al-Sadiq Belaid believes that the former may have confounded social reality with religious principles in his commentary on the preference or excellence question. Similarly, many contemporary scholars also exhibit the same degree of confusion, uncertainty, and contradiction. Ben Achour's confusion is evident in saying that preference of men over women is due to God's Will until it has become the birthright for men, thus giving *qiwamah* a fixed ruling and a historical reality that cannot be changed under any circumstances

Reviewing these two examples on the *qiwamah* issue is based on a trade-off of spending in return for obedience, i.e., men provide sustenance for women in return for the latter's blind obedience. This reading is not founded on a clear religious text, but rather on the basis of social discrimination against women. The two readings, however, are identical in two key issues related to *qiwamah*:

a. *Qiwamah* as an innate quality: A range of special qualities and characteristics are associated with men in particular, namely, their stronger, better, and more perfect disposition. Since men's disposition is mostly determined by heat and dryness, this gives them strength and hardness, contrary to women's disposition which is ruled by softness, tenderness, intense emotion, and instant response to demands of childcare. Therefore, men's excellence over women is not a favor granted to one gender over another, rather, it is an essential need required by the nature of each. Attributing men's *qiwamah* over women, old as well as contemporary jurists and exegetes argue that it is a God-bestowed gift that cannot be objected to by anyone, citing the verse: "Because Allah has given the one more the other" and "And wish not for those things in which Allah has bestowed His gifts on some of you than others" (4:32)

However, gender is not a matter of preference. The verse refers to God's bounty, and this includes men and women alike. So, preference is "related to what a human being, male or female, acquires of knowledge and expertise in matters of religion and worldly affairs. (Islambouli 119)". In this context, Samer al-Islambouli argues that the verse "Men are the protectors and maintainers of women" is a general text without evidence that exclusively associates "men" with masculinity and the term "women" with femininity, for people (male and female) combine the standings of both manhood and womanhood. Moreover, it is well-established in the Qur'an that a male does not excel a female. Rather, the Qur'an sees both sexes from one human perspective and considers the degree of honor and veneration among people as something that can be acquired by any of them. This is demonstrated in many Qur'anic verses, including "Verily the most honored of you in the sight of Allah is (he who is) the most righteous of you" (49:13). "So the most honored of people is the most righteous among them in terms of devotional and social piety and, therefore, preference has nothing to do with gender" (Al-Islambouli 119).

b. *Qiwamah* as an acquired quality: This is evident in what men do for women, such as providing sustenance, clothing, and other material and emotional necessities in a manner that gives a sense of reassurance, protection, care, and defense for women, "the same as rulers and princes protect the ruled" (Al-Shawkani 415). This emphasizes men's leadership of women. We find this view in the two modern interpreters, although both acknowledge that equality between women and men is prescribed by the Qur'an, which gives both of them the same rights and duties. "Men and women," argues Abdu, "are equal being, senses, feelings, and reason. Both of them are perfect humans, with each having reason to think in their own interests and a heart to love what they like and dislike what is unsuitable. So, it is unfair that one of the two sexes subjects, controls, and enslaves the other for their own interests, particularly by the contraction of marriage and after sharing a common life" (4:275).

To temper the authoritarian connotations of the term *qiwamah*, Muhammad Abdu emphasizes that leadership is not synonymous with the oppression of subordinates: "The relationship between men and women is like the organs of one person: Man is like the head and the woman is like the body," writes Abdu (5:69)

The question to ask now is: given Abdu's and Ben Achour's arguments on gender equality, why, then, is there insistence on the idea of "preference" of men over women and that the former should lead while the latter have to obey? Hence, all interpretations of this issue since the thirteenth to the twentieth centuries are identical in addressing the *qiwamah* in terms of justifying it and in considering it fixed and continuing. The only difference between old and modern interpretations of *qiwamah* is the disappearance of the terminology that characterized the former's discourse--terms such as (men's right to) detain women on reasonable terms (*imsak*), prevention (*man'*), discipline (*ta'dib*), the ruler and the subjects (*ra'i and ra'iyah*), flagrante *delicto*, and firmness. They were replaced with other expressions that still presented the essential meaning and connotations of *qiwamah*.

Contemporary Readings of *Qiwamah*: Why?

The distribution of family responsibilities in the community in which the Qur'an was revealed, and beyond, made men, whether fathers or husbands, in charge of spending out of their means to support women. Yet these circumstances have changed. Given the complexity of life, it cannot be overlooked that women now have become in charge of spending, partially or fully, on their families. So, the question should be: Is *qiwamah* still able to maintain its traditional concept since the Prophet's time down to present? Does this concept today need to be reconsidered in order to evolve in a new dialectical context of a man-woman relationship that makes each qawwam responsible towards the other according to a fair distribution of responsibilities?

For contemporary scholars, the solution to this problem requires a new reading of *Ayat al-ahkam* (Qur'anic verses containing legal rulings) in light of modern sciences, because the nature of the Qur'anic text is complete, mature, and will integrated language and content wise (Al-Elmi 41). On the other hand, "Firm control of the sacred text by definite interpretation is just an allegation, because it restricts the defiant language of the text and because it is too hard to reduce diverse connotations to molds" (Al-Sulaiti 8), thus making the Qur'an an open-ended interpretive text by virtue of language and its rules.

Supporters of contemporary readings of the Qur'anic text find, on the other hand, an incessant interaction in its meanings with every social, political, and intellectual condition throughout the ages, so much so that nearly each reader understands the Qur'an according to their own doctrine and view, hence consideration of the verses related to women's rulings must be based on society's economic and social concerns and circumstances. To what extent then have those contemporary readings applied this approach in their understanding of Qur'anic verses containing legal rulings, including the *qiwamah* verse?

The answer to this question refers us to two prominent scholars dealing with issue of interpreting and understanding the Qur'anic text, namely, Nasr Hamed Abu Zayd in Egypt and Muhammad Shahrour in Syria. Though they are not the only ones who provide hermeneutical readings of Ayat al-ahkam, as many others emerged in the Arab and Muslim worlds, their views are worth closer consideration as good examples of progressive readings.

Abu Zayd's Specific Reading of *Qiwamah*

In *Dawa'ir al-khawf: Qira'a fi khitab al-mar'a* (Circles of Fear: A Reading of Women's Discourses), Abu Zayd begins his first chapter with a sentence that reads: "The discourse produced on women in the contemporary Arab world is generally sectarian and racist" (29), as a result of failure, defeat, and the complex of the 'Other,' who is superior and victorious, which afflicted the twenty-first century Arab world. Women were the scapegoat at this stage. "In this context full of violence and terrorism, men's violence against women rises, with negative ideas and attitudes being promoted, even though they have nothing to do with religion or Islam as a religion" (39). Rather, it is a mechanism of a backward, misogynistic, racist discourse that consequently leads to hiding women and ordering them to stay at home. To this can probably be added the promotion of incomplete and out of context phrases from the Prophetic Tradition, such as "Women are lacking in reason and religion" and "Their [women's] guile is great" extracted and separated from the full Qur'anic verses and context". These attributes have become associated with women, i.e., females who cannot reach the level of manhood in terms of ability to act and think effectively.

The *salaf's* ([righteous] predecessors') discourse on women contributes to deepening the crisis by reinforcing cultural views through a wrong reading. However, religious texts are nobler and more sublime in addressing women than the despicable, humiliating way with which women, as human beings, are treated. Qur'anic discourse, for instance, always addresses Muslim women as independent from men, an unprecedented manner that promotes a new awareness of her own self as human being (Abu Zayd, *Dawa'ir* 71). Abu Zayd believes that the issue of women should not only be seen from the religious point of view, but also from a social perspective, i.e., there is a need to return to social reality which is the basis of this pivotal issue. This is because religious discourse, from his point of view, has reduced women's issues, including *qiwamah*, to the literal understanding of the secondary or exceptional religious texts. In this regard, Abu Zayd proposes the following:

- 1) Religious discourse falsifies the cause of women by insisting on discussing it in reference to (religious) texts, overlooking the fact that is primarily a social issue, making *qiwamah* and unquestionable divine ruling.
- 2) This very discourse has been addressing the issue of the Muslim women in the same manner it treats religious minorities, as the 'other'.

The divine preference mentioned in the verse "because Allah has made one of them to excel the other" (4:34) is similar, in the overall Qur'anic context, to divine elevation of some people over others. Abu- Zayd argues that what is meant by this

is "the social and economic inequalities observed among humans" (213). He sees discrepancy among humans as not permanent, because it is governed by the rules of social mobility, in accordance with the verses "Allah checks one set of people by means of another" (2:251) and "See how We have bestowed more on some than on other (in this world) and verily, the Hereafter will be greater in degrees and greater in preference" (17:21). Therefore, the question of excellence or preference is more like a description of reality, which should be changed towards achieving genuine equality, than a divine unchanging fate.

Similarly, Abu Zayd examines the verse "And women shall have rights similar to the rights against them, according to what is equitable" (2:228) in the same descriptive manner, considering it a reported description of a certain reality of traditions and social norms, rather than the establishment of fixed Islamic ruling: "No one has ever said--and it is inappropriate to say--that traditions and customs are absolute divine rulings" (214). Based on this standpoint, Abu Zayd refutes the concept of *qiwamah* as an absolute divine excellence of men over women. This preference is not an absolute divine fate; rather, it is a description of a reality that should be changed until equality between women and men is realized. This is because "*qiwamah* is a responsibility shared by both parties according to circumstances and conditions. This is based on the Qur'an, which makes preference and ability to spend from one's own means a reason for *qiwamah*. But it does not unequivocally specify preference of whom over whom" (214).

This means that *qiwamah*, according to Abu Zayd, may be for women or for men, because the context of the verse is not one of prescriptive legislation, but rather of description. According to Abu Zayd's reading, being addressed by the Qur'an in a descriptive context excludes the concept of *qiwamah* from the list of women-related legislations, thus dismantling many other concepts, interpretations, and rulings on which classical jurists established their understanding.

Muhammad Shahrour's Reading of *qiwamah*

In his *Nahwa usul jadida l-il-fiqh al-islami* (Towards New Foundations of Islamic Jurisprudence), Muhammad Shahrour draws the basics of an intellectual and religious system. The book's title is especially significant, especially in the context of contemporary Islamic studies. It tackles two key problematics at the heart of modern and contemporary Islamic research, namely, *usul al-fiqh* (principles of Islamic jurisprudence) and women, through the Qur'an.

The book manifests a new approach in tackling common issues related to the Qur'anic text. Put briefly, the author argues that:

The Qur'anic text is a self-contained and concentrated entity, whose conceptions and contents move in parallel with historical and cognitive development. Historical evolution is unable to cancel any Qur'anic verse or ruling according to the principle of "change of rulings according to change of time." Thus, the Qur'anic text is neither subject to the inevitability of history on account of continuity nor to inevitability of finality on account of development. (94).

The dilemma, in his view, thus lies in understanding the text, rather than in the text itself:

The [Qur'anic] verses of absolute nature in *shari'a* are one thing while Islamic jurisprudence--which represents the people's interaction and understanding of legislation at a certain temporal moment of history--is another thing altogether. *Shari'a* is divine, while Islamic jurisprudence is human and historical. Without being aware of this difference and taking it into account, there is no hope to get out of the impasse: Islam is divine, but Islamic jurisprudence and exegesis are human. This is the difference between Islam and Muslims (95).

On this basis, he argues that current Islamic jurisprudence represents the first diagnosis of the divine texts and rulings. A set of cognitive mechanisms, which influenced the jurists' and exegetes' readings of these rulings, contributed to this diagnosis.

Hence, it seems there is a necessary need to provide a different diagnosis of legislative rulings, for "contenting ourselves with the first reading of the Glorious Revelation, which was done in the seventh and eighth centuries AD, and insisting that exegeses are absolutely sacred and represent divine purposes, is very serious" (96). How then does Shahrour read the rulings of the Qur'an, especially those related to women, and specifically *qiwamah*?

Shahrour provides a different reading from all other interpretative and jurisprudential readings, past or present. He believes that the interpretation chosen by exegetes and jurists of the verse "because Allah has made one of them to excel the other" as meaning that God prefers men over women in knowledge, religion, reason, and authority a faulty reading. "If God means so," Shahrour writes, "He would have said: 'Males are the protectors and maintainers of females,' but He said, 'Men are the protectors and maintainers of women.' *Rijal* [men; the term used in the verse] is the plural of *rajul* [man] and *nisa'* [women] is the plural of *imra'a* [woman]; and we know that every man is male and every woman is female but not vice versa" (317). So, the author wonders whether the remaining categories are equal in excellence and preference, and where are those women who excel men, for there had been no era devoid of them. Hence, Shahrour proposes that the phrases "the one more than the other" denote all men and women. Therefore, he concludes that the proper reading should be: Because Allah has made some men and women excel some other men and women. This is clearly reflected in Allah's saying: "See how We prefer one above another (in this world) and verily, the Hereafter will be greater in degrees and greater in preference" (17:21). For Shahrour, this verse completely negates preference by birthright, and proposes preference a matter based on good management, wisdom, high degree of culture, and awareness, all in which people, men and women alike, vary--some men are better than women and vice versa.

God Almighty does not discriminate in His Book between males and females. Equality between both sexes is clear and explicit in many a verse in various contexts. Men and women are always mentioned together in the Qur'an, in verses such as Muslim men and women and believers men and women, giving clear evidence of the argument. Hence, inferiority--which jurists and exegetes attach to women--is

in fact a distorted view, reflecting what was prevalent in those early male ruling communities. This is also reflected in many women-related rulings, particularly *qiwamah*, inheritance, *hijab* (head-scarf), and polygamy.

Regarding the provision of sustenance, based on which men are preferred over women in the verse "and because they spend (to support them) from their means" (4:34), Shahrour proposes that whoever has wealth would better be entrusted with *qiwamah*, regardless of his/her sufficiency or degree or education. According to this interpretation, he believes that *qiwamah* cannot be confined to either men or women only within the family, contrary to what old jurists and exegetes believed; rather, it extends to all other areas of work. A family needs whoever can look after its affairs and fulfill its various essential needs: food, clothing, treatment, accommodation, etc.. Leadership should be held by the one who has favor as well as material and moral capability, whether man or woman. It is not necessary, according to Shahrour, that a man--a husband or a father--be in charge of *qiwamah* alone. A woman, with physical and financial capability, is eligible to take responsibility for the family leadership. And many women are more capable of managing family affairs than men (323).

So, women-related verses, in Shahrour's view, should be re-read in accordance with the historical progress (writing at the end of the twentieth century) and social development, based on the universality and comprehensiveness of the Islamic message, taking into account changes in temporal and social realities. All this should come within new cognitive tools to free us of old interpretations of these rulings that were drawn by Muslim jurists and Islamic writers of the second and third centuries AH, when family relations were governed by customs, traditions, and male superiority in war and peace.

According to this view, a range of historical and social factors overlaps with the Qur'anic text, making it open to interpretation. Tackling the religious text as sublime and sacred will only shed light on its sanctified, transcendental nature, ignoring its other dimensions and potentials –especially the human one. Sublimity, in fact, constitutes a departure from and separation from human affairs, whereas the language in which the Qur'an was revealed is the language of humans.

In the other hand a reading which stops at the sanctification dimension is considered by those who provide a contemporary reading for the religious text in its various aspects as deficient and inadequate for extracting the capabilities and legislative purposes of the text. Hence, adherents of this new contemporary reading are committed to a view that probes the Qur'anic text and provides an certain hermeneutical results, which occasionally clash with the traditional, accepted legal rulings on women.

