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ISLAMIC FEMINISM AND
REFORMING MUSLIM FAMILY LAWS

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Abstract

In this paper, I will engage with some of the recent literature that attempts to define, map out, analyze, categorize, and critique a growing body of academic scholarship that has emerged in the late 80s and early 90s and which has been termed as Islamic feminism. I will examine three contestations around Islamic feminism. The first is related to its conceptualization and categorization. The second contestation concerns the relation of Islamic feminism as an epistemic project to classical Islamic knowledge such as exegesis and jurisprudence. And the third revolves around the relation of Islamic feminism to other kinds of feminism and the limits of the former in delivering equality to Muslim women

Notwithstanding the above-mentioned contestations, I argue that there are two main and systematic interpretive projects within Islamic feminism. The first project focuses on the exegesis of the Qur'an such as the work of Amina Wadud and Asma Barlas. The second engages with Islamic jurisprudence (fiqh). It is best exemplified by the work of scholars such as Mir-Hosseini, and Kecia Ali. It is my contention that it is the combination of these two projects, both in their methodologies, theoretical frameworks, and their knowledge outputs that can establish sound foundations for Islamic feminism and pave the way for its further development. Most of all, current efforts to reform Muslim family laws are best served by drawing on comprehensive understanding of the important links between these two interpretive projects within Islamic feminism. This is because on the one hand, Qur'an-oriented Islamic feminism has emphasized Qur'anic worldviews that foreground justice in God's relation to humans and in human being's relations to one another, and see patriarchy and patriarchal relations as irreconcilable with the Islamic concept of believing in one God (tawhid). Such insights give intellectual and moral force to Islamic feminists' quest for gender equality and justice within an Islamic framework. Furthermore, the historical and epistemological deconstruction of the assumptions as well as some of the methodologies and doctrines of classical Islamic jurisprudence, which is being carried out by Fiqh-oriented Islamic feminists can greatly strengthen current efforts on the part of women's rights activists to counter Fiqh-based arguments that oppose gender-sensitive Muslim family laws. I will conclude with some examples from Egypt to explicate the above-mentioned arguments.

Keywords

Islamic feminism, women's rights, religious knowledge, legal activism, Muslim family laws

Introduction*

In this paper, I will engage with some of the recent literature that attempts to define, map out, analyze, categorize, and critique a growing body of academic scholarship that has emerged in the late 80s and early 90s and which has been termed as Islamic feminism. I will examine three contestations around Islamic feminism. The first is related to its conceptualization and categorization. The second contestation concerns the relation of Islamic feminism as an epistemic project to classical Islamic knowledge such as exegesis and jurisprudence. And the third revolves around the limits of Islamic feminism in delivering equality to Muslim women.

Notwithstanding the above-mentioned contestations, I argue that there are two main and systematic interpretive projects within Islamic feminism. The first project focuses on the exegesis of the *Qur'an* such as the work of Amina Wadud and Asma Barlas. The second engages with Islamic jurisprudence (*fiqh*). It is best exemplified by the work of scholars such as Mir-Hosseini, and Kecia Ali. It is my contention that it is the combination of these two projects, both in their methodologies, theoretical frameworks, and their knowledge outputs that can establish sound foundations for Islamic feminism and pave the way for its further development. Most of all, current efforts to reform Muslim family laws are best served by drawing on comprehensive understanding of the important links between these two interpretive projects within Islamic feminism. This is because on the one hand, *Qur'an*-oriented Islamic feminism (as exemplified in the work of Wadud and Barlas) has emphasized *Quranic* worldviews that foreground justice in God's relation to humans and in human being's relations to one another, and see patriarchy and patriarchal relations as irreconcilable with the Islamic concept of believing in one God (*tawhid*). Such insights give great intellectual and moral force to Islamic feminists' quest for gender equality and justice within an Islamic framework. Furthermore, the historical and epistemological deconstruction of the assumptions as well as some of the methodologies and doctrines of Islamic jurisprudence, which is being carried out by *Fiqh*-oriented Islamic feminists can greatly strengthen current efforts on the part of women's rights activists to counter *Fiqh*-based arguments that oppose gender-sensitive Muslim family laws.

In the first section of this paper, I will briefly outline the conceptualizations and categorizations of Islamic feminism. I will also examine some of the current contestations around term and the various projects that it connotes. Then in the second section, I will map out *Qur'an*-oriented and *Fiqh*-oriented projects within Islamic feminism, and highlight their links, and their significance for contemporary efforts to reform Muslim family laws. And lastly in the third and concluding section, I will focus on Egypt and pinpoint the ways in which local efforts to reform family laws have drawn on transnational and national interpretive and activist projects of Islamic feminism.

I. Islamic Feminism: Contestations

The Question of Conceptualization and Classification

In their conceptualizations of Islamic feminism, the starting point for many scholars is that it is a knowledge project that seeks to address the question of gender inequality and injustice among Muslims from a framework that is based on not only an engagement with religious texts, sources, and forms of knowledge, but also an acceptance (sometimes explicit, other times implicit) of the space for

* This paper was presented at the workshop entitled *The Many Faces of Islamic Feminism* in the 12th Mediterranean Research Meeting, organized by Robert Schuman Center for Advanced Studies, European University Institute, Montecatini Terme, 6-9 April, 2011. The author extends her thanks to the organizers of the workshop, Dr. Mervat Hatem and Dr. Omaira Abu Bakr. Special thanks to Dr. Hatem for her insightful and helpful comments on the paper.

gender equality within Islam as a divine religion and reflection of God's truth and will. The historian Margot Badran, who traces the genealogy of Islamic feminism to the early 90s, defines it as "a feminist discourse and practice articulated within and Islamic paradigm. Islamic feminism, which derives its understanding and mandate from the *Qur'an*, seeks rights and justice for women and for men in the totality of their existence."¹ Badran is explicit about situating this form of feminism in the *Qur'an* rather than the opposite. Badran acknowledges the heterogeneity of the projects that can be labeled as Islamic feminism, but she asserts that Islamic feminism is a useful analytical category that should be "firmly claimed and repeatedly explained." Interestingly, eight years later, Badran argues that Islamic feminism has developed into 'Muslim holistic feminism' that is exclusionary, global, and marginalizing to local feminist projects.² But I will return to Badran's latter point shortly.