The reading envisaged by Abu Zayd, Shahrour, and others leads them to an intentional distinction between the original religious texts of obvious meaning in utterance and conceptions, on the one hand, and the human products inspired by these texts, on the other. This is because they subject their reading of the religious text to modernist philosophical and critical approaches to "extract answers to current problems in a reasonable manner with an eye to progress and change" (Arkoun 273). Thus, they seem to be seeking to subject religious texts--the Qur'an

in particular—to these methodologies in order to be able to form a sound basis for a drastic renaissance through access to the forbidden and taboo, which they consider a stumbling block before the scholar who wants to uncover what is unarguable in the Qur'anic text itself.

It must be noted that any scientific reading of a text, whether religious or human, is not disapproved. Disapproval comes when the Qur'anic text itself is turned into a human one and a linguistic-cultural product. This is clearly manifested in Abu Zayd's and Shahrour's works. The former emphasizes that a search into the concept of the text "is in fact a search into the nature of the Qur'an as a linguistic text. ... The Qur'an is the Arabs' most sacred art book, whether seen as such in religion or not. This literary search for the Qur'an at that artistic level, regardless of any other religious consideration, is what we believe" (Abu Zayd, *Mafhum al-nass* 10-11).

However, literary study alone is insufficient to provide various open and hidden aspects of the Qur'anic text, because of the apparent discrepancy between human literary texts and the perfect Qur'anic one. Tackling the Qur'an as a mere literary text "will lead to an insufficient approach that needs either a historically human belief structure or a legendary, imaginary aspect providing absolute certainty to almost all faiths" (Abdul-Hadi 23). The difference between the two readings by the old interpretative school and the contemporary one with regard to *ayat al-ahkam*, particularly the issue of *qiwamah*, is attributable, in our view, to the differing approaches or methodologies used by each school. This makes the views on issues relating to women different if not divergent:

Perhaps these differences are rooted more in the collective mentality governed by authoritarian traditions and customs than in reading the texts pertaining to women alone. This is because the act of reading cannot be disassociated from the personality of the readers themselves. This personality is very often influenced by social traditions, therefore have their presence at the moment of reading (Al-Elmi 522).

This difference is reflected on both Arab thought and Arab-Islamic communities, a fact clearly manifested at the level of the current legislative and cultural status of women across these countries. This problematic and the various views surrounding it calls for more investigation.

Findings

- Attention to women's issues in the Qur'an in classical and early modern exegeses, on one hand, is different from that in contemporary readings, on the other hand. This results in an inconsistency in the methodologies sought by researchers of *ayat al-ahkam*. And this is primarily attributed to the difference in the objectives of the propositions.
- The sharp contrast between the two approaches of study is due to adopting different references by each. Old exegetes were keen on preserving male authority, whereas contemporary readings work—inasmuch as possible—to staunchly adopt modernity and a human rights approach.

- Contemporary readings can be seen to overlook the literal understanding of the text on the grounds that it no more befits the requirements of lived reality life. This leads them to commit serious mistakes of judgment, such as their claim of the historicity of the Qur'anic text and their call for the deactivation of ayat al-ahkam and to dispose of theologically established rulings.
- In their view of women, contemporary interpreters adopt conceptual premises different from those adopted by old exegetes. For them, a woman is a complete individual with full responsibility comparable to man's, and thus society is seen not from an Islamization perspective, but according to notions of modernity and contemporaneity. Hence, they attached a central value to women.

¹ *Qiwamah* is the Arabic term expressing notions of guardianship, family leadership, or men being in charge of women.

² All English translations of Qur'anic verses are taken from Abdullah Yusuf Ali, *The Holy Qur'an: Text, Translation and Commentary* (Brentwood: Amana Corporation, 1989).

³ *Isra'iliyat*: Israelite narrations that are reported by the Jews, who were living in early Muslim communities, and communicating stories from different sources of the Jewish heritage, some of which were integrated in early Islamic exegetical texts.

THE PRINCIPLE OF EQUALITY IN DIVORCE: THE QUR'ANIC PERSPECTIVE

Asmaa Lmrabet

Introduction

In Islam, matrimony is construed as a contract uniting two parties together and entitling either, or both, to initiating its termination; accordingly, divorce in Islam is considered a lawful act, contrary to Christianity where matrimony is construed as sacred. While Christianity considers marriage to be a bond not subject to dissolution, Muslim law permits divorce. Ever since the very beginning of the revelation, Islam has established the principles of divorce and has redressed what has, within the Arab community, been common practice in this regard. During the pre-Islamic era, divorce was known to be a unilateral act; in other words, only the husband had the right to divorce his wife whenever and however he pleased.

Despite the new culture brought about by Islam and the Qur'an, which introduced fundamental as well as revolutionary changes in favor of women, the tradition of "repudiation" continued to dominate the Islamic world, accompanied with rights conferred upon, and exclusive to, the husband. Such actions represent, to this day, a clear form of discrimination against the rights of Muslim women.

Ironically, there is a great deal of disparity between the rulings related to divorce and some juristic texts that have enacted rulings, not only in favor of men but also limiting the rights of women clearly been conferred upon them by the Qur'an. As such, these rights have merely become trivial moral obligations that depend on the will, or otherwise, of the husband; they are general recommendations and advisable demeanors left, in application, up to the desire and conscience of the husband.

What Does the Qur'an Have to Say about Divorce?

To start with, it is necessary to point out that the Qur'an has discussed divorce and not repudiation,¹ contrary to what we may find in some jurisprudential explanations when defining the concept of divorce in Islam. Linguistically, the term divorce means "the termination of a contract," which, in this context, refers to the "marriage contract." In the Qur'an, the term is used to denote the dissolution of the marital bond as decided by one, or both, of the parties; similar to the case of divorce by agreement between both parties. Nowhere in the Qur'an does one find the word divorce to mean repudiation, especially in its slanderous meaning referring to the wrongful dismissal of the wife by the husband, who alone has absolute authority to end the marital relationship. In reference to the Qur'an, we find that divorce is a right conferred upon both men and women alike, contrary to what we see in juristic texts that meet the criteria determined by norms and traditions rather than the ordinances of the Qur'an and the *sunnah* (Prophetic Tradition).²

In this context, we find that the Holy Qur'an has identified three types of divorces, as follows:

1. Divorce based on the request of one of the parties; known as marital discord:³

The Holy Qur'an describes the process of divorce that is based on agreement between both spouses in two verses of *Surat Al-nisa'* (Women). The first verse states that "If ye fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they wish for peace, Allah will cause their reconciliation: For Allah hath full knowledge, and is acquainted with all things" (4:35). The second verse states: "But if they disagree (and must part), Allah will provide abundance for all from His all-reaching bounty: for Allah is He that careth for all and is Wise" (4:130)⁴. We can observe from the two verses that the Qur'anic discourse is not addressed to the husband alone, but rather to both parties together.

The two verses alone are sufficient to summarize the most important aspects of the perspective of the Qur'an with respect to the marital relationship deemed, first and foremost, a relationship based on harmony, mutual understanding, and dignified treatment that takes into consideration the aspect of human dignity commonly shared among all individuals.

Based on this reality, and avoiding any deep conflict that may threaten the existence of such understanding, the Qur'an sees it best for the spouses to separate. Many a marriage has been entered into by force, be that on the social, cultural, or religious levels, only to be converted into 'an arena of violence and mutual mistreatment; an arena of deep psychological despair, especially for the children who are left to suffer untreatable wounds as a result of these problems.

Divorce should, without doubt, be an action of last resort in the event conflict between the spouses is irreconcilable. No process of divorce should be taken lightly without first lending it deep thought and due consideration. It is worth understanding that many marital conflicts, no matter how deep, are—fortunately—not always resolved by divorce. Accordingly, divorce should only be left as a last resort and a final action in case conflicts are ongoing and understanding largely fails to exist between both partners. Nevertheless, prior to reaching that final decision of separation, both parties will need to have exerted their utmost effort to work out necessary compromises and to have knocked on all doors possible to save their marriage.

In this regard, it should be noted that the Qur'an has warned both men and women alike against taking a decision, with respect to divorce, hastily. Two verses of the Qur'an clearly call for abstaining from divorce. The first verse is one where Allah Almighty says

O ye who believe! Ye are forbidden to inherit women against their will. Nor should ye treat them with harshness, that ye may Take away part of the dowery ye have given them,—except where they have been guilty of open lewdness; on the contrary live with them on a footing of kindness and equity. If ye take a dislike to them it may be that ye dislike a thing, and Allah brings about through it a great deal of good. (4:19)

The second verse is in the same chapter, and states: "If a wife fears cruelty or desertion on her husband's part, there is no blame on them if they arrange an amicable settlement between themselves; and such settlement is best; even though men's souls are swayed by greed. But if ye do good and practice self-restraint,

Allah is well-acquainted with all that ye do” (4:128). As such, divorce should only be a last solution in the event the partners fail to agree. Furthermore, prior to taking that final decision, all necessary measures towards reconciliation and salvation of the marriage need to have been taken. The Qur’an stresses the necessity of protecting the marital bond and saving it from being dismantled by calling for gracious cohabitation and steering clear from decisions that are based on recklessness and hastiness.

For that purpose, we find that verse 35 of *Surat al-nisa* : “If ye fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they wish for peace, Allah will cause their reconciliation: For Allah hath full knowledge, and is acquainted with all things” (4:35) introduces an arbitrator on the part of the husband and another on the part of the wife in the event of a marital dispute or from fear of engagement in a deep conflict between spouses. The Qur’an calls for enforcing the role of mediators with a view to giving both parties, initially, some time to think over the reasons and repercussions of their conflict. The two arbitrators are to work out a reconciliation between the two parties and find a peaceful solution to the problems at hand. If the arbitrators succeed in reconciling the couple, that will make matters easier for them to resume life together.

Early commentators have absorbed the Qur’anic concept of divorce for reasons of marital discord; Ibn Kathir (1301-1373), for instance, has conveyed the words of scholars in resolving such disputes. Scholars said: “In the event of a marital discord arising between two spouses, the ruler shall refer them to a person of trust to look into their matter and to prohibit the transgressor of any one of them from committing acts of injustice; if the situation evolves and their dispute prolongs, the ruler shall send a person of trust from the side of the wife and a person of trust from the side of the husband to meet, look into the situation and do what they see will be for the best interest of the parties, be it to separate or reconcile” (1:607).

The verse indicates that it is quite acceptable, in this case, to discuss divorce for reasons of marital discord when there are conflicts between the spouses. At that point, either, or both, spouses are entitled to ask for a divorce by adopting the said mechanism. It is worth noting that this legal procedure of divorce has failed to exist for decades in the laws derived from Islamic *Shari’ah*. Only recently has this procedure been approved, especially in Morocco, taking after the Qur’anic text of the above-mentioned verse. The verse uses the term “if they wish,” indicating a dual desire and not just a single one of the husband. The least we can say about this mechanism is that it is up to par with the international laws applicable in this regard:

The mechanism can actually be considered one of the exemplary developments introduced by the new Moroccan *Mudawana* (Family Law) and a significant accomplishment with respect to gender equality before the law since it gives women the capacity previously reserved for men to dissolve the marital bond. As such, the previous status provided for by the old *Mudawana* (Family Law), where the decision of separation requested by the wife mostly depends on the desire of the husband to take it, no longer prevails. (Al-Hajemy 54).

In addition to the previously stated verse that allows for divorce based on the request of both spouses, this next verse lays down the fundamental rules for divorce by way of agreement. In the verse, God Almighty says “But if they disagree (and must part), Allah will provide abundance for all from His all-reaching bounty: for Allah is He that careth for all and is Wise” (4:130).

Despite the ability to resort to an intermediary and the possibility of coming to an understanding, Islam has been very realistic. When all attempts to hold dialogue fail, all means to find possible solutions exhausted, and when we are left with no resort but divorce, the decision may be taken based on the request of both parties in accordance with the mechanism presented very simply, clearly, and distinctly by the Qur’anic verse. The verse offers, in a very *civilized* manner the possibility of resorting to divorce by way of agreement, seeing that it would be the best alternative; the couple can separate amicably and maintain some form of calmness and serenity.

That the words “Allah will provide abundance for all from His all-reaching bounty” come after “choosing” the option of separation, is as if God wants to provide psychological “comfort” for the couple who decided to separate, because separation, whether we like it or not, is always an exhausting process. In more cases than a few, if not in all, separation leaves deep scars in the heart; as such, this form of compensation stated in the Qur’an is more psychological than it is financial. This has been confirmed in the books of Islamic exegeses; Ibn Kathir writes: “Allah Almighty has said that if they part ways, then He shall make her content without him and make him content without her by compensating him with someone better for him than her and compensating her with someone better than him for her” (432).

Divorce, in the manner manifested by the verse, compels us to consider the consequences of separation, being undoubtedly a very daunting experience. Yet, the crux lies in the ability of both parties to make compromises, not at the expense of any of their rights, in all modesty and serenity, and with mutual respect for one another, remembering, above all, the life they shared together, with all its good and bad, and realizing the bond that will always unite them if in reality they share children. At the same time, they always need to hold on to the hope of a better future, as promised by the verse. This perspective of the Qur’an has been absent from most interpretations.

God advises us to show mutual tolerance coupled with humaneness and kindness, tolerance that we need not forget and need know how to apply in our day-to-day lives; this has been stressed in the verse “And do not forget liberality between yourselves” {i.e. being generous of hearts (2:237)}. The spiritual message of Islam never ceases in calling upon mankind for more tolerance towards each other, no matter what the circumstances are. The verse comes short and simple; nevertheless, it undoubtedly carries a strong message and a universal moral that is represented in the invitation to go about the separation process with all discipline and modesty, always remembering the couple’s mutual graciousness.

We stand astounded by this Qur’anic verse that describes, with great flexibility, the decision taken by the spouses to separate without placing any obstacles in their way; yet, we find that spouses in their daily lives, consider divorce most, if not all, the time, to be synonymous with a never-ending struggle to fall mostly upon Muslim

women's shoulders, especially when the husband refuses to part ways peacefully and prefers to "shove" the wife out to an unknown fate, asserting, as such, his masculinity, and trampling on the dignity of the wife.

2. Divorce Based on the Husband's Request

The second case is represented in "divorce requested by the husband." This situation has been stated in the first few verses of *Surat at-talaq* (Divorce), where god says:

O Prophet! When ye do divorce women, divorce them at their prescribed periods, and count (accurately), their prescribed periods: And fear Allah your Lord: and turn them not out of their houses, nor shall they (themselves) leave, except in case they are guilty of some open lewdness, those are limits set by Allah. And any who transgresses the limits of Allah, does verily wrong his (own) soul: thou knowest not if perchance Allah will bring about thereafter some new situation. Thus when they fulfill their term appointed, either take them back on equitable terms or part with them on equitable terms; and take for witness two persons from among you, endued with justice, and establish the evidence (as) before Allah. Such is the admonition given to him who believes in Allah and the Last Day. And for those who fear Allah, He (ever) prepares a way out, And He provides for him from (sources) he never could imagine. And if any one puts his trust in Allah, sufficient is Allah for him. For Allah will surely accomplish his purpose: verily, for all things has Allah appointed a due proportion. Such of your women as have passed the age of monthly courses, for them the prescribed period, if ye have any doubts, is three months, and for those who have no courses (it is the same): for those who carry (life within their wombs), their period is until they deliver their burdens: and for those who fear Allah, He will make their path easy. That is the Command of Allah, which He has sent down to you: and if any one fears Allah, He will remove his ills, from him, and will enlarge his reward. Let the women live (in *'iddah*) in the same style as ye live, according to your means: Annoy them not, so as to restrict them. And if they carry (life in their wombs), then spend (your substance) on them until they deliver their burden: and if they suckle your (offspring), give them their recompense: and take mutual counsel together, according to what is just and reasonable. And if ye find yourselves in difficulties, let another woman suckle (the child) on the (father's) behalf. Let the man of means spend according to his means: and the man whose resources are restricted, let him spend according to what Allah has given him. Allah puts no burden on any person beyond what He has given him. After a difficulty, Allah will soon grant relief. (65:1-7)

The verse begins with addressing the Prophet (PBUH), in particular, and all men, in general, seeing that the Prophet is the *imam* (leader) and the role model of his *ummah* (the believing community), as stated by Al-Alousy (432). We can deduce, therefore, that since this calling is made upon all men just as much as it is made upon the Prophet (PBUH), then these principles neither differentiate between them nor give privilege to any over the other.

We find most interpretations to indicate that men, during the period of revelation, not only took divorcing lightly, but they also ignorantly considered divorce one of their exclusive rights. Accordingly, men used to divorce their women the way they pleased and, at times, as many times as they pleased. Men went about divorcing their women verbally by uttering a simple sentence that, to date, is still very commonly used: “I divorce thee.” If the sentence is repeated three consecutive times, the divorce is considered final, in accordance with Islamic jurisprudence. This hasty way is still followed in most Muslim countries.

It is important to mention here that this method of divorcing has absolutely no root in the Qur’an or in the life of the Prophet (PBUH). It is also worth noting, in this context, that commentators, in their interpretation of this verse, convey how the Prophet (PBUH) was outraged when he heard how a Muslim man “divorced” his wife merely by uttering this sentence three consecutive times. The Prophet (PBUH) responded with bitterness and sorrow: “Is the Book of Allah being toyed with while I am still among you?” (Al-Nasa’i 3401).

The fact of the matter is that the Qur’an is clear in this respect. Furthermore, the stated verse is evidence to that. This type of divorce should respect four stages:

I: The prescribed period; first, to ensure that the wife is not pregnant and, second, to provide a period of time to think matters over. God says “When ye do divorce women, divorce them at their prescribed periods, and count (accurately), their prescribed periods: And fear Allah your Lord”; the husband—the initiator of the divorce—is allowed to proceed with the divorce provided that he respect this period specified by Law (the prescribed period), which is known in international laws as the “waiting period.”⁵ According to most commentators, this period extends over a length of three months. The period is beneficial in preventing a number of problems, including that of kinship. Upon its termination, the divorce will be considered final and the woman will be entitled to remarry.

II: Keeping the wife living in her house unless she is formed guilty of an act of open lewdness, which is interpreted by most commentators as having committed proven adultery. Despite this, unfortunately, in many of our societies, the woman is thrown out of her matrimonial home when the simplest of conflicts arise. Moreover, when the husband decides on a divorce, the woman, allegedly, has to leave the house right away. Sadly, we still bear witness to such kinds of violence committed against women in some Islamic countries. These acts are backed by circumstantial laws where all rights are given to the husband, especially during the process of divorce which, as previously mentioned, is perceived as a right exclusive to men.

As a matter of fact, if we take a closer look at this verse, we will notice that the Qur’an uses the term “their houses”—denoting the houses of the women (using the feminine Arabic form of the possessive pronoun)—rather than the term “matrimonial home” that accommodates both spouses; the Qur’an does not use any term to indicate the husband’s sole ownership of the house, “their houses”—denoting the houses of the men (using the masculine Arabic form of the possessive pronoun), for instance. Rather, the Qur’an uses a term that reflects its perspective of the matrimonial home being considered a residence that the wife, first and foremost, is entitled to. The term “their houses”—denoting the houses of the women—is used to

mean the matrimonial home being a place of residence that, in reality, reverts to the woman (*Al-Lahham* 338).

The direction that has been taken by the Qur'an, considering the woman to be the owner of the house, even if the man was the one who paid for it, was not coincidental. In reality, notwithstanding cases where we currently witness spouses to be co-owners of their house, the husband is often the one who incurs all residential expenses, including renting or buying the house. Despite that fact, it seems that the perspective of the Qur'an in this verse supports the idea that the wife, although not having participated financially in purchasing or renting the residence, has rights in her capacity as a human being and a partner having equal dignity and not a lowly underling; for the woman has made moral as well as physical contributions to building the family framework. Wives spend hours without end doing household chores, running errands, preparing meals, caring morally and physically for the children, helping them with their school work and giving both physical and emotional support. How can all these roles be translated into financial terms or quantified?

Despite modern developments, and women working outside their homes, most societies still fail to apply fair division of house labor to accomplish what needs to be done. Women alone shoulder the responsibility of doing most, if not all, of the housework.⁶ Today, this is a double burden where women are finding it increasingly difficult to reconcile career success with household duties as wives and mothers. In most societies, at a time when both spouses concurrently hold jobs, we find that the most important household chores are left to the woman. This type of work, considered a daily essential for the sustainability of any family, is not taken into consideration in economic life, and is always regarded as unfruitful work, even in developed and industrial countries.⁷

In light of this, the place of residence—the matrimonial home—can truly be considered an entitlement of women for the sacrifices most of them instinctively and naturally make in order to create a warm and comfortable family atmosphere for everyone, despite all the challenges life has to offer. That said, how can a marital dispute lead us to consider all vital efforts and contributions made by women unfruitful and worthless? How can we make them leave the house they have spent most of their time and lives in?

Aspect II leads us also to note that the Qur'an aims to delay divorce via the prescribed period, which is considered necessary not only to ensure that there is no pregnancy, but also to allow for the necessary time to think and contemplate before making a final decision. The prescribed period, in this sense, is considered a period of time for thinking; it allows both parties to think ahead and consider the consequences of this decision and its repercussions on the lives of both spouses.

This is what God means by saying “thou knowest not if perchance Allah will bring about thereafter some new situation.” This verse sheds light on the importance of the time factor which separates the period of conflict from the final decision of divorce, and which, as shown earlier, should be a last resort. The solution that God presents the husband with in this case is that of reconciliation with his wife and the reestablishment of their shared life based on new foundations.

III: The final decision of the husband (terminating the contract). This has been indicated by the verse “Thus when they fulfill their term appointed, either take them back on equitable terms or part with them on equitable terms; and take for witness two persons from among you, endued with justice, and establish the evidence (as) before Allah. Such is the admonition given to him who believes in Allah and the Last Day. And for those who fear Allah, He (ever) prepares a way out.” After termination of the prescribed period, the husband should be able to decide whether or not reconciliation will be possible, after having thought the matter over deeply. In this case, the Qur’an calls upon the husband to resume their marital life on equitable terms, but if the husband finds it impossible to cohabit, then the Qur’an calls upon him to leave his wife in the same manner: on equitable terms.

The Qur’an stresses the *manner* in which the decision should be made: with respect, courteousness, and politeness, whether when ending their shared life permanently via divorce or when taking the wife back via reconciliation, while, at the same time, giving the partner the right to choose whether to stay together or separate: “either take them back on equitable terms or part with them on equitable terms.”

These equitable terms, that should be characterized by high morals as well as fair and just demeanors, are basic standards that the Qur’an, once again, reminds us of in this verse, seeing that these characteristics are the most important in a life and relationship between spouses, be they married or divorced. We can easily deduce that the reconciliation process occurs in accordance with moral standards set by such equitable terms, by addressing the heart that is always more willing to naturally be tolerant, kind, and compassionate.

First and foremost, by respecting the concept of equitable terms when parting ways, as reflected in the verse, we mean refraining from throwing wives out of their homes and giving women all their rights, including the right to dignity, respect, and a decent life, in addition to guaranteeing that they receive sufficient alimony and have legal custody of the children. All matters having to do with “general welfare,” the interests of children, and maintaining good relations go under the term “equitable terms” that has been stated in the Qur’an, and in this verse in particular.

As for the alimony, the Qur’an mentions, in another verse, that it is one of the rights divorced women are entitled to. The verse urges men to give divorced women such rightful dues. In this context, God says “For divorced women Maintenance (should be provided) on a reasonable (scale). This is a duty on the righteous. Thus doth Allah Make clear His Signs to you: In order that ye may understand”, (2:241-242). It is of great importance to point out here that this form of assistance, known as “maintenance” or “dowry” has been specified by the Qur’an as a right that must be met and provided to divorced women, especially in cases where the husband is the one who initiates the divorce without giving any clear reasons. It is considered a type of grant given by the husband to the wife as a sort of compensation for any losses or harm she becomes subject to.

Fourteen centuries ago, the Qur’an described divorce in general, as well as divorce requested by the husband in particular, as being a peaceful process, or as what is more commonly known today as a “civilized” interaction. We find that the Qur’an, in this verse in particular, urges men, who are the ones primarily addressed, to

always be polite and fair in their actions with their wives and prevents husbands from abusing their powers.

It is needless to mention the atmosphere that surrounds many cases of divorce occurring in today's world. Women obtaining divorce are exposed to much suffering and consider the process to be humiliating and painful. Furthermore, divorce can be accompanied by years of conflict and dispute that may have adverse effects on the lives of the children and may result in the couple parting ways with feelings of hatred, contempt, and resentment for one another. Islamic moral values remind us here that this violence with which both men and women, equally, act when divorcing brings nothing but harm to the futures of both parties. On that basis, the Qur'an urges both partners to find it in their hearts to come to common grounds and to reach an agreement based on equitable terms, which will, accordingly, enable both to rid themselves of those feelings of resentment emanating from their hostility toward one another.

IV: Bearing witness. God says "and take for witness two persons from among you, endued with justice, and establish the evidence (as) before Allah." The Qur'an clearly illustrates the importance of settling marital disputes before witnesses. This process represents an obligation imposed on both parties, especially the one that has requested the divorce –the husband in this case- before a third party, deemed just, trustworthy, and competent.

The verse addresses a very crucial issue that has long been neglected by scholars, namely, divorce being granted before just witnesses. Sadly, most divorce cases in Islamic countries do not take into consideration this vital condition that culminates in the "ratification" of the decision to reconcile or divorce. In today's world, this type of testimony may be regarded as equivalent to a legal divorce; in other words, a divorce that takes place within a courtroom and before a judge. In this setting, experts in the legal field, before whom both parties are obliged to appear, are present; the judge hears out the husband and wife and gives both parties a period of time over which they can think matters over before making their final decision. Each party is presented with their obligations and responsibilities. This type of divorce has been newly prescribed under the Moroccan *Mudawana* (Family Law).

Islamic jurisprudence has always given Muslim men a right to divorce women, or rather expell them, without any justification or witnesses. The husband is, thus, the only party to decide whether to keep his wife or throw her out. This is enough to make any woman live a threatened marital life. Despite that, the verse is very expressive in placing a great deal of importance on the witnessing process in order to document the event, whether in cases of reconciliation or divorce.

Traditional interpretations and jurisprudence have not given this verse its much-deserved significance, although that would have spared Muslims countless frustrations that have stemmed from the laws being enforced. What we find in Ibn Kathir confirms the significance of the witnessing process. He cites accounts of some early Muslim scholars who assert that reconciliations or divorces taking place without witnesses are deemed null and void; this comes in accordance with the direction of the Qur'an, which highlights the importance of having fair and impartial witnesses (4:452).

According to the Qur'an, the husband is not entitled to go about divorce in a single-handed, absolute, and arbitrary manner, as appears on the surface. Unfortunately, this is contrary to common practice in most Islamic countries. According to our previous analysis, the verse addressing divorce requested by the husband illustrates, very precisely, correctly, and edifyingly, how the period of thinking (the prescribed period) is to be respected. Moreover, it protects the wife against being expelled out of her matrimonial home and emphasizes the importance of maintaining high and just morals when conciliating or divorcing. In addition, the verse imposes a legality on these acts by prescribing they be held before competent witnesses. Such are the vital elements of any divorce proceedings initiated based on the request of the husband. These elements were presented fourteen centuries ago in the Qur'an, but are not stated under the laws currently being enforced in Islamic countries.⁸

3. Divorce Based upon the Request of the Wife, or *khul'*

Khul', or divorce based on the request of the wife, is the third type of divorce we tackle here. We find this type of divorce illustrated in the Qur'an:

A divorce is only permissible twice: after that, the parties should either hold together on equitable terms, or separate with kindness. It is not lawful for you, (Men), to take back any of your gifts (from your wives), except when both parties fear that they would be unable to keep the limits ordained by Allah. If ye (judges) do indeed fear that they would be unable to keep the limits ordained by Allah, there is no blame on either of them if she give something for her freedom. These are the limits ordained by Allah, so do not transgress them if any do transgress the limits ordained by Allah, such persons wrong (Themselves as well as others). (2:229)

Exegetical works state that this verse has been revealed with the aim of putting a limit to the practices carried out by infidels who gave themselves the right to divorce or take back their wives however way they pleased without any restrictions or regulations.

Commentator Ibn Kathir states that the reason behind this verse is that husbands, prior to Islam, had the absolute right of returning to their wives, even if they had divorced them one hundred times (1:337). As such, this verse was revealed to limit the possibility of divorce to three times only and to forbid taking the wife back after the third divorce unless she married someone else in the interim period, thus putting an end to a wrongful act committed over centuries during which men considered women to be their own property, and that they had all the rights over those they considered second-class subjects born only to serve them and be at their beck and call.

The verse, toward the end, states the possibility for the wife to request the divorce against a compensation made to the husband ("if she give something for her freedom"), without specifying the reasons for divorce or the reasons for compensation. Divorce by *khul'* is one of the rights conferred upon wives. It is also a long-standing tradition in Islamic jurisprudence; yet, it is not a common practice in Islamic societies. The term "*khul'*" derived from the Arabic verb "*khala'a*" (to remove), means to make null and void. This is what is used to describe this type

of divorce, seeing that it is considered a legal procedure that allows for the wife to nullify the marriage bond.

It is worth noting that the principles on which this procedure is based under Islamic jurisprudence were not always in harmony with the morals and ethics prescribed by the Qur'an. This "right" given to the wife has long been abused as a means of pressuring her into "overbidding" her divorce. This is contradictory to the stated verse as well as to the fundamental principles of equality stipulated in the Qur'an.

As a matter of fact, going back to the interpretations of the verse, especially Ibn Kathir's, which, although short, still summarizes the most significant parts of this procedure initiated by the wife. In his interpretation, Ibn Kathir says "if marital disputes arise between the spouses, causing the wife to no longer give the husband his rights, to feel a sense of hatred towards him or to no longer tolerate his cohabitation, she may give him back what he gave her (dower) without any shame on her part for doing so or any shame on his part for accepting it" (1:337).

The term "*khul'*" itself is not mentioned in the Qur'an. The verse that touches upon the right given to women to assume such type of divorce states: "if she give something for her freedom." In other words, what she can give back from what he has given her. Once again, the Qur'an does not identify a value to such compensation, be it financial or moral, and does not specify the rules that should be observed while giving such compensation.