Ziba Mir-Hosseini, the well-known legal anthropologist and also one of the pioneer scholars who have written about Islamic feminism, defines it as "a new consciousness, new way of thinking, a gender discourse that was feminist in its aspiration and demands, yet Islamic in its language and sources of legitimacy."³ Mir Hosseini traces the emergence of Islamic feminism to the late 80s and considers Iran as one of the first places in which it came into being and took shape both as an interpretive and political project. But Mir-Hosseini adds that scholars who are based in different countries in the Global South and North have shaped and contributed to the development of Islamic feminism as well. Mir-Hosseini, like Badran, also notes the heterogeneity of the different projects of Islamic feminism in their methodological approaches, their focus, as well as in the political and ideological perspectives of its scholars.

The heterogeneity in the scholarship of Islamic feminism need not be in itself a conceptual weakness in this emerging epistemological field. However, it sometimes poses challenges for efforts to systematically delineate and categorize what constitutes Islamic feminism. Let me illustrate my point by analyzing some of the central arguments in a recent article by Hoda Saleh.⁴ The author sees Islamic feminism as a movement comprising both scholars and activists which "locates itself within the frame of the Islamic paradigm and establishes women's rights on the basis of religious texts and Islamic tradition."⁵ In an attempt to make sense of the heterogeneity of the scholarship that she labels as Islamic feminism, Saleh classifies it into three main discourses: the conservative, the liberal, and the radical. Saleh defines the conservative discourse as one that critiques misogynistic religious interpretations, but still adopts the notion of the complementarity rather than the equality of Muslim women and men in terms of their roles and rights, particularly in the realm of the family. The liberal discourse, however, seeks to question doctrines of Islamic jurisprudence and prevalent exegetical interpretations of *Qur'anic* verses that advocate hierarchical notion of gender relations and roles. In other words, the advocates of the liberal discourse attribute gendered religious knowledge to the producers of this knowledge and their human effort rather than the sacred texts themselves. The radical discourse takes a step further than the liberal Islamic feminists. Its proponents are less preoccupied with defending sacred texts and accept the claim that some of the verses and meanings in these sources espouse patriarchal notions. That is, they do not worry about resolving the contradictions that may be presented by different parts of religious texts. Nor are they concerned with accepting the later as a source of a normative law. Instead they view Islam as an ethical rather than a legal authority and hence are willing to advocate for radical transformation of classical Islamic law and its modern day transmuted forms of Muslim family laws. In fact, Saleh sees the radical discourse as the one that is

¹ Badran, Margot. "Islamic Feminism: What is in a Name?" In: *Al-Ahram Weekly*, 17-23 January 2002, Issue No. 569: 1-8. See page 1

² Badran, Margot. "From Islamic Feminism to a Muslim Holistic Feminism." In: *IDS Bulletin*, 42, 1, January 2011: 78-87

³ Mir-Hosseini, Ziba. 'Muslim Women's Quest for Equality: Between Islamic Law and Feminism. In: *Critical Inquiry*, 32, 2006: 629-645. See page 640

⁴ Saleh, Hoda. From *Ijtihad to Gender Jihad: Islamic Feminists between Regional Activism and Transnationalism*, 2010

⁵ Ibid. See page 1

the most promoting in realizing gender equality from an Islamic feminism because it views Islam ultimately as a “secular religion.”

Two points are to be noted about Saleh’s conceptualization and categorization of Islamic feminism. First, despite the differences that the author delineates between the three discourses of Islamic feminism, she is not consistent in her classification of scholarship which she cites as falling under the three delineated categories. Nor does she explain the criteria she used for classifying the work of various scholars under each of the three categories. For instance, she classifies the work of Egyptian religious scholars such as Mohamed El Ghazali and Gamal El Banna as falling under the conservative discourse. Classifying Al Banna as exemplifying conservative discourse is questionable given that much of his work departs with the literalist approach towards interpretation of religious sources and the notion of the complementarity of gender roles, which according to Saleh characterize the conservative discourse. Saleh also cites Amina Wadud as a scholar whose work exemplifies both liberal and radical discourses without again explicating the criteria for her classification. Furthermore, Saleh lists the Egyptian scholar of political theory and the Islamic thinker Heba Ezzat Raouf among the scholars who espouse conservative discourse. But then later on in the article, she includes Raouf’s name among scholars whom she classifies as belonging to the liberal discourse. Once again Saleh does not explain the basis of this classification. Is it the case perhaps that Saleh considers some of the work of Raouf or maybe some aspects of her thought as belonging to conservative discourse, while some other aspects as being liberal? And if so, what does Saleh make of these differences (or contradictions)? More importantly, it would have been useful if Saleh reflected on the ways in which differences in Raouf’s work (if there are) may inform us and complicate our understanding about Islamic feminism. I would venture to say that perhaps Saleh’s classification of Raouf’s work as belonging to different forms of Islamic feminist discourses reflects some of the main underlying premises which shape Raouf’s work, and which make it difficult to categorize her work as either conservative or liberal. This is because Raouf’s engagements with the gender question in both contemporary and classical Islamic thought has always been part and parcel of a larger project of seeking the just Islamic polity and society in which questions of democracy, governance, and political participation are intrinsic to any justice that women seek.

My second larger point regarding Saleh’s analysis is that her classification of Islamic feminism into three discourses seems to me to be reflecting larger unresolved questions. They are as follows: Is it sufficient to have as the criterion for classifying particular activist and academic projects as Islamic feminism their engagement with and reinterpretations of religious sources with the aim of addressing gender injustice? Shouldn’t there also be common goals and the normative values for those undertaking the projects of Islamic feminists (e.g. gender equality? eschewing the notion of essentialist differences between male and females?) And if we agree that the answer to the latter question is affirmative, can we then classify a conservative discourse that ascribes to the notion of hierarchical gender relations and roles as a form of Islamic feminism? By the same token, shouldn’t those who engage in such interpretive projects not simply stop at the deconstructing gendered and flawed religious interpretations, but also make the case for gender equality within an Islamic framework?. By this criterion scholars such as Mernissi would not be classified as Islamic feminists. What about scholars who are engaged in interpretive projects that fulfill the above mentioned criteria but do not identify themselves as Islamic feminists such as Asma Barlas⁶ and Heba Raouf⁷?

In short, while some of the heterogeneity that characterizes Islamic feminism in terms of its geographical settings, the actors who are engaged in it, and their methodologies they use may be true and healthy, there is also perhaps quite a bit of heterogeneity that results from lack of clarity,

⁶ Barlas, Asma. ‘Engaging Islamic Feminism: Provincializing Feminism as a Master Narrative.’ In: Kynsilehto, Anitta (ed.). *Islamic Feminism: Current Perspectives*. Tampere Peace Research Institute Occasional Papers No. 26, 2008: 6-7

⁷ Raouf, Heba. ‘It is Time to Launch a New Women’s Liberation Movement-an Islamic One.’ In: *Middle East Report 191*, 1994: 26-7

coherence, and consensus in our conceptual understandings of this subject matter, both as epistemic and activists projects. Thus, my point is that that not all these projects are doing the same thing, nor should they be grouped together as forming part of a coherent epistemological and activist project. But I would argue there are some features and goals that characterize some of the projects and which can be a strong basis for their forming one coherent corpus of knowledge. I will return to this point in the second part of the paper where I discuss two distinct kinds of interpretive projects in Islamic feminism, namely the *Qur'an*-oriented and *Fiqh*-oriented.

Islamic feminism and the Tradition of Islamic Religious Knowledge

One serious contestation around Islamic feminism is its relation to the tradition of Islamic religious knowledge. Although, Islamic feminism as an interpretive project derives its moral force from Islam and its sacred texts, its relation to the tradition of Islamic religious knowledge is often questioned. Yasmin Moll argues that Islamic feminism exists on the “margin of Islamic discourse” because the former presents itself as Islamic yet it engages, according to Moll, in regimes and relations of knowledge production and dissemination that diverge substantively from classical Islamic exegesis and jurisprudence.⁸ Moll explicates her argument by making three central points about the assumptions that underlie the processes of knowledge making in Islamic feminism and the interpretive methodologies that are used by its scholars.

First, Moll argues that Islamic feminist scholars such as Asma Barlas and Omaima Abu Bakr not only stress the centrality of *ijtihad* in the production of Islamic knowledge but also reject the notion that this role is confined to traditional religious scholars. She quotes Abu Bakr saying, “Islam teaches us that the true relationship to God is direct with no mediator or guardian (*muhaimin*) between the reason of the believer and the Creator of the universe.”⁹ Moll adds that Barlas also advocates for more open and inclusive involvement in the exegesis of Quran. Moll points out that Barlas defines a *mujtahid* as first and foremost a believer. Furthermore, according to Barlas, the believer’s right to engage in exegesis is not bestowed upon her by traditional religious scholars but is earned by her belief and by following the “advice the Quran gives us to exercise our intellect and knowledge in reading it.”¹⁰ Moll’s point is that by emphasizing *ijtihad* as a “normative principle” to be exercised by a wider circle of agents than the traditional religious scholars and as an important methodology to be used in reinterpreting sacred texts, Islamic feminists are breaking away from classical Islamic knowledge and its long and sophisticated tradition of establishing clear and systematic criteria for religious knowledge production such as the possession of particular forms of specialized religious knowledge, the necessity of linking the newly produced knowledge to “a chain of previous work,” and the application of particular modes of reasoning and methods. Moll also points out that Islamic feminists’ emphasis on *ijtihad* often results in their implicitly depicting Islamic knowledge as stagnant and static. Yet Moll points out that many scholars and historians of *Islamic Shar'ia* such as Wael Hallaq has shown that *ijihad* has never ceased throughout most of the history of Islamic law.

Second, Moll sees another substantial divergence between Islamic feminism and classical Islamic exegesis in the interpretive methodologies that are used by the former. She argues that Islamic feminism make use of historical, literary, and deconstructionist approaches, which were alien to the tradition of Islamic knowledge. Furthermore, the assumptions underlying the use of these methodologies were not shared by those who took part in the production of classical Islamic knowledge.

⁸ Moll, Yasmin. “‘People Like Us’ in Pursuit of God and Rights: Islamic Feminist Discourse and Sisters in Islam in Malaysia.” In: *Journal of International Women’s Studies*, 11, 1, November 2009: 40-55

⁹ Ibid. See page 45

¹⁰ Ibid. See page 46

Third, Moll argues the audiences that Islamic feminist scholars and activists address, the knowledge they produce, and the language and the contexts in which this knowledge is consumed also differ completely from those of classical Islamic knowledge. The author notes that Islamic feminism (as an epistemic project) is an academic scholarship that is mostly produced in English and is consumed by academic and professional audience. Furthermore, the knowledge produced by activist movements informed and guided by Islamic feminism (such as *Sisters in Islam*) takes the form of policy briefs, newsletters and pamphlets, and workshops that are addressed to multiple audience of policy makers, general public, international community, and in a language that mixes religious-based advocacy with appeals to the normative authority of international conventions and modern constitutions.

In short, Moll's main conclusion is that Islamic feminism while grounding itself in Islamic tradition and deriving its legitimacy from this tradition, transforms the very parameters that have long defined what Islamic religious knowledge is, how it is produced and for what end, and who partakes in its production.

Perhaps Moll's article is very explicit and detailed in its critique of Islamic feminism's relation to classical Islamic knowledge and discourse, but similar critiques of feminist engagements with religious knowledge and tradition (albeit from different perspectives and with different implications) have been voiced elsewhere in the literature on Islamic feminism.¹¹

In my opinion, systematic and coherent engagement with the tradition of Islamic religious knowledge in its methodologies, knowledge outputs, and socio-political histories is a crucial characteristic of an epistemologically sound and rigorous interpretive project of Islamic feminism. Such a project, I believe, would not arbitrarily select and dismiss particular *Quranic* verses or *Fiqh* doctrines in order to make the case for a particular gender-sensitive interpretation; it would contextualize the juristic or exegetical knowledge with which it is engaging within the historical and epistemological trajectory of the tradition of Islamic knowledge; it would exhibit good knowledge of the modes of reasoning used by classical jurists while at the same time reflecting on them critically when necessary; it would seek to identify and make explicit the assumptions and the premises that underlie classical jurists' and exegists' worldviews and understandings of men and women; and lastly it would make use of both classical and contemporary interpretive methods as long as they are part of a coherent interpretive approach.