We also find a common Prophetic Tradition related by Al-Bukhari and other scholars confirming what has been stated in the verse, as the aim of such type of divorce. The tradition says that a woman, the wife of Thabit Ibn Qais, goes to the Prophet (PBUH) and tells him that she finds no fault in her husband in terms of morals and religion, yet she no longer wishes for their marital relationship to continue in fear that she might commit a sinful act. The Prophet (PBUH) asks her if she would accept giving him back his "garden" which she has taken from him as her dower, she accepts and is thus the first case of divorce by *khul'*.⁹

We cannot but stand astounded before the simplicity with which the Prophet (PBUH) attempted to find a solution for the problem faced by this woman who came to him--in all spontaneity--to tell him openheartedly about what was troubling her. The Prophet (PBUH), with his known flexibility and kindheartedness, tried to please both parties and allowed for the separation to take place in peace and quiet.

In light of the Qur'anic verse and the Tradition of the Prophet (PBUH) that we have referred to, we can observe that Islam gives women the right to divorce their husbands without having to give reason or justification for their action; and if the husband does not disclose his will to dissolve the marital bond at a time when the wife could no longer "tolerate" living with him, the wife must try to make up for the harms by offering compensation. This compensation aims at rectifying the psychological and financial harms incurred by the party that has not requested the divorce and which have resulted from the termination of the marriage.

It is important that we point out here that the compensation¹⁰ is given based on the will and choice of the wife and not the husband. The situation has nothing to do with the compensation being "in exchange for the freedom of the wife," as reflected in

the actual reality of present day Islamic societies that regard this form of divorce as a “price” paid for the freedom of the wife, who is often at the mercy of an unethical commercial transaction on the part of the husband!

Renowned scholar Averroes (1126–1198) states, in the chapter where he talks about *khul'*, that the majority of early scholars stress the fact that husbands are not denied the right to accept from their wives a sum of money exceeding the sum of the dowry they paid. It is up to the wife to decide the amount of the compensation according to her financial capacities. In light of the stated Prophetic Tradition, Averroes explains that any over-exaggerated compensation requested by the husband is considered a type of abuse; he calls such an act an unjust violation (2:112). Averroes also refers to the opinion of some Muslim scholars who refuse the return of the dowry, even when returned as a form of *khul'*, saying that other verses of the Qur'an forbid the redemption of the dowry, even if only in part, given by the husband in order to marry the wife. Averroes concludes: “When the right of divorce was given to the man to leave a woman, the right of *khul'* was given to the woman to leave a man” (71).

It is clear that *khul'* takes place based on the request of the wife who does not owe the husband any compensation, if she has not suffered any harms, for instance. Any compensation given must be within the limits and capacity of the wife and should be approximately equal to the sum of the dowry, as per the Prophetic Tradition, while taking into consideration the financial status of the wife.

Returning to the principles implied in the Qur'anic verse and the Tradition of the Prophet (PBUH) with respect to *khul'*, we find that women are entitled to take an initiative towards dissolving the marital bond as of the moment they can no longer tolerate that life, without the husband being at fault or having neglected her rights or his duties. Accordingly, we find that women have been given the same privilege given to men with respect to divorce.

In cases of *khul'*, or divorce based upon the request of the wife, the compensation paid by the wife is considered the same as the dowry that must be paid by the husband when he requests divorce. This “grant,” given with the intention of achieving “equality” in both cases, is subject to that same principle of the Qur'an which seeks to compensate for any harms suffered by the party not having requested the divorce or committed any fault and who, in contrast, wishes to continue sharing the marital bond.

Unfortunately, this principle reflecting equality is not found in Islamic jurisprudence, nor has it been translated into specific rulings. This is because all jurist works books relate divorce by *khul'* to the financial compensation that must be paid by the wife; whereas the compensation given to the wife, in cases where the divorce is based on the request of the husband, is left optional and not obligatory. That is to say, the understanding of the founding scholars of the conditions and procedures stipulated by the Qur'an did not help them apply such procedures in a fair way in the form of legislative rulings.

As such, we can see a great discrepancy between the divorce model presented here and that currently being adopted on the social and legal levels in most Islamic countries. Divorce by *khul'* is thus stripped of its principles, making it a nightmare dreaded by many wives. Sometimes, when the husband refuses to accept a divorce,

the wife is forced to let go of the alimony that should be paid to their children and to waive all her rights to gain her freedom. This, on the ethical level, is unacceptable when we come to read the verses of the Qur'an that detail the rights of women in the event of divorce.

In short, we can note that the Qur'an addresses both partners equally with respect to divorce, be it based on the request of the husband or on the request of the wife (*khul'*).

What Does Jurisprudence Have to Say about this Matter?¹¹

Divorce, with all its various types, certainly presents a model of the disparity found between the principles adopted by religious texts and the various laws set by scholars and included by them in jurist references.

Despite the plurality of reference texts of the Qur'an and Prophetic *sunnah* which acknowledge the equality of both partners with respect to divorce, jurist interpretations summarize all rules related to divorce under the limited concept of unilateral divorce, considered to be a privilege exclusive to men. Based on that, we find that the remaining rulings of the Qur'an, which grant notable guarantees with respect to the rights of women, have been marginalized and placed under an optional and secondary framework within traditional jurisprudence books. Or they have been considered merely habits and customs.

In the majority of jurisprudence, divorce is defined as a right given, first and foremost, to men, whereas the right of women to divorce is considered an exception. This confirmation, is based on two main reasons that seem to have put an end to all discussions and identified the final direction of the rules of divorce to be in favor of men. The first reason is reflected in the innate "vulnerability" of women. They are described as beings of weak personality and mood swings, having questionable abilities, and being easily influenced no matter how wise. As such, women are beings who lack the ability to settle marital disputes calmly and, according to this perspective, fail to possess the abilities of resilience and patience, considered defining characteristics of men. For this reason, God—according to this type of jurist discourse—does not confer this right, the right to self-determination, upon women because their vulnerability and flaws do not enable them to use this right soundly (El-Jazry 205; El-Hamedy 350).

The second reason that justifies the exclusive right of the husband to effect divorce is reflected, according to jurist interpretations, in his exclusive authority within the household. From this perspective, God has given man the capacity of being the main "sustainer" of the family and the one with the ability to maintain the house and be responsible for the wife and family as a whole. According to this reading, it is only logical that the husband alone have the power to execute "divorce," give all the responsibilities that fall on his shoulders. He is the wiser partner and more logical in his decisions. This type of justification, stating that women are incapable of controlling their emotions and taking wise decisions, constitutes a major patriarchal bias. This patriarchal culture sustains the idea that refusing to grant women the right to give a divorce is for their own good, and primarily to protect them from their own selves and from the serious consequences that they may face from using this right

irrationally. This is the reason behind keeping the right to give a divorce in the hands of men, the ones more capable of controlling their emotions and making decisions with respect to their future and the fate of their families.

It is important to note the fact that nevertheless Islamic jurisprudence on the whole could not completely deny the principles prescribed in the Qur'an and *sunnah* which have put an end to the grave discrimination suffered by women during the pre-Islamic era, and which have redefined the roles of women and men within the family and society at large. Despite the existence of interpretations characterized by discrimination, and which have nothing to do with the fundamental principles of the spiritual message of Islam, we sometimes find in that same jurisprudence some modern rulings that deviate from the strict patriarchal traditions of the pre-Islamic era. In many a case, jurisprudence has contradicted itself and not been consistent.

For instance, jurisprudence allows women, from the very beginning, to place a condition in the marriage contract giving them the right to "grant themselves a divorce"—known as ownership divorce, parallel to the privileges given to men and which women do not benefit from. We also find that women are entitled to put an end to the marital relationship provided there are reasons to justify this decision, such as the husband failing to financially maintain the family and absenteeism, or as a result of harm that has befallen them because of the husband breaching the marriage contract, chronic illness, etc.

It seems that early scholars would not have presented this kind of interpretation, considered to be liberal compared to the mentality of that time, if the Qur'an and the Prophetic tradition had not allowed for that. Jurisprudence could not totally disconnect itself from its historical context which was generally against the liberation of women, even if it was forced at times to recognize a great portion of this new perspective of equality prescribed by religious texts and reinforced by norms.

Nevertheless, it still remains a challenge to introduce these jurist rulings, "set" especially for women, into our real world. To most Muslim women, brought up in cultures built on norms and traditions, placing conditions in the marriage contract before the commencement of marital life—such as the unilateral right to divorce—is not common. Moreover, it is difficult to prove a husband's "dereliction" of his duties as husband. Many of the demands of women remain suspended without reaching a solution for years in courts in Islamic countries where women strive to have their voices heard, whereas men can very quickly and easily obtain divorce if they desire.

The absence of social balance that has resulted from the legal complexities of a jurisprudence that has shut the door before individual freedoms, especially the freedom of choice, has supported the common idea that divorce is a right exclusive to men and that women are not entitled to that right except under special circumstances and at the cost of their most basic rights.

How can we continue to accept these traditional and discriminatory interpretations that are limited to the individual right of the husband to divorce while reference sources—in other words, the Qur'an and the *sunnah*, presumably the source of these legislations—present us with legislative criteria that focus on achieving equality in divorce between men and women, seeing that it is a right for them both? Why are

we insisting on accepting these rulings that belittle women and deny them their legislative rights granted by the Qur'an and the *sunnah*?

In this respect, it is of importance that we return to the essence and principles of religious texts that allow equal rights between men and women in a marital relationship and encourage the reformation and revision of false jurist texts in order to bring them up to par with the objectives of the message of the Qur'an and the path of the *sunnah*, and hence cope with the challenges of the contemporary world.

¹ Repudiation is a form of arbitrary divorce where a marriage contract is terminated based upon the desire of one of the spouses against the will of the other. Repudiation carries a slanderous meaning: rejection, abandonment, neglect, and denial of the other: the wife.

² The new Moroccan Family Law that has been implemented as of 2004, considered to be a fruit of the reformation and renewal process of the legal provisions unanimously undertaken by all political parties, describes divorce to be "an act of dissolution of the marital bond. The act may be exercised by either spouse as per the conditions thereof and under the supervision of the judiciary." "Family Law": [HYPERLINK "http://www.justice.gov.ma/ar/droits/droits.aspx"](http://www.justice.gov.ma/ar/droits/droits.aspx) www.justice.gov.ma/ar/droits/droits.aspx?Iddt=1.

³ The entry "Family Law" defines divorce as a marital discord:

"Article 94: If both, or either, spouses request the court to settle a dispute fearing a marital discord, the court shall exert all possible effort for reconciliation.

Article 95: The two arbitrators, or two persons who can assume such role, shall investigate the causes of the dispute arising between the spouses and shall exert utmost effort to resolve the conflict. If the two arbitrators reconcile the two spouses, they shall write a report of three copies thereon. The report shall be signed by the arbitrators as well as the spouses, and shall be submitted to the court. The court shall provide a copy to each spouse and file the third. The court shall certify the process.

Article 96: If the two arbitrators fail to agree on the content of the report or on the attribution of

responsibility and/or if the arbitrators fail to submit the report within the defined period of time, the court may conduct an additional investigation by all means deemed appropriate thereto.

Article 97: In the event reconciliation is impossible and the conflict between the spouses persists, the court shall make written mention thereof in an official report of the proceedings and shall grant the divorce and order the rights of the wife and children to be paid, taking into account the responsibility of each spouse for the cause of the separation when considering the judgment to be made with respect to the responsible party in favor of the other spouse.

Marital discords shall be settled within a six-month period as of the date of filing of the petition."

⁴ All the English of Qur'anic verses are from Abdullah Yusuf Ali, *The Holy Qur'an: Text, translation and commentary* (Brentwood: Amana Corporation, 1989).

⁵ According to the French legislative authority, the law has prescribed a period of three hundred days (in order to avoid disputes over kinship), during which the divorced woman may not remarry. This period has been defined as the "waiting period." This procedure has been repealed by Law #439 of the year 2004, issued on May 26, 2004. A divorced woman can remarry as of the minute the ruling becomes final.

⁶ See "Sharing Work: Workshops in Progress," *Le Monde*, June 28, 2011 which states that in France, women carry out about 80% of household work

⁷ The one exception to this is the Scandinavian Peninsula where real social policies like offering a paid paternal leave, establishing nurseries within workplaces, and other procedures to support the concept of equal sharing of parental responsibilities have been introduced.

⁸ With the exception of the Tunisian law and the new reform laws of Morocco, which are much more progressive than their precursors, although not yet applied in reality.

⁹ Related by Al-Bukhari in the Book of Divorce, Chapter: "*khul'* and How Divorce is Given Accordingly" (# 4971). Related by Al-Nasa'i, Chapter: "What was Narrated Concerning *khul'*" (# 3463). Related by Ibn Majah, Chapter: "The Woman Giving the *khul'* Takes What is Given to Her" (# 2056).

¹⁰ The nature and value of the compensation was the subject matter of a long discussion between Islamic scholars. Under the school of Al-Malki, for instance, no value was set to be paid by the wife to the husband; however, it is desirable that it be equivalent to the amount of the dower. Meanwhile, others do not consider the compensation to be a matter of importance; moreover, divorce can happen without having to give anything in return.

¹¹ This issue is not based on a detailed, deep, and comprehensive reading of the many jurisprudential texts that merit specialized reading, rather, we seek here to illustrate how jurisprudential interpretations of Islamic texts have strayed in their entirety from the original perspective of the Qur'an.

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BIBLIOGRAPHY:

GENERAL AND FOUNDATIONAL TRENDS IN “ISLAMIC FEMINISM” IN THE ARAB WORLD

Hosn Abboud

Introduction

There are those who would see a phrase bringing together Islam and feminism as a contradiction in terms (Abboud, “Al-khitabat” 357), but today such feminism points to a research branch of women’s studies in Arab-Islamic culture. The term was first used in progressive religious literature among women’s rights activists and academics--within ideological and intellectual frameworks--in the 1990s. But there are still many modernist and Islamist academics who reject the term altogether, either because it is considered derivative, or out of a rejection of feminism in general as an imported concept, as in the case of Heba Raouf, the Egyptian academic and political researcher.

Linguistically, “niswiyya,” the Arabic word for feminism -from “niswa” (women)-refers to a gathering of women for a specific purpose. “Niswa” was used in the Qur’an to that end: “Ladies said in the City: the wife of the Aziz is seeking to seduce her slave boy” (12:30)¹. The Arabic Language Academy has approved attribution to the plural, hence the use of “niswiyya” (in reference to “niswa”) to mean feminism is valid. The term that was commonly used at the start of the twentieth century--as it appeared in the articles of pioneer Malak Hifni Nasif (the Badiya researcher)--was “nisa’iyyat”, meaning women’s issues. The “nisa’iyyat” articles addressed social issues related to veiling and unveiling, the education of girls, marriage and polygamy, the relationship between men and women, and comparisons between Egyptian and Western women. At that time, the awareness of “nisa’iyyat” blended Egyptian women’s issues with questions of religious reform, the nation’s fate and national independence.

Today’s “niswiyya” has evolved to become a tenet of ideas that promote gender equality in political and social rights, and an organized movement working towards those rights. It includes emphasis on women’s demands as the proper half of society (as opposed to being a separate class or group), and on the need for social change which has become a core problematic of the democratic changes to which the Arab peoples aspire.

Some Arab feminists today work on building a reformist, rights-based, hermeneutic discourse of religious texts under the rubric of “Islamic feminism.” This is a multi-faceted feminism, as Fahmi Jad’an writes in his study of “dissident Islamic feminism” (in his book to be mentioned below). He sees it as a continuum spanning three forms: At the right end lies what he calls “reformist feminism,” at the left what he calls “dissident feminism,” and in the middle “hermeneutical feminism.” Then there is a dependent “*Salafi*” perspective, which falls outside the forms that

are conceptually linked to feminism (35). Jad'an defines "Islamic feminism" as a methodology for re-reading Islamic history and interpreting religious texts, creating a foundation for women's rights and equality, and defining the parameters of "an emancipative feminist vision of the Qur'an without transgressing the borders of religion and faith" (42).

In the first decade of the twenty-first century, Omaima Abou-Bakr had introduced "Islamic feminist research" (or Islam in the field of women's knowledge) and brought together discourses of Muslim researchers from the Arab world and beyond ("Al-niswiyya," 62).

At the start of the second decade, Abou-Bakr returned to the theme, as can be seen in the introduction to the book she edited on the subject of women and religious studies, especially in Christianity and Islam. Abou Bakr describes the concept of "Islamic feminism" as a type of intellectual resistance (as well as activist resistance, I would add): a resistance of both Orientalist and patriarchal interpretations of Islam which reinforce each other, of the masculinist monopoly over religious knowledge, of the marginalization of Muslim women's voices and their exclusion from the rights to religious interpretation, *fatwa* (issuing legal opinions), and leadership, and of the monopoly of Western institutions over theory and research in the field of women and Islam, as well as a way to oppose secular feminist extremism which completely excludes religious reference from the search for justice and equality and to show solidarity with, and support of, other religious feminists, and finally a resistance of all forms of authoritarianism and injustice.

Arab women have indeed started to penetrate the wall of religious knowledge, proving their worth within the field of theology, distinguishing between intellectual systems and faith-based religious concepts. They have begun to demand their right to "religion" itself, not as a right bestowed by men, as 'A'isha Abdel-Rahman puts it, but as a right that lies at the heart of the Islamic understanding of women as free beings who are fully accountable for religious obligations ("The Islamic Perspective" 9). To claim one's rights in a religious context is considered an obligation and a responsibility, especially that "religion" in the Arab-Islamic societies "still represents a legitimate legal reference as well as a moral and spiritual authority" (Abu-Zayd 43).

This bibliography comprises general and foundational trends in the literature on Islam, mostly carried out by Islamist and modernist women academics who do not necessarily use the label of "Islamic feminism" nor identify with it. However, their output of objective and academic knowledge on women from an Islamic perspective does in the end contribute to a reformist feminism, more interpretative than radical, benefiting from developments in theology and the position of women in higher education. I include in this bibliography reviews of sixteen books and articles from Morocco, Tunisia, Egypt, and Lebanon; six references translated out of English by female Muslim academics in the US who have managed to cross important intellectual thresholds; and issues from five Arabic periodicals featuring the theme of women and the Qur'an or intellectual formations around masculinity and femininity.

Finally, in light of the natural and accumulative transformations of Arab revolutions, with the rise of political Islam to power in several Arab countries, it has become

an urgent matter for women—in order to preserve what we have gained over the years—to contribute to the dissemination of feminist awareness and its new academic Islamic perspective.

1. Arabic References

Benany, Farida and Zeinab Maadi. *A Selection of Holy Texts Establishing Human Rights of Women in Islam: A Preliminary Working Paper for Writing Workshops Coordinated by Fatema Al-Mernissi*. Rabat: Friedrich Ebert Foundation, 1995.

With its practical vision and positivist premise, this book emphasizes original Islamic sources from the Qur'an and authenticated *Sunna* (the Prophetic Tradition) that establish human rights for women in Islam. The selection of texts clarifies the relationship between the status of women in society: their basic rights as expressed in international human rights treaties, on the one hand, and Islamic *Shari'a* (law), on the other.

Going back to original sources that delineate the Islamic perspective of the status and rights of women in Islamic societies reveals sources that had been largely ignored or sidelined, and therein lies the importance of this selection of texts, published in Arabic and French, and highlighting known and present laws in our egalitarian (and non-egalitarian) culture, both partial and inclusive of men's and women's rights.

According to the introduction by its two editors, the book is directed at "those who engage, whether in negation or affirmation, with questions of the human rights of women." But the book is especially directed at those concerned with human rights in the context of emphasizing the inclusiveness of women and men within such rights. With its organized themes and selected texts, this book serves as a brief and practical source for researchers of Muslim women's human rights.

Ezzat, Heba Raouf. *Woman and Political Practice: An Islamic Perspective*. Virginia: International institute of Islamic Thought, 1995.

This book is based on Heba Raouf Ezzat's Master's thesis completed at Cairo University. The preface is written by Taha Gaber Al-Elwany, Head of the International Institute of Islamic thought in Virginia, USA. He describes the researcher's methodology as "based on Islamic hermeneutic readings in Islamic and Western sources alike," and having its premise in an "Islamic cultural perspective" which the "Islamization of knowledge" seeks to highlight and make available to researchers (11).

The Introduction is written by the researcher's supervisor, Tarek Al-Beshry, who sees the thesis as "a kind of subjective Islamic discourse or inner dialogue, prepared and written to be read by those who consider Islam as their intellectual home" (16). Al-Beshry engages with the thesis in the introduction and discusses the researcher's approach to the issue of "considering a woman's testimony as half of a man's" in the execution transactions and penalties. He "comments on" the meaning of hermeneutic reading and how it should be practised, whether concerning holy texts or interpretations based on them, historical or contemporary."

Raouf rejects the concept of "feminism" as a foreign commodity and an extremist

movement that differs from the preceding “women’s liberation movement.” In her opinion, feminism “considers women outside the social context, as if they were stand-alone self-centred beings, separate from—and in universal struggle with—men, thus attempting to alter human language, the path of history and human nature” (50). Raouf is, of course, addressing Western feminism (with its American extremist version) which she sees as having declared itself as a world vision. This is debatable, since there are multiple premises in Western feminism, and some of the French feminist discourses for example are largely strategic and not visionary.

Once Raouf lays out the significant intellectual dimensions of Western feminism (51-52), she highlights its contradictions on the levels of theory, discourse, and activism, especially –“based on its materialist theory”- what she perceives as a contradiction with the monotheistic pattern and people, “which dismantles the self-centrality of feminism and denies its universal nature,” but here Raouf ignores Christian and Jewish feminists who share her premise, some of whom are prominent scholars of theology (53).

More importantly, Raouf presents a political link in the chain of Islamic intellectuals to fill an arguable gap in the work of researchers who fall for perceiving the self through the other, thus making it impossible to “Arabize” movement or theory in light of Western origin of premise and concepts. Raouf sees that premise as based on conflict, relativity, and positioning, which in turn emphasize the importance of holistic notions and intellectual premise when studying women from an Islamic perspective.

Raouf addresses women’s issues in the context of “political rights” within the nation -in areas like the pledge of allegiance (*bay’a*), governance, *shura* (consultation), and *jihad* (striving)- and in the context of the family and women’s role in political upbringing. In concluding her study on women and political practice, she finds that “political practice should be considered an essential religious duty for women, as it is for men, since they share the duties of monotheist belief, worship, succession on earth and submission to rules” (247).

The book gains its confidence from its representation of a subjective Islamic discourse, which aims to revive a holistic Islamic knowledge that is based on established and unchangeable Islamic legislative origins, while avoiding a complete break with Western thought--and American thought in particular--which represents a major intellectual influence on the Islamic world. This can be seen as an example of the emergence of Islamic revival in Egypt and the Islamic world.

Naseef, Fatima Omar. *Women in Islam: A Discourse in Rights and Obligations*. Trans. Saleha Mahmood Abedin. Cairo: International Islamic Committee for Woman and Child, 1999.

Coming from the Arabian peninsula, and because of its subject matter dealing with women’s rights and obligations in Qur’an and Sunna with impressive knowledge, this book does not need to take a defensive stance regarding Islam nor allocate chapters to women in pre-Islamic Eastern civilizations or in other Abrahamic religions in order to prove the merits of Islam. All this is all irrelevant in the book’s context.

The importance of this book lies in the author's good knowledge of Qur'anic discourses. She discusses, like other scholars in the East or the West, those verses that could have multiple readings. For example, in her reading of the verse "He created you of a single soul, and from it created its mate," she does not adopt the biblical narrative; rather she opts for a narrative that fits other Qur'anic verses that emphasize the equality of men and women in terms of humanity, dignity, and accountability. Yet, on the other hand, Naseef believes that the roles of men and women are defined by biological differences, as opposed to cultural or social differences, or what we call the gender approach to difference between the sexes. She states that "the wisdom behind the significant difference in the anatomical and physiological formation of men and women is that a man's body was made to go out to work and strive, while a woman stays home to perform the greatest duties assigned to her by God, which is pregnancy, childbirth, raising children, and maintaining the home" (73).

Regarding the right of women to education, Naseef emphasizes education as a duty for every Muslim man and woman, then adds that "since women make up half of society, they carry one half of the responsibility for progress, and there's no doubt that personal and social duty require knowledge. Indeed, the Kingdom of Saudi Arabia is full of women who work as medical doctors, bank directors (for a women's branch), university professors (in girls colleges), businesswomen, etc. But then the author adopts an interesting position against the teaching of the arts to Muslim women, such as dancing, music, sculpture or acting.

Further, in the chapter about *hijab* (veiling; gender segregation), she takes a stance that contradicts her position on education as also part of the Islamic call, as she rejects unveiling and the mixing between sexes, which are often required by education and work in the modern world. This issue was raised in Egypt over a hundred year ago, and has since been settled in most Arab and Islamic countries, as it was linked to the deterioration of women's status, the regression of Islam, and foreign colonization. However, the author sees *hijab* as imposed by God to preserve and protect Muslim women, and argues that "the disadvantages of unveiling and the mixing between sexes, the damage that ensues from that, and the consequences for women of ignoring this divine order, have been irrevocably proven" (126).

Naseef's book is important for three reasons. Firstly, the author proposes a scientific and open-minded reading of verses that are of scholarly concern to Muslim women, affirming the religious, political, and financial rights of women. Secondly, the author herself is an example of a Muslim woman consciously aware of her rights and duties, while at the same time fearing modernity and taking a defensive stance regarding the woman's question. Lastly, the book comes from Saudi Arabia where women still need clarity of vision and determination.

Abu-Zayd, Nasr Hamid. *Circles of Fear: A Reading of the Women Discourse*. Beirut: the Arab Cultural Center, 1999.

This is considered one of the most prominent books by an Arab intellectual written during the second half of the twentieth century which critique patriarchal religious discourse concerning women in the Arab world. While the different chapters do not

follow the same methodological approach, the ideas here are sharp, enlightened, and uncompromising. Abu-Zayd sees religious discourse, in addition to the dominant Arab public and media discourses, as a source of sectarian and sexist discourse that marginalizes the agency of women and makes it dependent on that of men.

In a chapter entitled “The Lost Dimension in Egyptian Religious Discourse,” the author presents a reading of the religious discourse about women, and concludes with the following points:

Firstly, that the religious discourse falsifies the question of women’s rights by insisting on discussing it through reference to scriptures and ignoring that it is primarily a social issue. Further, because it is a discourse in crisis, it contributes to complicating the problematic while claiming to be solving it--the problematic here being the crisis of contemporary Arab and Islamic realities.

Secondly, being the discourse in crisis that it is makes it dependent on anomalous and exceptional texts, reaching for the weakest elements in society with the aim of negating the human. From that perspective, such a discourse treats women as it treats other religious minorities, especially Christians. For as it restricts women behind the walls of the home and within the costume of the veil, it seeks to cover and conceal them, to the same extent that it seeks to deny the existence of Christian minorities by limiting them within the concept of *ahl al-dhimmah* (non-Muslims under a covenant of protection).

Thirdly, such a discourse is, despite its fundamentalism, based on another reference besides religious scriptures, namely, a dual European reference: On the one hand, there is the Europe of science, progress, and achievement; and on the other, we encounter the Europe of nudity, homosexuality, and fragmentation. Because it cannot attack the first aspects, it resorts to projecting the second on the Arab *nahda* (renaissance) discourse to indirectly condemn and defame it. It is a form of subconscious revenge against a movement that exposes the flaws and weak logic of this Islamist discourse.

Belhaj Saleh Al-Ayeb, Salwa. *Cover Me, Khadija: An Analytical Study of the Character of Khadija Bint Khuwaylid*. Beirut: Dar al-Tali’a, 1999.

The importance of this small book does not lie only in the questions it raises, according to its introduction by Hisham Ga’it, around “pre-Islamic Mecca before Islam, trade, the status of the noble woman, and the religious situation,” but also because (in the opinion of the present writer) it evokes Khadija--wife of Prophet Muhammad (PBUH)-- as an example of a woman with financial, social and spiritual power.

Khadija’s role has been noticeably overlooked in Islamic heritage, but the symbolic significance of the woman with financial power has not disappeared, especially in a place like Saudi Arabia, where women enjoy financial independence, within the context of a sharp division between the private and public and between the worlds

of men and women. It does not come as surprise then to find Saudi businesswomen adopting Khadija's name for the *Khadija Bint Khuwailid Center for Businesswomen* of Jeddah Chamber of Commerce and Industry. This means that Khadija has come to symbolize women's role in the field of finance before any other field.

It is easy to explore the moral and financial support that Khadija provided for her husband Muhammad in the early years of Islam as evident in the Meccan *surahs* (chapters) of the Qur'an. But it is quite difficult to draw the traits of her personality from later Islamic references. The author has made a significant effort on that front. The complicity against female personalities in the close circles of the Prophet, figures who have contributed to supporting Islam in its early Meccan phase, is an offence against us all as change-supporting Muslim women, which is known but not acknowledged. Thus, the presence of Khadija Bint Khuwailid is missed in all senses of the word. Such gaps are not limited to Islamic history, for the effective roles of women in the beginning of major revolutionary transformations (like Christianity and Islam) are often overlooked.

This book consists of three chapters: the first, "Who is Khadija?," introduces Khadija Bint Khuwailid; the second covers the relationship between "Khadija and Muhammad"; and the final is entitled "Traces of Khadija in Muhammad's Life After Her Death."

Abou-Bakr, Omaima and Hoda Al-Saadi *Women and the Medical Profession in Islamic Societies*. Cairo: The Women and Memory Forum, 1999.

---. *Women and Religious Life in the Medieval Era: Between Islam and the West*. Cairo: The Women and Memory Forum, 2001.

---. *The Urban Economic Activities of Women in Islamic Egypt*. Cairo: The Women and Memory Forum, 2007.

These three occasional papers by Omaima Abou-Bakr and Hoda Al-Saadi delineate Muslim women's effective participation in the context of economic activities, religious life, and the medical profession in pre-modern Arab-Islamic cities. The works present an attempt to clarify the complexity of the overall image of women in early Islamic societies, showing that Islam's moral and traditional system did not prevent women from working in teaching as lecturers; in theology as scholars, preachers, or Sufis; in administration and social work (as heads of guilds); in healing as physicians; or by active participation in the market as traders or investors.

In addition, the documentation of the cultural and social history of women would strengthen their motivation to engage in the professional life of Muslim societies today.

These studies cover a wide geographical scope of multiple societies with different cultures from around the Muslim world. The authors ignore certain historical eras, which simplifies the hypothesis, yet the studies remain rich with scholarly and historical references within a contemporary composition blended with classical literature.

Al-Milad, Zaki. *Renewing Religious Reflection on the Woman's Question*. Beirut: The Arab Culture Center, 2001.

The importance of this work emanates from its origin in Saudi Arabia where men and women still suffer from limitations imposed on the mixing between sexes in the public sphere, while those limitations have been removed in the virtual sphere due to revolutionizing electronic communication among people and societies.