So not all Islamic feminist projects are equal in the quality and rigor of its knowledge outputs partly because of how it engages with classical Islamic knowledge. The key to rigor, I believe, is in the coherence and systematic nature of the interpretive approach and methodologies used.

Therefore, I think Moll critiques may be helpful on one level because the kind of engagements of Islamic feminism with classical religious knowledge that Moll is calling for assume some of the rigor, systematic understanding and application of religious knowledge that I have referred to in the aforementioned paragraphs. However, the main problem with Moll's arguments is that it fails to disentangle religious sources such as *Qur'an* or the *Sunnah* from human-made interpretations of these sources by classical jurists and exegists. In Moll's critique, there is no historical interrogation of classical Islamic knowledge or its epistemological tradition. Its modes of reasoning, methodologies, and regimes of knowledge production are taken for granted. To question them, build on them, or propose shifts in them, amounts to, according to the implications of Moll's argument, is to be no longer producing religious knowledge or speaking to the existing tradition of classical knowledge. Therein lies the weakness of Moll's critique.

¹¹ See Moghadam, Valentine. 'Islamic Feminism and its Discontents: Towards a Resolution of the Debate.' In: *Signs: Journal of Women in Culture and Society*, 2002, 27, 4: 1135-1171. See also Raouf, Heba Ezzat. *Women and the Interpretation of Islamic Sources*, 2010. downloaded at <http://ikhwanophia.com/2010/09/women-and-the-interpretation-of-islamic-sources/>

In other words, in my view, the contribution of Islamic feminism is not simply in its successful interrogation of old religious interpretations that condone gender inequality and injustice and its production of new and persuasive interpretive knowledge that grounds gender equality in an Islamic framework. The strength of Islamic feminism is also in explicating how some of the methodologies, modes of reasoning, and underlying philosophical premises underlying the knowledge production processes of classical Islamic jurisprudence or Quranic exegesis also contributed to the production of religious discourses that legitimize discrimination and injustice against Muslim women. Moll's ahistorical and essentialist conceptualization of classical Islamic knowledge precludes her from appreciating these advantages that Islamic feminism offers.

Lastly, I would like to note few points regarding Moll's concerns about the diverse and the new kinds of audience that Islamic feminism addresses. For me, the problem does not lie so much in that Islamic feminists address their work to academic audience. In fact, one important benefit of academic Islamic feminism is that it can educate and train young Muslim scholars (female and male) in the methodologies and theories of this field and thus ultimately help them to ground their understandings and practices of their religious faith in religious-based feminist hermeneutics. Nor does the problem lie in the engagements of Islamic feminist activists' with policy makers, general public, and local and international women's rights activist groups. In fact, understanding the goals and methodologies of Islamic feminism can help this latter diverse group in their pursuit of gender inequality.

But where I see a lack in Islamic feminist projects is its failure to engage with religious scholars in a wider and more regular ways. I believe that there are two obstacles that so far have hindered this kind of engagement. The first is, as Moll correctly notes, most of the scholarship of Islamic feminism is produced in English. And the second is that engagements with religious scholars would entail that Islamic feminists partake in different formats of exchange than academic conferences. Such formats would include religious lessons in mosques, talk shows and radio and TV religious programs. It would also mean that Islamic feminists undertake different kinds of writing than academic journals such as publishing religious books and articles in newspapers and magazines addressed to the general public.

Islamic Feminism and Other Feminism(s)

So far I have examined two forms of contestations around Islamic feminism. The first was related to its conceptualizations and categorization, and the second was concerned with its relation to classical Islamic knowledge. In this subsection, I will briefly examine a third contestation that has to do with the relations between Islamic feminism and other forms of feminism. I will do so primarily through critical analyses of selected works of two prominent scholars who have pioneered the scholarship that sought to explicate Islamic feminism, namely the anthropologist Ziba Mir-Hosseini and the historian Margot Badran. In fact, Mir-Hosseini has not only contributed to explaining and reflecting on what Islamic feminism means and how it has evolved as a scholarship. She has also partaken in one of its main interpretive projects which seek to interrogate *Fiqh*-based constructions of gender roles, relations, and rights.

I will briefly examine Badran's analysis of Islamic feminism and its strengths in series of articles which she published in the last decade.¹² Then I will contrast her earlier arguments with her most recent reflections on the development of Islamic feminism into what she calls 'Muslim holistic feminism.'¹³

¹² See Badran, Margot. "Islamic Feminism: What is in a Name?" In: *Al-Ahram Weekly*, 17-23 January 2002, Issue No. 569: 1-8; Badran, Margot. *Islamic Feminism Revisited*. Countercurrents.org, 10 February 2006. downloaded at <http://www.cogam.org/resourceserver/1375/d112d6ad-54ec-438b-9358-4483f9e98868/3a6/rglang/es-ES/filename/margot-badran-islamic-feminism-revisited.doc>; Badran, Margot. "Engaging Islamic Feminism." In: Kynsilehto, Anitta (ed.). *Islamic Feminism: Current Perspectives*. Tampere Peace Research Institute Occasional Papers No. 26, 2008. pp. 25-36

¹³ See Badran 2011 in footnote 2

I will also reflect on some of the earlier analyses of Mir-Hosseini of Islamic feminism¹⁴ and contrast them to her most recent take on the term and the politics in which it is implicated.¹⁵

Then I will connect Badran's and Mir-Hosseini's arguments, and draw out the implications of the differences between their positions. My goal in undertaking this exercise is to shed light on the contestations that surround Islamic feminism because of its often assumed and problematic relations with other forms of feminism (e.g. secular feminism).

In her earlier work, Badran depicts Islamic feminism as a heterogeneous, rich, dynamic, and liberating feminist discourse that is grounded in Islamic framework. She argues that Islamic feminism refers to interpretive projects that first emerged in the last decade of the previous millennium, and have been undertaken by diverse scholars. Some of these scholars are Muslim; others are non-Muslim; some foreground their religious identity and politics in their work; while others embrace secular identity marker and ideology. But what they all share is that their interpretive projects seek to make a case for gender equality in Islamic terms. The strength of some of earlier projects of Islamic feminism, according to Badran, was that they not only made use of Islamic terms of references for their arguments but also employed other frameworks as well (e.g. secular values). Badran saw this earlier Islamic feminist discourse as being inclusive, diverse, and fluid. But in her most recent article, Badran argues that some of the projects of Islamic feminism have recently evolved into a form of discourse and activism that are globally-orchestrated, communal, exclusionary, and undermining the multiplicity of local feminism. She calls this most recent form of feminism 'Muslim holistic feminism.' Badran argues that the framework and work of the global feminist movement of *Musawah* (which was spearheaded by the Malaysian women's rights group *Sisters in Islam*) exemplifies the most recent form of exclusionary and communal Islamic feminist discourse. Badran calls *Musawah* communal because she sees the movement as focusing on Muslim women's rights and justice in Muslim families (to the exclusion of non-Muslim women who are also affected by Islamic Law and Muslim family laws). Furthermore, Badran argues that the discourse and the agenda of the movement are shaped and dominated by Islamic feminists who foreground their interpretive projects and politics in religious terms to the exclusion of secular feminists. And thirdly, *Musawah*, as a global movement, dominates and (thus marginalizes) different forms of local feminism with which it engages. Badran, for instance, gives examples of *Musawah*'s collaboration and coordination with local women's rights organizations in Egypt such as Center for Egyptian Women's Legal Assistance (CEWLA). However, Badran does not explain why she sees the cooperation between *Musawah* and CEWLA as marginalizing to the latter. Moreover, Badran's argument about the communalism of *Musawah* is undermined by the fact that some of the members of the advisory board of the movement's advisory board (as Mir Hosseini correctly points out) are staunch secular feminists. Also, the literature produced by *Musawah* (as Badran herself points out) makes use of multiple terms of reference to argue for gender equality. These terms of reference include the lived realities of Muslim women, international conventions, national laws, as well as Islamic religious sources. This point again does not support Badran's argument about the communalism and exclusionary nature of the feminist discourse of *Musawah*.

Yet, Badran is correct in her observation that there is little focus in Islamic feminism on the ways in which non-Muslim women living in Muslim majority settings are affected by Muslim laws. Perhaps to address this gap, what is needed is to link multiple forms of theological feminism(s) such as: 1) local forms of feminism that are grounded in Islamic tradition and for the most part focuses on Muslim women and men; 2) other local forms of feminism that are grounded in non-/Muslim religious traditions (one example would be current efforts on the part of some Egyptian Coptic thinkers such as Pastor Akram Lami to reinterpret the injunctions of Christian Church on divorce); and 3) other global non-Muslim theological feminism(e.g. those grounded in western Christian and Jewish traditions).

¹⁴ Mir-Hosseini, Ziba. 'Muslim Women's Quest for Equality: Between Islamic Law and Feminism. In: *Critical Inquiry*, 32, 2006: 629-645

¹⁵ Mir-Hosseini, Ziba. "Beyond 'Islam' vs. 'Feminism'" In: *IDS Bulletin*, 42, 1, January 2011: 67-77

In her earlier work, Mir-Hosseini also wholeheartedly espouses Islamic feminism and argues forcefully that it plays an important theological and political role in the quest for gender equality but in her most recent article, the author acknowledges that the term Islamic feminism has become “loaded” and has lost its “analytical and descriptive” force.” But the challenges of Islamic feminism, according to Mir- Hosseini, are not because it has nothing or little to offer but because of the discomfort and polemics that result from the linkages that exist between “religion and politics” in the marking of the identities of Muslim women. Mir-Hosseini points out that often both those who espouse Islamic feminism and those who critique it do not make explicit their identity politics and the personal trajectories that shape their epistemological positions. Mir-Hosseini argues that Islamic feminism has become entangled in a number of contesting discourses. Some of these discourses such as political Islam have inadvertently led to the emergence of Islamic feminism in the first place. Others such as neocolonial discourse of human rights have sought to co-opt some of the voices of Islamic feminism for its agenda of western domination and reformulation of Muslim sensibilities. And other discourses such as secular feminism remain uncomfortable with Islamic feminism because it challenges the former’s implicit assumptions of the relegation of religion to the private sphere and the assumed non-liberating nature of political activism that is formulated in religious terms. Mir-Hosseini sees Badran’s most recent critique of Islamic feminism as reflecting the above-mentioned discomfort of secular feminism. Notwithstanding the afore mentioned contestations surrounding the term Islamic feminism, Mir-Hosseini still argues that there is a dire need for a feminist project that is grounded in Islam and takes its legitimacy from it, while at the same time being cognizant and making explicit the politics in which it is implicated.

I agree with Mir-Hosseini that theological feminist projects that are grounded in Islam are now more than ever necessary. As Mir-Hosseini points out that such a feminist project is the only viable option for many Muslim women and men who reject political Islam on the one hand and modernist discourses of human rights and secular normative values (with their entanglements with the politics of war) on the other hand. But I would add Islamic feminism is not simply an alternative to these two other bad options. The contribution of Islamic feminism, in my opinion, is that it offers empowering knowledge to these Muslim women who cannot reconcile their visceral understanding of Islamic justice with some of the interpretations of Islamic classical jurists and exegetists of gender relations and rights, and which have unfortunately come to occupy a central place in Islamic legal thought.