This book is a good example of Islamic literature about women, written by innovative religious scholars such as Sheikh Mahdy Shamseddin, Sheikh Hussein Fadlallah and Sheikh Youssef Al-Qaradawy. The author does well to cite regional and global conferences and activities held on the subject of women in various fields and different Arab capitals. However, in his coverage of the conference "One Hundred Years of Women's Liberation," organized by the Supreme Council of Culture in Egypt in 1999, his presentation of the negative conclusions, according to his own understanding, reached by the participants came as a surprise. Al-Milad ignores the fact that simply holding a conference of this kind has high symbolic value, and that it lent a strong momentum to ongoing debates and created a strong network of women activists that has remained active to this day.

A discussion with Zaki Al-Milad would be very important, especially considering his neglect of active scholarly participation by women, which he does not do out of bad intentions, one presumes, but out of ignorance of writings by Arab women academics and researchers and of debates on the subject of "renewing religious reflection on the woman's question" that have been going on in universities for two decades (157-158).

Abou-Bakr, Omaima and Sherine Shokry. *Women and Gender: Ending Social and Cultural Discrimination Between the Sexes*. Beirut: Dar al-Fikr al-Mu'asir, 2000.

This book exemplifies the civilized dialogue taking place amongst Arab women about new developments, notions, and theories in Women and Gender Studies. It is one of a series of dialogue publications for a new century that highlights dialogue between women specialists. The first section of the book includes an article by Omaima Abou-Bakr on "Feminism, Gender Issues, and the Islamic Perspective" as well as an article by Sherine Shokry on "Women and Gender in the Arab world."

The second section consists of commentaries on the two articles; each researcher provides commentary on the other's article, creating an opportunity for participation in the current academic dialogue about "gender" as a criterion of analysis. Gender is misunderstood not just among laypeople but also among specialists. That is why the definition of gender provided by Abou-Bakr focuses on the Islamic discourses (meaning using Islamic sources), while Shokry's definition comes from within a developmental framework, as used in a United Nations context.

Abou-Bakr's definition of gender in Islam, for instance, shows that the gender perspective—with its emphasis on the awareness of a female identity, rights, and gender roles as well as of false stereotyping of women and men—is not a totally unfamiliar notion or one in contradiction with the Islamic paradigm. There is nothing here that breaches Islamic principles. Hence, it is possible to study social and cultural settings of bigotry against women in the past and in the present from the perspective of a Muslim woman who is knowledgeable about the history of her religion and her progressive culture (24).

Saleh, Amany, Zeinab Abul-Magd, and Hend Moustafa. Arab Women and Society Across a Century: Analysis and Bibliography of the Arab Discourse on Women in the Twentieth Century. Supervized and with an Introduction by Mona Abul-Fadl. Damascus: Dar El-Fikr, 2002.

This bibliography is part of a bigger project initiated in 1998 by the Association for Studying Women in civilization, which is part of the Zohaira Abdeen Chair group for feminist studies at the University of Islamic and Social Sciences in the United States. The Chair Professor and Head of the Association for Studying Women in civilization in Cairo at the time was late Professor Mona Abul-Fadl who supervised the book.

The importance of this bibliography lies in its research strategy, undertaken both socio-geographically (Egypt) and historically (across the twentieth century), and which builds on procedural clarifications of the notions, paradigms, and sources adopted. What concerns us in the book are the sixth and seventh sections of the contemporary era (1975-2000), where the bibliography provides 389 references on "Islam and Women's Issues: Writings from Within and Without the Islamic Stream," as well as a list of 224 references on the legislative dimension of women's issues (personal status code, for instance). A researcher would be surprised by the diversity of discourses and conclusions that the bibliography brings to light. Additionally, the book is furnished with introductory analysis and an appendix with diagrams contributed by Amany Saleh.

This bibliography presents a holistic vision of the situation of the woman question in society through related discourse. The larger project of the Association for Studying Women in Civilization is to rediscover and re-read the present reality and history of Muslim women with the aim of raising awareness and reforming the field.

Al-Hakim, Su'ad. "Women through an Enlightened Islamic Perspective from the Seventh Hijri Century: Muhyiddin Ibn 'Arabi." Unpublished lecture. Shaikh Ibrahim Ibn Mohammed Al Khalifa Center, Bahrain. November 27, 2006.

The importance of this unpublished lecture stems from the context of feminism and Islamic Sufism, a topic that has gained attention recently in several fields due to its spiritual and humanist dimensions. The lecturer, a scholar of Sufism, has done substantial research on the works of Muhyiddin Ibn 'Arabi (d. 638 AH). Al-Hakim presents Ibn 'Arabi's vision of women in existence and history through eight principles: "woman as a cosmic principle," "the complete woman," "woman as a

spiritual Pole” (i. e., her position in spiritual polity), “woman's scholarly leadership,” “woman... the Other,” “women's witnessing,” “women's *imama* (leadership in prayer),” and the Prophetic *hadith* “Women lack in wisdom and religion.”

Al-Hakim locates the roots of Ibn ‘Arabi's view of women in his reading of the Qur’anic version of the story of creation, as he links the inferiority of women in relation to men—using the verse “And men are a degree above them”—with the story of Eve’s creation out of one of Adam's ribs. What is interesting here, in the opinion of the present writer, is that the story of creation is of Biblical origin, while the “degree” verse is a Qur’anic legislative source. Yet, although Ibn ‘Arabi relies on this interpretation of this verse, he insists on maintaining the balance between the two principles of creation: man and woman, by giving woman a nominal higher degree (the word for “one” referring to a man is “mar’,” while a woman is “mar’ah,” the extra syllable being a source of elevation), to compensate for the cognitive existential elevation of men. Ibn ‘Arabi states: “The antecedence of man over woman is cognitive, and cannot be erased as it is existential.”

When it comes to woman's polarity, or her position in spiritual polity, “men and women can share the right to hold all titles of guardianship.” Concerning women's scholarly leadership, Ibn ‘Arabi acknowledged that role for a woman, including spiritual guidance, and believes that it is allowed for men to be among her followers. This is a significant openness towards the ability of women scholars, stemming out of Ibn ‘Arabi's own experience, once a follower of a woman scholar in Seville by the name of Fatima Bint Ibn Al-Muthanna Al-Qutby.

Professor Al-Hakim concludes her lecture with the following statement:

Ibn ‘Arabi sees women as equal to men on a humanistic level, and inferior to him on a societal status level. What is more important is that he establishes an approach that combines heart and mind in deducing laws and perspectives. If the mind tends towards abstraction and turning facts into a system of ideas, the heart is always open to being and to understanding existence and woman's nature, transcending boundaries and restrictions. The heart is eternity and love.”

Abboud, Hosn. "Prison is for Women Too: Zeinab Al-Ghazaly and *Days From My Life*." *Bahithat* 11 (2005-2006): 268-89.

This is a critical study of the testimony written by Zeinab Al-Ghazaly (1917-2005) about her imprisonment: *Days From My Life* (1972). This literary testimony by Al-Ghazaly was written after her release from prison (1965-1971). The study reveals several issues related to Al-Ghazaly's ideology: her relationship with the Muslim Brotherhood leadership at its highest level, her feminist stance (and double standards regarding women's political activism), and her relationship with “the other,” i.e., her husband and her cell-mate.

What makes Al-Ghazaly's experience in prison stand out among the experiences of other Egyptian female political prisoners are the facts that she served time in a men's prison (the military prison) before she was moved to a women's prison (Al

Qanatir) and that she received the same torture as men inside the military prison, despite international laws that criminalize torture and forbid the incarceration of women in men's prisons.

Secondly, Al-Ghazaly employs her testimony to record the trajectory of Islamic da'wa (call for faith). In other words, her decision to write a testimony about her experience in prison does not emanate from an experience of self-confrontation or a re-consideration of her political activism.

Thirdly, Al-Ghazaly's case is primarily a political Islamic case. She openly called for "the establishment of the Islamic State [as] a duty upon all Muslims, and their method to achieve that should be through da'wa to God as the Prophet (PBUH) and his companions had done. And this is a message to every Muslim whether of the Muslim Brotherhood or not."

Fourth, Al-Ghazaly did not admit that her political independence and her missionary activities on the level of the Muslim Brotherhood leadership was gained through the Egyptian women's movement, which combined demands for women's liberation with demands for liberating Egypt through Islamic reformation. Such omission makes Al-Ghazaly's observations on questions of women and the nation prone to fragmentation. Finally, Al-Ghazaly also limits her relationship with "the other," to two people only: her husband who paid a high price for her political activism and the prisoner with whom she shared the wilderness of the prison cell.

Gohary, Aida. *The Symbolism of the Veil: Concepts and Semantics*. Beirut: Center for Arab Unity Studies, 2007.

This book offers a serious and critical reading of Nazira Zaineddine's *Unveiling and Veiling* (1928). Nazira Zaineddine has been overlooked by researchers interested in questions of veiling and unveiling raised in Syria and Lebanon in the 1920s by proponents of both sides. The reason behind that disappearance, in the opinion of the present writer, is Zaineddine's book itself, which caused an intense controversy at the time of its publication, receiving both positive and negative reactions. The reason for the controversy was the difficulty of the proposed statements, the highly sophisticated jurisprudential language, and the logical arguments which were incomprehensible for non-specialized male readers, let alone a "young woman" of Zaineddine's age, who had only completed her secondary education at Nazareth Nunnery in 1926--two years before the book's publication--and had not conducted any academic studies in Islamic theology.

Furthermore, Zaineddine made a serious intellectual mistake when she called on the French mandatory authorities to offer a solution for the liberation of Muslim women. At a time when both men and women were participating in general strikes against the practices of the French occupation in Damascus and Beirut, she naively demanded justice from the occupier against the *niqab* (women's seclusion and face cover).

Nevertheless, Al-Gohary sees Zaineddine as a pioneer in the field of women's rights in Islam. Al-Gohary re-reads *Unveiling and Veiling* from the perspective of women's role in history and their positive involvement in social and cultural everyday reality,

and their struggle for change toward a more just life.

Al-Gohary does not stop at the question of the credibility of Zaineddine's writing. She focuses instead on studying the symbolism of the veil through several aspects: "the veiling of knowledge and mobility," "woman as an erotic being," "political and religious oppression," and "the echoes," that is, echoes the book gave rise to, whether positive or negative reactions.

Al-Gohary presents a generous historical overview of the position of Lebanese women from the Turkish era to the first decade of the French Mandate, a survey that reflects the political, cultural and enlightenment climates at the time of the book's appearance. She also presents a biography of Zaineddine as well as a review of her two books *Unveiling and Veiling* (1928) and *The Girl and The Sheikhs* (1929). In addition, she offers a critical analysis of Zaineddine's syncretist methodology which trapped her in contradiction: "Although she accepted the necessity of separating the two realms of spirituality and science--the latter being based on logic, causality, experimentation, constant reconsideration, transformation, and relativity--she herself employs a fusion of the two, as if she denies the mind, which was praised by religion, its ultimate and principal role, which precedes the text" (258).

Qorami, Amal. *Difference in Arab Islamic Culture: A Gender Study*. Beirut: Dar al-Madar al-Islami, 2007.

This sizeable work is the second thesis for which Professor Amal Qorami was awarded her PhD under the supervision of Dr. Abdel-Maguid Al-Sharfi, Manouba University.

The author tackles the phenomenon of difference in Arab-Islamic culture from the angle of difference between the sexes, in an attempt to deconstruct it and disentangle the logic behind one of the clearest manifestations of the phenomenon of difference. This gender-based approach to difference draws strong links with class, race, color, religion, and sexual difference.

The author focuses particularly on investigations in her attempt to explore difference in the various life stages of an individual, starting with childhood, all the way to old age, while preserving traditional classifications of life cycles. Her justification is that a person's cultural make-up starts with the moment of birth and continues into old age. Qorami also observes how society sees age and gender as principles organizing social life, as tools for power distribution that determine status, roles, and functions, and as means to govern relationships between different social sectors and strata (22).

For the author, the study of gender lies in looking at the realities of both men and women and analyzing the patterns of relationship between them. She shows how the "Gender Studies" perspective has been employed in different disciplines, like sociology, analytical psychology, anthropology, history, language, literature, religion, and other fields of knowledge. She highlights the role of Arab women researchers in the United States, Britain, and other Western countries in bringing attention to Arab Islamic culture from a gender perspective. She also showcases the Egyptian feminist research group Women and Memory, a group of academics interested in

analyzing Arab cultural history who contribute to an alternative cultural discourse as well as the Lebanese Association for Women Researchers (*Bahithat*), a group of researchers also interested in gender studies.

Qorami is not inclined, as she puts it, to establish a theory about the position of Arab-Islamic culture on gender difference; rather, she analyses difference from a specific perspective to bring attention to the need for a deconstructive reading of heritage books as sources that, on the one hand, reflect the ethical, social, and religious systems of old societies and, on the other, still act as references for today's conservative thinkers in their defence of a patriarchal Islamic social system (22).

Al-Banna, Gamal. *Women's Imamate*. Damascus: Petra P, 2008.

This book documents Muslim responses to an incident that caused controversy among religious scholars, theologians, and sheikhs in Egypt and the United States, when a woman called Amina Wadud led a group of men and women during the Friday prayers in an Anglican Church in New York (March 18, 2005) after three mosques in New York refused to let her lead the prayers. Al-Banna discusses the responses of the Egyptian Mufti (Ali Gom'a at the time) and the General Mufti of Saudi Arabia (Sheikh Abdel-Aziz Ibn Abdullah Al-Sheikh), the statement of the Assembly of Muslim Jurists of America, and the fatwas (the legal opinion) from Sheikh Youssef Al-Qaradawi (Islam Online website), from the General Presidency of Scholarly Research and *Ifta'* (legal views), Sheikh Khalid Ibn Muhammad Al-Majid's view (Al-Muslim website), and Sheikh Sami Ibn Abdel-Aziz Al-Majid (Islam Today website). Al-Banna also refers to an interview with Sheikh Mohamed Sayyed Tantawy (Nahdat Misr newspaper, March 24, 2005) and considers it more significant than the fatwas, as it clearly exposes the cultural norms behind the rejection of women's Imamate: the inherent idea of women's inferiority. Al-Banna explains:

The idea is just as old and established in the minds of jurists that things must remain as they were since the appearance of Islam. This led the Sheikh to insist in a manner that leaves no room for debate that her prayer is invalid... invalid... invalid, and also the prayers of everyone who prayed behind her, that those who refused her in their mosques were brave, and that there was no Egyptian Islam and American Islam—there is only one Islam. (75)

Al-Banna here argues against Sheikh Tantawi, presenting the readers with a valid argument, that the honorable Sheikh must know that this is an issue of jurisprudence, not of Islam. The book presents Al-Banna's refutation of the arguments and fatwas of contemporary scholars around the issue of women's Imamate and his critique of regressive Islamic thought, trapped in the vicious circles of the past and limited by a masculinity complex that dominates the minds of men.

Jad'an, Fahmi. *Outside the Herd: Research in Dissident Islamic Feminism and the Temptations of Freedom*. Beirut: Arab Network for Research and Publishing, 2010.

In his book, Fahmi Jedaan focuses on the writings and activism of a “band” of Muslim women exiled from African and Asian countries to Europe and Canada. This “band,” as Jedaan dubs it, adopts a prominent modern approach to understanding Islam which represents a reaction and antithesis to the more common and established contemporary approach. This globalized feminist approach—with its dissidence from Islamic tradition—blames Islam for all the disasters of their home nations, whether in terms of “masculinist” oppression or the “women-related sum of doctrines” which “goes against freedom and logic.”

This is a rather valuable book. Its intelligent blend of studying the thought, writing, and activism of radical dissident Muslim feminists as an way into discussing a globalized and frightening Islam--especially in the aftermath of September 11--and philosophical reflections on the urgent issues pertaining to “reforming Islam” and “liberating Muslim women” makes this a valid reference work on “dissident Islamic feminism” in the Arab and Islamic world.

Al-Saadi, Hoda. “Islamic Feminism in Egypt between Acceptance and Refusal.” *Arab Feminism: A Critical Perspective*. Eds. Jean Said Makdisi, Rafif Reda Saydawy, and Noha Bayoumy. Beirut: Center for Arab Unity Studies and the Lebanese Association of Women Researchers (*Bahithat*), 2012. 417-28.

This study offers a survey of the features and characteristics of Islamic feminism in Egypt, as well as an exposition of the problematics facing researchers in this field--for instance, the complete rejection of Islamic feminism by some Muslim women researchers, considering it to be in contradiction with religion (e.g., Heba Raouf Ezzat), as well as its rejection by some secular women researchers who consider Abrahamic religions inherently patriarchal and incompatible with feminist ideas (e.g., Nawal Al-Saadawy).

Al-Saadi focuses in her article on the research of Omayma Abou-Bakr of the Women and Memory Forum and the work of Amany Saleh from the Association for Studying Women in Civilization. However, given the broadness of the field in Egypt at the moment, there are other valuable studies and efforts by young Egyptian women scholars that the article could have equally referred to.

Abboud, Hosn. “Aspects of Modernist Feminist Methodology in Qur'anic Interpretation: ‘Aisha Abdel-Rahman and Amina Wadud Mohsen.” *Arab Feminism: A Critical Perspective*. Eds. Jean Said Makdisi, Rafif Reda Saydawy, and Noha Bayoumy. Beirut: Center for Arab Unity Studies and the Lebanese Association of Women Researchers (*Bahithat*), 2012. 387-400.

This study presents Dr. ‘Aisha Abdel-Rahman’s methodology of objective philological exegesis, employed in her leading work *Demonstrative Exegesis of The Holy Qur’an* (1967), and Dr. Amina Wadud’s methodology of objective interpretative exegesis, employed in her leading work *Qur’an and Women* (1992; Arabic translation 2006), as two modernist methodologies in the field of Qur’anic interpretation. “The methodology of objective exegesis relies in its understanding of the Qur’anic text on the unity of subject. This is the cornerstone on which all other aspects of the methodology are built. It involves gathering all verses relating to a certain subject

in answer to a specific query or a social, ethical or universal necessity, then offers a clear and accurate viewpoint of the issue through the text“ (Rahmani 14).

The achievement of Abdel-Rahman and Wadud is that they position women's contribution within the field of Qur'anic exegesis, a scholarly field with recognizable intellectual authority. Interestingly, Abboud places Amina Wadud alongside her predecessor, 'Aisha Abdel-Rahman, to emphasise the latter's pioneer status in the field, as Professor of Qur'anic Studies and Arabic Literature, even though Abboud does not uphold the division between the alleged authority of "Arab culture" and the realms of "globalized Islam" that Amina Wadud inhabits.

Wadud has made her contribution to studying the views of women in the Qur'an from the premise of objective interpretative exegesis, which she gives precedence as a source of Islamic scholarship. In her opinion, the Qur'an does not establish any ontological discrimination or difference between men and women. Wadud's analysis covers most issues and subjects related to women and their relationship to men; that is to say, it covers the question of ontological equality between the sexes comprehensively, and always through the measures of justice and a holistic Qur'anic vision of the world. Her work is considered a pioneering step in the hermeneutic interpretation of the understanding of women in the Qur'an.

2. Periodicals

“Gender and Knowledge: Contribution of Gender Perspectives to Intellectual Formations” [special issue]. *Alif: Journal of Comparative Poetics* no. 19. Cairo: the American University in Cairo P, 1999.

The importance of this issue of *Alif: Journal of Comparative Poetics* lies in its focus on the concept of gender—which is translated as “junusa”—as a way to forge knowledge between femininity and masculinity in feminist literary studies. In relation to the subject of Islamic feminism, two papers in the Arabic section of the journal are of particular interest: 1. Mohamed Mahmoud's “The Story of Creation and Disobedience in the Qur'an: the Absence of Eve and the Centrality of Satan” and 2. Heba Raouf Ezzat's “Women and *Ijtihad*: Towards a New Islamic Discourse,” where she deals with the characteristics of Islamic discourse on women in comparison with secular discourses. In addition, there is an interview with Professor Hoda Elsadda on “Women and Memory,” which includes a significant presentation of the emergence of the term “gender,” its use in Women Studies, and its deployment as a concept in the writings of Arab women in nineteenth-century Egypt. Finally, there is a translation of an article by Dr. 'Aisha Abdel Rahman, “Islam and the New Woman,” and two papers by the advocate of hermeneutics in the study of the Qur'an, the late Nasr Hamid Abu-Zayd, in the Arabic and English sections of the issue.

“Women in the Qur'an” [special issue]. *The Journal of Women and Civilization* no. 3. Ed. Mona Abul-Fadl. Cairo: Association for Studying Women in Civilization, 2002.

This is the third issue (2002) of a journal once published by the Association for Studying Women in Civilization, specializing in Muslim Women's Studies, which has since unfortunately ceased to appear. This issue is devoted to the theme of "Women in the Qur'an." The papers offered here focus on presenting a "holistic, inductive, interactive reading of the Qur'anic discourse, in parallel with the ongoing critique of discourses that fall outside the holy book," the project being "a reformist approach to women's rights from an Islamic perspective" and a contribution to re-reading the field of women's studies as well as the revision of Islamic heritage against other traditions.

According to the editor of this issue, Tayyeba Sharif, women researchers start out from two assumptions: first, that divine revelation is a source of knowledge, as opposed to just a source of moral guidance, and that in the field of scholarly genealogy, one can differentiate between original and derivative sources in Islamic theory (the original being the Qur'an and the *Sunna* which explicates it, and the derivatives being other branches of religious and theological studies); second, that there is a fundamental difference between the text and its interpretation.

The journal issue is divided along three axes: questions of definition are a pivotal axis in all the themes presented, and are the focus of the articles in the first section. Amany Saleh, for instance, discusses "The Question of Gender in the Qur'an" from the angle of "marriage between the two poles of gender and *qiwamah* (male authority)". Amina Mahmoud critiques three notions--machination (*kayd*), hypocrisy (*riya'*), and seduction (*ghiwaya*)--which are culturally associated with women, resorting to the Qur'an in an attempt to compare the common cultural perception of women's morality as exemplified in the views of a thinker like Al-'Aqqad in his book *Women in the Qur'an*, on one side, and the Qur'anic theory of morality, on the other.

The second axis is the stories of the prophets, reading and interpretation of which have brought the researchers to conclusions that revolve around "characteristics of Islamic scholarship, definitions of certain concepts, and the role of Islam in society." Contributors to this section include Asmaa Abdel-Razek, Manal Yahya, Azza Galal (all from the Association for Studying Women in Civilization in Cairo), and Tayyeba Sharif (Department of Oral History, University of Amsterdam). Abdel-Razek deals with the story of creation, offering a comparison between the Qur'anic and biblical narratives. She shows how the Qur'anic story was liberated of the prevailing notions about "sin," "seduction," and "revenge" that characterize the Biblical narrative. Two papers in this section focus on the controversial issue of women and prophethood. Tayyeba Sharif, for example, offers an analysis of "The Lady of Sanctuary: Maryam Bint 'Imran," while Azza Galal writes about "Women and Prophethood in the Qur'an--women in the story of Moses: the motherhood of da'wa."

The final axis addresses the issue of "women as religious scholars," with a paper by Zainab Al-Alwani on the "Methodological Connotations of 'Aisha's Qur'anic readings: The Recantations as Model." In addition, Zainab Abul-Magd contributes a paper on "The Occasions of Revelation and Rulings for Women in Shafi'i Jurisprudence."

Also included in this issue is an interview with Professor Taha Jabir Al-Alwani, prominent jurist and co-founder of the High Institute of Islamic Thought in the United States, on the subject of "The Qur'an and Women." Zainab Abul-Magd also reviews

the role of “the mothers of believers” (the wives of the Prophet [PBUH]) in collating the Qur’an, as presented in the renowned book *Al-masahif* (The Qur’ans) by Al-Sajistany. Then there are book reviews on the subject of the Qur’an and Women as evidenced in two seminal works: *Unveiling and Veiling* by Nazira Zaineddine (1928) and *Women in the Qur’an and Sunnah* by Muhammad Darwaza (1967).

What is unique about these studies is the sober scholarly approach that the researchers apply to several topics that should have long been brought out into the open by Muslim women scholars. They have opened those issues for debate while avoiding bias to their own beliefs, grounding their approach in the premise of “a coherent Islamic cultural system of human rights and the ensuing rights of women, children, and minorities, as well as social and political freedoms that are essential for the individual and the community.”

“The Problem of Women: A Crisis of Thought or Thinkers? Approaches to the Improvement of the Status of Muslim Women” [special issue]. *al-Hayah al-Tayiba* no. 18. Beirut: The International Organization of High Islamic Institutes, 2005.

The majority of papers in this journal, published in Beirut, are by scholars and sheikhs from Iran, translated from Persian into Arabic, unfortunately without mention of the translator’s names. These include important studies like “The Realities and Challenges of Islamic Feminism” by Reda Mostamsik and “Islam Versus Feminism: Corresponding Visions and Goals” by Muhammad Genhausen. The issue also includes four studies related to women’s jurisprudence: “Women’s Jurisprudence and Its Problematics” by Muhammad Mahrizi, “The Role of Justice in the Course of Women’s Jurisprudence” by Hamad Soroush, “Women’s Guardianship in the Public and Judiciary Realms” by Ayatullah Muhammad Mahdi Asefi, and “Women and *Ifta’* References: A Deductive Jurisprudent Study on the Legitimacy of Women Guardianship” by Haydar Hubbullah. Three more studies are devoted to the subject of women in the constitution of the Republic of Iran. I would like to highlight, from among the good studies conducted in Arabic by researchers from Lebanon, Syria, and Algeria, one particularly important paper with a striking title: “The Social Context of Islamic Renewal on Women’s Issues: Sheikh Mahdi Shams Al-Din as an Example” by Hussein Rahhal. Rahhal presents an evolution of the views of the late jurist Sheikh Mahdi Shams Al-Din from the 1970s to the 1980s and 1990s. He points out that “the socially involved jurist had in the context of his diverse society to revive some juristic views that helped him adapt intellectually and politically to the socio-cultural mainstream, and that led him to promote methodologically revolutionary approaches to *ijtihad* (independent reasoning)” (429). The researcher stresses that the Lebanese experience helped the Arab Shi’ite jurist to give women’s issues a new treatment and a way out of traditional patriarchal understandings and interpretations of Islamic teachings.

While all contributors to this issue are male, and despite the lapses in the translated articles, it still demonstrates a visible openness on the part of Iranian scholars and some Lebanese Shiite writers towards issues of interest to women and feminism. The question remains, however: Why was this issue published in Lebanon and in

Arabic, when the discourse is primarily Iranian? And does an equivalent publication exist where Arab Sunni scholars explore a difficult intellectual issues with the aim of rising to the challenges of contemporary social developments and renewing the institution of Islamic jurisprudence?

“Islamic Feminism: *Jihad for Justice*” [special issue]. *Kitab al-misbar* no. 47. Eds. Ahmed Zo’bi and Hosn Abboud. Dubai: al-Misbar Studies and Research Center, 2010.

The importance of this issue of *al-Misbar* stem from two reasons: the participation of expert women researchers from different Arab countries specializing in various disciplines and the inclusion of a number of names that have become prominent and familiar in the field of Islamic Studies from a feminist perspective, e.g., Amal Qorami (Tunisia), Omaima Abou-Bakr (Egypt), and Hosn Abboud (Lebanon). In addition, the novelty of this issue lies in its focus on the study of women within Islamic political movements, such as the Muslim Brotherhood in Egypt, the Islamic Labor Front in Jordan, and Hezbollah in Lebanon.

In a paper titled “The Sisters: The Experience of Islamist Movements in Egypt, Jordan, and Lebanon,” Omaima Abdul-Latif surveys the presence of women activists within the movements of political Islam as a new model for the political agency of women in an Islamic framework. Firstly, she notes that the women interviewed, when calling for the expansion of the role of women in political participation, do not appeal to what can be considered a feminist agenda according to the Western model. Furthermore, they do not seek equality; rather, they seek justice. Secondly, women activists in Islamic movements in Egypt have proven their ability to mobilize supporters from all social classes, an indication of their inclusive non-elitist tendencies. Thirdly, the author shows how the roles of women political activists during the past two decades included mobilizing supporters, organizing public campaigns, and recruiting and politically educating new members, especially highlighting the roles such activists play at the critical times of political elections.

Abdul-Latif identifies three key points as pillars of the Islamic women's movement. First, there is what seems to be an unequivocal belief that Islam has granted women their full rights, thus rendering the struggle for these rights simply “a struggle to restore Islam to its original form.” Consequently, these activists do not follow a narrow feminist agenda. Second, the interviewees also reveal a rejection that borders on contempt of the notion of Western feminism, which the activists negatively saw as an attempt to sever women from their legitimate duties towards the family and society. Third, these women reject the characterization of what they are after as a type of “Islamic feminism.” For them, feminism is essentially a Western concept, and using the term “Islamic feminism” is nothing but an attempt to give that idea an Islamic coating. What is striking about this study, based on specific interviews, is the noticeable difference between the experiences of women in the Islamic resistance movement in Lebanon, Hezbollah, and those of women in the Muslim Brotherhood, and how the former enjoy a “wider margin of freedom”.

Interestingly, this issue of *al-Misbar* contains a chronology of relevant dates to Islamic women's movements in Egypt, The United Arab Emirates, Lebanon, and

Jordan. The importance of these women activists pertains to the projects of political Islamic groups, not to the long history of women's movements which seek to liberate women from the fallacies of interpretations and applications in the name of Islam.

“Family Laws in Arab-Islamic Countries: A Reading of the Religious and Legal Regulations.” *Proceedings of the Opinions Forum Seminar 1*. Tunisia: UNESCO Chair in Comparative Studies of Religions and the University of Manouba, 2010.

The importance of publishing the proceedings of this seminar derives from its coinciding with the popular uprisings and political transformations that are hopefully gaining momentum under the headline of “the Arab Spring” as well as being hosted in Tunisia, a country which has always led the way in terms of laws for gender equality, in addition to being the birthplace of the flame that sparked the revolution at the hand of a simple street vendor, the martyr Mohamed Bouazizi.

The seminar was divided along four axes of discussion among male and female scholars and specialists from several Arab countries: “The Family System in the Middle Ages: Readings in Jurisprudent Heritage”; “The Family Institution Between Jurisprudence and Modern Law”; “Family Laws in the Arab and Islamic World: Cases and Experiences”; and “The image of Arab Women in the Media: Realities and Prospects.” The titles of some papers are also worth mentioning; these include Fatina Sarhan's “Islamic Reference: An Obstacle to the Advancement of Women in the Family?” (98-104); Salwa Al-Sharafi's “Muslim Society and the Lack of Gender Equality” (92-97); Laila Abdel-Wahab's “The Influence of Religious Trends on the Social Consciousness of Arab Women” (163-79); and Mohamed Haddad criticism of the masculinist interpretation of femininity in his “Women in the Battlefield of Interpretation” (63-70).