Islamic Feminism and the Question of Equality: The Limits of Foundational Truths

In this last subsection, I will address the question of the limits of the role that Islamic feminism can play as a liberating discourse for women and men seeking gender equality and justice within an Islamic framework. One factor that is perceived to limit the liberating role of Islamic feminism is, interestingly, related to its religious framework. Being grounded in the Islamic religious tradition, formulating its arguments in the language and the legitimating terms of reference of this tradition, Islamic feminism, one could argue, can never escape the realm of immutable and unchangeable divine truths. Hence some of its critics wonder, wouldn’t some foundational religious truths at some point clash with the quest for gender equality?¹⁶ While this challenge is confronted by different forms of theological feminism, it is particularly serious for Islamic feminists since the Quran is considered by the adherents of Islamic faith to be the literal word of God.¹⁷

¹⁶ See Moghadam 2002 cited in footnote 9

¹⁷ See Greifenhagen, F.V. “North American Islamic Feminist Interpretation: The Case of Surah 4:34, with a Comparison to Christian Feminist Interpretation.” In: *Studies in Religion*, 331, 2004: 51-70. See also Hidayatallah, Aysha. “Inspiration and Struggle: Muslim Feminist Theology and the Work of Elisabeth Schussler Fiorenza.” In: *Journal of Feminist Studies in Religion*, 25, 1, 2009: 162-170

Raja Rhouni, for instance, is critical of what she sees as “the tendency towards essentialism, truth-claims, or... ‘foundationalism’ in both the practice and theorization of Islamic feminism.”¹⁸ Taking the example of Fatima Mernissi’s work, Rhouni argues that Mernissi, though a secular feminist, applies ‘Islamic feminist hermeneutics’ to bracket and reinterpret particular *Qur’anic* verses on gender roles and relations as well as problematic Prophetic sayings that condone inequality and discrimination against women. Rhouni notes that Mernissi’s method of Islamic feminist hermeneutics involves engaging systematically and interactively with the tradition of Islamic religious knowledge, explicating the historical and social contexts in which particular *Qur’anic* verses were revealed and how they were interpreted (i.e. *asbaab il nuzul*); and shedding light on the social and personal trajectories of the transmitters of particular prophetic sayings that condone depriving Muslim women from particular rights. This methodology, Rhouni points, has a lot to offer in terms of new understandings that allow us to question dominant and widely accepted religious interpretations sanctioning gender inequality. However, Rhouni argues that Mernissi, like many other Islamic feminists, does not go far enough. That is, while Mernissi discredits the authenticity of dominant gendered interpretations, she still leaves unquestioned the notion that there are authentic interpretations and truth claims that are yet to be uncovered. However, Rhouni finds that scholars such as Nasr Hamed Abu Zeid and Mohamed Arkoun have been able to escape the trap of ‘foundationalism’ because their interpretive projects have not been defined by the identification of inauthentic interpretations and the search for authentic ones, but rather by engaging with religious texts such as the *Qur’an* within a new paradigm that focuses primarily on “its historical context, its communicative or dialogical aspect and its descriptive dimension.”¹⁹

Of course in the first place, I question Rhouni’s classification of Mernissi’s work as falling within the category of Islamic feminism. This is because, in my view, Mernissi’s work stops short at deconstructing and critiquing patriarchal interpretations in the exegetical and *Hadith* tradition, but does not undertake the second and important step of making the case for gender equality within an Islamic framework. But here I take issue with Rhouni’s critique of Mernissi on two other points that are related to the assumed tension between gender equality and the foundationalism of religious texts and truths, which interpretive projects dealing with such texts cannot escape. My first point is that, unlike Rhouni, I do see the historical approach towards the study of religious sources just as much present in Mernissi’s work as it is in Abu Zeid’s or Arkoun’s. In that sense, I would disagree with Rhouni that the end result of Mernissi’s arguments forecloses the ‘contingent’ and the ‘contextual’ in religious interpretations, knowledge, and truth claims. But having said that, my second critique of Rhouni’s arguments is that if her position of privileging the ‘historical’ and the ‘relative’ to the ‘foundational’ and ‘essential’ is carried to its full circle, there is the danger of emptying interpretive projects such as Islamic feminism from the epistemological and religious foundations on which it is based and from which it derives its *raison d’être*. In other words, I believe Islamic feminists would argue that there are first and foremost existentialist and ethical truths that are intrinsic to Islam and that those need to be unearthed through interpretive processes, because it is these truths that would guide law making and social regulation within an Islamic framework. And then comes the second and more challenging task of reinterpreting, building on, and transforming existing Islamic legal tradition within the parameters of the guiding principles and objectives of Islam as an embodiment of God’s will.

¹⁸ Rhouni, Raja. “Rethinking ‘Islamic Feminist Hermeneutics’: The Case of Fatima Mernissi.” In: Kynsilehto, Anitta (ed.). *Islamic Feminism: Current Perspectives*. Tampere Peace Research Institute Occasional Papers No. 26, 2008. pp. 103-115. See page 103

¹⁹ *Ibid.* See page 109

II. Islamic Feminism and Reforming Family Laws: The Potentials of *Qur'an*-oriented and *Fiqh*-oriented Interpretive Projects

Interpretive projects that have been labeled as Islamic feminism are heterogeneous in the nature of their engagements with the tradition of Islamic religious knowledge as well as in the methodologies that they have used. Some of these projects focused on the *Qur'an*.²⁰ Some engaged partially with both the *Qur'an* and the *Hadith*.²¹ And others engaged with the epistemological and historical genealogy of Islamic jurisprudence.²²

In this section, I will argue that two particular kinds of these interpretive projects have a lot to offer in terms of informing and providing knowledge-based legitimacy to current efforts to reform Muslim family laws. The first kind of these projects focuses on producing systematic rereading and reinterpretations of the *Qur'an* to address the gender question. The second kind of these projects undertakes a comprehensive and deconstructionist analysis of the historical trajectory of Islamic jurisprudence, its knowledge production processes, its underlying assumptions and premises, its methodologies and modes of reasoning, as well as the content of its various foundational schools of law. I contend that by linking and synthesizing the knowledge produced by both projects, Islamic feminism can have a tangible and significant impact on family law reform efforts. This is because the insights produced from the combined knowledge of both interpretive projects will help reformers to challenge both the philosophical and the juristic principles and assumptions that sanction the model of marriage, marital roles, and gender identities upheld by most contemporary Muslim family laws, the latter drawing their religious legitimacy from being based on the doctrines of Islamic jurisprudence (albeit in transmuted forms).