Below is a summary of some points raised by Dr. Abdul-Maguid Al-Sharafi in his paper “Family Law as a Challenge to Jurisprudence” (72-81) meant to give an idea of the importance of the debates included. Al-Sharafi defines jurisprudence and law as follows:

By definition, Islamic jurisprudence does not recognize geographical, political, linguistic, ethnic, or other borders; for it is a system for Muslims, regardless of their different situations, as long as they live in the “House of Islam.” The origin of the law is entirely different, even while it coincides with Islamic jurisprudence in the sense that both are meant to organize social life. Law is by definition constructed, that is, it is a product of popular or political will! So, whenever that will changes, it has to change accordingly. The recognition of law then implies also a recognition of its openness to evolvment and the instability of its regulations, as opposed to regulations that can be attributed to a divine, not a historical, will. Law is organically linked to the realm of the state and its fixed geographical boundaries, with no illusion of comprehensive validity comparable to that of divine jurisprudence. (73-74).

Al-Sharafi recalls a historical fact that lies behind the recent demands--in more than one Arab country--for a religiously inspired law (*shari'a*), seeing some of the aspects of these demands as an attempt by religious scholars to maintain or win back their

authority over society, an authority that is indeed under threat! This is by virtue of the general evolution of things, particularly of values and means of production, the spread of education, the progress of human knowledge in the fields of science and technology, and the resulting developments in the fields of history, anthropology, sociology, and psychology, as well as the consequent rejection of many illusions and faulty assumptions that existed for centuries.

All the papers included here are important, without exception; they are particularly relevant at a time when the issue of women and women's rights in the family, as well as the few legal gains that women have acquired, are being threatened by those advocates of *shari'a* who seek an application of an already flawed and literal understanding of Islamic teachings.

3. Translations

Mernissi, Fatima. *Le harem politique: Le prophète et les femmes*. Paris: Albin Michel, 1978.

---. Trans. Abdel-Hadi Abbas. Damascus: Dar al-hassad, 1993. Arabic translation.

Mernissi's book is considered a pioneering work largely because of its daring use of a methodology critiquing the Prophet's *hadiths* that are deemed degrading to women and their mental, religious, or psychological abilities. The book follows the Islamic method of "rejection and confirmation"-- also referred to as "the science of men" (since it relates to the male narrators of *hadiths* and their credibility)—whereby investigation is undertaken to confirm the date and birth of the speaker; his kinship; his education; his mentors, disciples, and knowledge-seeking voyages; his social and business undertakings; his moral and religious reputation; the accuracy of his scholarly work; and the date of his death. Such investigation of *hadith* narrators, or *ahl al-sanad* (the network of male *hadith* narrators), has been the standard used by *hadith* scholars to authenticate narrations--a necessary measure considering the high number of false *hadiths* attributed to the Prophet.

Mernissi critiques the well-known *hadith* "No people will succeed who are ruled by a woman" by rejecting its first narrator Abu-Bakra, following the method of "rejecting and confirmation" detailed above. This particular *hadith* had been used for decades and throughout Islamic history as an obstacle in the way of women's participation in political life at the level of public leadership. The significance of Mernissi's undertaking is that she subversively uses an established Islamic method of critiquing male narrators, putting it in the service of Muslim women for the first time. In the same vein, she critiques and rejects the narration of Abu-Huraira, which he claimed to have heard from the Prophet in reference to 'Aisha: "What would interrupt a prayer: a dog, a donkey, or a woman?"

Ahmed, Leila. *Women and Gender in Islam: Historical Roots of a Modern Debate*. New Haven and London: Yale UP, 1992.

---. Trans. Mona Ibrahim and Hala Kamal. Cairo: Supreme Council for Culture, 1999. Arabic translation.

First, I would like to start with a note about the translation of the term “gender” to “junusa”--the concept being essentially controversial for the Arab recipient. This, in my opinion, adds insult to injury. The common approach in the translation of any new concept into Arabic is to Arabize the term until the understanding of the concept becomes clearer in new scholarly and cultural contexts. We note here in addition the recurring use of the term “Middle East,” an intruder on Arabic political vocabulary, which when used to describe an area that belongs to ancient civilizations in Mesopotamia, ancient Greece, Egypt, and Persia, is considered a misnomer.

This study is the first of its kind in its historical approach to the construction of foundational discourses in Islamic thought on Women and Gender Studies. Ahmad discloses in the title that the study is concerned with the historical roots of the modern dialectic of gender. The researcher traces the discourses on women and gender in classical and contemporary Arab and Islamic societies, which also implies a study of the societies themselves in which those discourses are rooted, examining “in particular the way in which ‘gender’ is articulated socially, institutionally and verbally” (English original 2). Some readers have reacted negatively to the researcher's examination of pre-Islamic and contemporaneous common practices and their influence on the formulation of cultural norms that have come to be considered Islamic in origin. Ahmed provides a good example of the smoothness with which the assimilation of a belief takes place when she discusses the story of creation in the Qur'an, noting the absence of any allusion to the order in which the first human couple (Adam and Eve) were created. Furthermore, the Qur'an does not mention that Eve was created from Adam's rib--a notion that is stressed in books of Islamic heritage (*hadith*, *exegesis*, etc.) all written at a time later than the advent of Islam.

In her investigation of Western colonialist discourse, which linked the backward status of Arab women to intrinsic qualities in Arab-Islamic culture (cultural determinism), Ahmed applies critical discourse analysis from within Western feminism itself, emphasizing that there is no inherent link between the question of women and the question of culture. For Western traditions have equally been tainted by bias for men and against women, and, details aside, they have not been much better off than other cultures, including Islamic, in this respect. Ahmed offers historical evidence exemplified in such events as the extermination of thousands of women during the witch hunt in Europe. She highlights Fatima Mernissi's formula whereby she describes the way the Islamic system views its enemies: infidels are the enemies without and women are the enemies within, and shows that it is equally applicable to Europe in the middle ages. However, despite these loopholes in Western knowledge paradigms, the West-based feminist activist does not call for abandoning Western heritage in its entirety (English original 138). Ahmad also critiques what she sees as the naive claim that Islam, unlike other religions, gave Muslim women their rights, a claim used by regressive opponents to eliminate the need for demanding those rights in the first place.

Badran, Margot. *Feminists, Islam, and Nation: Gender and the Making of Modern Egypt*. Princeton: Princeton UP, 1995.

---. Trans. Ali Badran. Cairo: Supreme Council for Culture, 2000.

This book tells the story of the pioneers of the Egyptian feminist movement and the connections between that movement and other movements for religious reform and national independence during the late nineteenth to mid-twentieth century in Egypt, based on the author's doctoral thesis, published in English in 1994. Below I detail some of the most important and thought-provoking conclusions reached by Badran. First, feminist awareness of the Egyptian woman question started in the realm of the family a full two decades before Qasim Amin treated that issue in his book *The Liberation of Women* (1899). That awareness grew mainly in the cities and among the middle classes and the aristocracy, by women who had experienced the disadvantages of the lack of education and of gender stereotyping that allowed men to realize their full potentials while neglecting those of women, making the latter dependent on men and a burden to themselves, their society, and nation. The author particularly evokes the writings of 'Aisha Al-Taimuriyya, Zeinab Fawwaz, and Malak Hifni Nasif in her analysis of that phase. Second, according to the author, the feminist movement did not fall outside the Islamic vision or the Egyptian national movement. The reformist Islamic movement and its advocates--the likes of Sheikh Muhammad Abdu; the national liberation movement led by Saad Zaghloul; and the Egyptian Feminist Union led by Hoda Shaarawi were all interconnected and reliant on each other. Third, the Egyptian women's movement, having had its origins in the Egyptian environment and being linked to questions of Islamic renewal and national independence, cannot be considered a foreign import. This was evidenced in the valuable lessons afforded to women activists when they met their European counterparts at global women's conferences, where they discovered, for instance, that British women did not necessarily take a stance against the British occupation of Egypt.

It is noted that the Egyptian Feminist Union occupies the bulk of the book, to the exclusion of other women's movements. Absent also is the perspective of those women's movements that countered the proposals of the Egyptian Feminist Union, those who saw, for example, the focus on women's issues as part of a colonialist plan. The inclusion of those would have provided a more complete picture of Egyptian women's movements. Still, the sheer vastness of Badran's reading of historical documents pertaining to women's movements in Egypt, other Arab countries, and Europe makes this an important reference book on the history of the Egyptian Feminist Union.

Abboud, Hosn. *Mary Mother of Jesus and the Qur'anic Text: A Literary Reading*. Ed. Andrew Rippon. London: Routledge, 2010.

---. Arabized by Hosn Abboud. Beirut: Saqi Books, 2010.

This book offers a reading of the poetics of the Qur'anic story of Mary. The study relies on the methodology of classical Qur'anic scholarship and the reading strategies

of modern literary criticism: style, narrative, the morphology of the story, feminist criticism, gender-based analysis, reader response theory, etc, aiming to place the story of Mary in the context of Qur'anic narrative and allegorical discourses.

The author presents a new division of the narrative units surrounding the story of Mary as evidenced in Meccan (19:19) and Medinan (3:1-63) *suras* chapters to facilitate its reading, explicating its verses and analyzing its style in terms that allow for a new interpretation and are alert to any possible politicization of texts and language. She traces the story from the semi-poetic Meccan discourse to the allegory-coated Medinan narrative. An important discovery Abboud reaches is that the Qur'anic interest in Mary is as much for herself as it is for her motherhood of Christ.

While it is true that the author's initial focus was the understanding of feminine and motherly representation in the Qur'an as manifested in the story of the most glorious Qur'anic female figure, the book itself does not clearly manifest that interest, leaving it perhaps to future projects to pursue. Still, this may be the first Qur'anic study to use a gender-based methodological approach, after first defining the concept in a simplified and positive manner. The author argues, for example, that the admission of Mary into the sanctuary is analogous to the admission of Muslim women into the Kaaba in Mecca, and that the identification between the symbols of father and mother in the rituals of *hajj* (pilgrimage)--as represented in the circling of the Kaaba and the march between the mountains of Safa and Marwa, performed by Muslim men and women alike--is built on the basis of equality between men and women in religious rituals that relate to travel and leaving a closed place for wide holy spaces. Abboud also presents a feminist critique of the classical interpreters of the Qur'an--such as Al-Tabari and Al-Tabataba'i--and their readings of the issue of "Mary's prophethood." She adds to previous arguments by Andalusian scholars further conclusions she derives from the logic of the text itself in narrating the story of Mary and how the narration clearly draws connections between her and Prophet Muhammad (PBUH).

Wadud-Muhsin, Amina. *Qur'an and Woman*. Kuala Lumpur: Penerbit Fajar Bakti, 1992.

---. Trans. Samia Adnan. Cairo: Madbouly Bookshop, 2006.

This book is considered a breakthrough in the field of Qur'anic studies on the subject of women. There are two reasons for this celebration: first, the fact that the researcher is African American, i.e., culturally and linguistically from outside the Arab-Islamic context; second, Wadud's presentation of a hermeneutic interpretation that, in her view, fits with the context of modern women. The author adopts a methodology of objective interpretative exegesis for which she proposes the name "the hermeneutics of monotheism," and which relies, in the words of the historian of Islamic feminism, Fahmi Jadaan, on the following features:

[t]he dynamic relationship between general principles and totalities on one side and particles and singularities on the other, in the framework of the holistic rules of Qur'anic moral teachings, and taking into account the

context of revelation for each Qur'anic uttering. A general methodology of an overall perspective towards the entire divine revelation, that is a holistic approach based on the principle of absolute equality between the sexes. Such a reading confirms the principle of absolute equality in the context of gender (38).

Wadud outlines her hermeneutical methodology in the introduction, explaining how she adheres to the traditional approach of using the Qur'an to interpret the Qur'an. She expands the specific rules of that methodology, analyzing each verse in its own context and the context of related discussions elsewhere in the Qur'an, in light of similar language and sentence structures in other verses and the general transcending principles of the Qur'an, all in the scope of a global Qur'anic perspective.

Abou-Bakr, Omaima, ed. *Feminism and Religious Studies: A Reader*. Trans. Randa Abou-Bakr. Cairo: Women and Memory Forum, 2012.

This book, edited by Omaima Abou-Bakr, comprises twelve studies translated from English into Arabic as part of the Feminist Translations series published by the Women and Memory Forum. The aim of the project is to “transfer into Arabic specialized knowledge in the area of intersection between feminism as a research method and critical theory, on the one hand, and religious studies on the other.”

The book introduces the field of “feminist religious studies,” its origins, development, research, and intellectual output, by looking at the subfields of “Christian feminism” and “Islamic feminism.” It is divided into two parts. The first covers foundational studies in the field by women researchers renowned for their serious scholarly contributions to academic studies of Christianity from a feminist perspective. These include Elisabeth Schüssler Fiorenza, Rosemary Radford Ruether, Jane O'Connor, and Meike Bal. The second part covers academic studies of Islam, including contributions by Aziza Al-Hibri, Asma Barlas, and Amina Wadud.

Arab Muslim women academics were late to produce knowledge that can be compared to the work of their Asian Muslim counterparts in the American diaspora. The discourse is thus American in origin, and one cannot use the usual claim of “this being our goods returned to us,” for there are but a few studies produced in Arab countries that would compete with that level of scholarship in the fields of either Christian or Islamic feminism. Religious academies and al-Azhar still have reservations against women's participation in the production of religious knowledge of such critical and progressive calibre. For between the late Dr. 'Aisha Abdel-Rahman who wrote a pioneering work on Qur'anic interpretation in 1967)-- and Amina Wadud—who lives in the United States and has worked extensively on applying a holistic perspective to the study of the Qur'an and the issue of women (see *Qur'an and Woman*)--there is a time gap waiting to be filled.

The book suffers on two counts, which one hopes would possibly be remedied in the next edition. The first relates to translation, the product of hard work by Randa Abou-Bakr who struggled to transfer into Arabic a language loaded with multiple layers of religious knowledge. Biblical studies, Christian theology, Qur'anic studies,

Islamic theology and other intersecting fields each have their own specialized language. And the reader will encounter some difficulty in understanding some of the translated terms because of the lack of consistency in translation from one study to the next--a consistency, one must admit, indeed difficult to achieve. The second problem relates to the book's production, with its small font and crowded layout. Studies of this kind of serious scholarship, often difficult for the non-specialist reader, would benefit from a comfortable and reader-friendly layout. In the extended introduction, the editor presents an overview of contributions to the production of feminist religious knowledge in the American academy in addition to an overview of contributions to the production of similar knowledge in the Arab academy, though the work of the latter group does not yet carry the same label.

¹ All English translations of the Qura'nic verses in this chapter are taken from The Holy Qur'an: Text, Translation and Commentary by Abdallah Yusuf Ali. New Revised Editions (Bretonwood: Amana Corporation, 1989).

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FEMINIST & ISLAMIC PERSPECTIVES

NEW HORIZONS OF KNOWLEDGE AND REFORM

This book contains presentations on a range of diverse issues related to the meeting ground of Islamic and feminist perspectives. It is the outcome of a two-day conference that was held in Cairo, March 17-18, 2012 with participants from the Arab region and Europe, providing a forum of exchange between Muslim feminists in both Arab and European societies. The issues discussed in the chapters also demonstrate the importance of internal dialogues between European Muslims and their own mainstream societies and communities, on one hand, and between Muslim women feminists and their Arab societies and cultures, on the other. Lastly, bridging the gap, or estrangement, between feminist consciousness and Islamic research is a major goal, both on a conceptual and an applied level.