In what follows, I will briefly examine some of the central arguments of Wadud's and Barlas' work as examples of the *Qur'an*-oriented interpretive project on the one hand, and the central arguments of some of the work of Ziba Mir-Hosseini and Kecia Ali as examples of the *Fiqh*-oriented project on the other hand.

To understand and resolve the gender question in Islam, Wadud²³ argues that it is imperative to engage with the *Qur'an*, the word of God and the conduit of God's ideal for just Muslim way of being and living. She uses the methodology of '*Quranic* hermeneutics' which is based on making use of historical, linguistic, and holistic approaches of reading and reinterpreting *Quranic* verses. Wadud's methodology seeks to reclaim: 1) the feminine voice within the text (affirming the female and not only the male voice and experience within the text), and 2) the female voice about the text (i.e. the role of women in the interpretive project). Furthermore, Wadud privileges *Quranic* principles over injunctions. She argues that the *Quranic* text offers "hierarchy of meaning" and guides to "trajectory of meaning and application." This *Quranic* worldview should then guide interpretive processes that

²⁰ See Hassan, Rifaat. "Muslim Women and Post-Patriarchal Islam." In: Cooley, Paula M, Eakin, William R, and McDaniel, Jay B. (eds.). *After Patriarchy: Feminist Transformations of the World Religions*. Maryknoll, NY: Orbis Books, 1991. pp. 54-57; Wadud, Amina. *Qur'an and Woman*. New York and Oxford: Oxford University Press, 1999; Wadud, Amina. 'Qur'an, Gender, and Interpretive Possibilities.' In: *Hawwa*, 2, 3, 2004: 316-336; Barlas, Asma. "Believing Women" in *Islam: Un-reading Patriarchal Interpretations of the Qur'an*. Austin, TX: University of Texas Press, 2002

²¹ See Shaikh, Sa'diyya. "Exegetical Violence: Nushuz in Quranic Gender Ideology." In: *Journal for Islamic Studies*, 17, 1997: 49-73; Al-Hibiri, Azziah. "An Introduction to Muslim Women's Rights." In: Webb, Gisele (ed.). *Windows of Faith: Muslim Women Scholar-Activists in North America*. Syracuse, NY: Syracuse University Press, 2000. pp. 63-65; Shaikh, Sa'diyya. "Knowledge, Women and Gender in the Hadith: a Feminist Interpretation." In: *Islam and Christian-Muslim Relations*, 15, 1, January 2004: 99-108; Abou Fadl, Khaled. "Islamic Authority." In: Vogt, K, Larsen, L & Moe, C. (eds.). *New Directions in Islamic Thought*. London and New York: I.B. Taurus, 2009. Pp. 129-144

²² See Mir-Hosseini., Ziba. "The Construction of Gender in Islamic Legal Thought and Strategies for Reform." In: *Hawwa*, 1, 1, 2003: 1-28. See also Ali, Kecia. "Progressive Muslims and Islamic Jurisprudence: The Necessity for Critical Engagement with Marriage and Divorce Law." In: Safi, O. (ed.). *Progressive Muslims on Justice, Gender, and Pluralism*. Oxford: One World, 2003. Pp. 164-189

²³ See Wadud 1999. See also Wadud 2004

result in deducing particular normative values and injunctions to guide the lives of believers and their gender roles, relations, and rights.

One of the most important insights produced by Wadud's interpretive project is her analysis of the notion of *tawhid* (oneness of God) and its implication for patriarchy and patriarchal relations. Wadud argues that *tawhid* which is central to Islamic faith necessitates that Muslims accept the oneness of God and his transcendental power, and submit to their creator through a vertical relationship in which the believer seeks to know and worship God. The believer cultivates this relationship through piety and being true to the notion of *tawhid* in the way she lives and relates to others. This necessitates, among other things, that Muslims do not place themselves or others in vertical relations vis-à-vis one another. In other words, human hierarchical relations negate the oneness of God, his transcendental power, and our submission to him.

Asma Barlas' work also provides insights that contribute to building a Quranic worldview that can be the foundation for a comprehensive Islamic framework for gender reform. Barlas argues that the *Qur'an*, like all texts, is open to different readings, but all readings are not equal.²⁴ Some readings are better than others because they unearth the ethical message of the text. Reading is not simply an interpretive act but also an ethical and moral one. The *Qur'an* anticipates mis-readings and urges the reader to seek the "best of meanings" by interpreting the text holistically rather than in piecemeal and de-contextualized manner. The *Qur'an* also urges the reader to reflect on the differences between allegorical and clear verses, and to discern the universal and particular messages intended from these verses.

Barlas argues that the *Qur'an* is anti-patriarchal because it rejects patriarchal representations of God (the idea of God/male/father). It also calls against "following the ways of the fathers" uncritically. And it does not link sex and gender. According to the *Qur'an* women and men are made of single soul (*nafs*). They have the same moral capacity and are to be judged by their creator by the same standards. Barlas emphasizes that the *Qur'an* does not "give men and women different attributes or sexual natures or define their social roles in terms of biology." Regarding gender roles and rights in the *Qur'an*, she argues that treating women and men differently in some cases does not amount to inequality. The text does not tie its different treatment to equality or inequality. The verses that invite patriarchal readings which condone discrimination against women can also be read in multiple and very different ways. Contextual holistic reading of these verses would interpret them as not *Quranic* affirmation of patriarchal norms that are discriminatory against women but rather as *Quranic* engagement with a patriarchal historical context with the aim of guiding believers to a pathway of justice.

In short, the *Qur'an*-oriented interpretive project, exemplified in the works of Wadud and Barlas, sheds light on a *Quranic* world view which is shaped by four central truths: 1) God is one and just, 2) human beings are in vertical relationships with God in which they seek to know and worship him in their capacity as God's vicars on earth, 3) Human beings can only be in horizontal relationships with one another (i.e. one of equality) since any vertical or hierarchical relations among them (e.g. patriarchy) will negate the oneness of God and human beings' submission to the Divine, and 4) the *Qur'an* as the word of God has a hierarchy of meanings that point to a trajectory of justice. Thus it is our role to discern the multiple meanings of the *Qur'an*, identify the best of meanings, and follow the trajectory of *Quranic* justice through our various historical and social contexts.

In other words, in this *Quranic* world view patriarchy can only be negated and annihilated because it is antithetical to the belief in the oneness of God and our submission to his will. Furthermore, the implication of Wadud's and Barlas' arguments is that *Quranic* justice is not set in fixed injunctions that are accessible through literal reading of the *Qur'an*. Rather, *Quranic* justice is a historical and

²⁴ See Barlas 2002

interpretive process to be guided by a holistic, contextualized and hermeneutical reading of the *Qur'an*, and it can take lead to multiple legal pathways.

If the knowledge produced by the *Qur'an*-oriented project of Islamic feminism constitutes the philosophical and ethical pillars for a new Islamic framework for reforming Muslim gender relations and roles, it is the arguments produced by *Fiqh*-based project and their implications that provide the legal bricks for building this new foundation for gender reform.

In my view, the work of Ziba Mir-Hosseini and Kecia Ali form the basis (and perhaps the bulk) of this project. What characterizes their work is that their central approach is not based on comparing and contrasting different schools of law in terms of the rights they grant or withhold from women. Nor do they devote their analytical energy to making the case against or for various juristic doctrines pertaining to marriage and divorce rights. Rather, the two authors undertake a more substantive task, which is to deconstruct and critique the very philosophical, epistemological, and legal premises and viewpoints that guided classical jurists' constructions of marriage, marital roles, women, men, and relations between the two sexes. And by using this approach, the authors arrive at the genesis of gender inequality and hierarchy that are found in the doctrines of Islamic law.

Mir-Hosseini, for instance, argues that early jurists shared certain assumptions that shaped their development of jurist law.²⁵ They believed that women were created of and for men; that women were inferior to men both in intellectual and moral capacities, that women needed male protection, and that male and female sexuality were different with the latter being dangerous and unruly. Their concept of marriage was based on one of sale in which the husband acquired the right to have sexual access to his wife through his payment of dower and his undertaking the responsibility of providing for her. These assumptions and views were the product of the jurists' historical and social contexts, and naturally shaped their readings and interpretations of religious sources. Thus such views are reflected in classical jurists' definitions of marriage and marital roles. The end product was a *Fiqh*-based model of marriage and gender roles and rights which on the whole tended to be hierarchical, unequal, and discriminatory against women even if individual doctrines of the different schools of law varied quite a bit (a legal pluralism that often worked for women and provided a check on the overall patriarchal juristic system).

Kecia Ali again traces the genealogy of gender inequality in Islamic legal thought to the assumptions that classical jurists held about marriage and marital rights.²⁶ Ali, similar to Mir-Hosseini, argues that classical jurists defined marriage as a form of ownerships in which the husband owned the right to have sex with his wife. In this *fiqh*-based model of marriage, both financial and sexual rights that are granted to spouses are unequal. The husband provides for the wife, but marital sex is mostly defined as his right and a wife's duty. A husband can withhold financial provision from him if his wife does not have sex with him. Although she is entitled to have sex with him, and may petition for divorce if he is impotent or if he abstains from marital sex during the marriage (according to some schools), on the whole a wife's sexual rights are not necessarily enforceable nor are they equal to those of the husband.

Ali makes an important point that is of great relevance for those interested or engaged in reforming Muslim family laws. She argues that when some scholar-activists, whom she calls feminist apologists, selectively choose some *Fiqh* doctrines that appear to be liberal and dismiss others that are gendered, they are engaging in futile interpretive moves because they have yet to question the overall epistemic system to which both liberal and conservative juristic doctrines belong. She illustrates her point by giving the example of classical jurists' doctrine regarding housework. The majority opinion in several schools of law maintains that wives do not have an obligation to do housework. While many feminist apologists, according to Ali, hail this as a liberal juristic doctrine that can be used nowadays to make

²⁵ See Mir-Hosseini 2003

²⁶ See Ali 2003

the case for equal gender roles in marriage, Ali points out that what these feminist apologists fail to note to their readers is that classical jurists did not obligate wives to carry out housework because they believed that the latter had only main legal role in marriage, which is to make themselves sexually available to their husbands. Ali's point is that the overall juristic view of women's role in marriage certainly does not espouse or contribute to gender equality even if it grants women some rights here and there. Ali concludes that unless the overall juristic system is deconstructed and in her words a "new *Fiqh*" is formulated, the interpretive moves of feminist apologists will have limited impact on reform efforts.

I think the insights of Mir-Hosseini and Ali are helpful for current efforts to reform modern Muslim family laws in a number of ways. First, they deconstruct the prevalent and flawed understanding among Muslims (and non-Muslims) that views Islamic jurisprudence as God's law and will. Second, by contextualizing the body of knowledge known as Islamic jurisprudence through historical and philosophical analyses that excavate its normative and epistemic foundations, the authors give us the tools not only to understand the source of gender hierarchy and inequality in Islamic law but also to address it in its totality. Thirdly, the work of these authors show us that the prevalent *Fiqh*-model of marriage in Islamic law, and which continues to be the basis of most modern family laws today is unsustainable. Notions like ownership, obedience, and submission which are found in classical jurists' definitions of marriage and are still found in present day family laws can hardly be the basis for a new model of Islamic marriage that reflects *Quranic* justice.

Finally, I reiterate that it is the synthesis of the knowledge produced by both *Qur'an*-oriented and *Fiqh* oriented projects of Islamic feminism that can provide new epistemological and interpretive insights and tools with which a coherence framework can be formulated for reforming Muslim family laws. My position disagrees with that of Kecia Alia on this point, who sees that it is only feminist engagements with *Fiqh* that matter for any meaningful reform project. As I said before, the *Qur'an*-oriented project provides an overall *Quranic* world view that provides the normative bases for gender reform in Islamic religious and legal tradition. This *Quranic* normative system and worldview can then guide the efforts to reformulate new *Fiqh* or at the very minimum transform the underlying assumptions and principles of the existing Islamic jurisprudence.

III. Islamic Feminism and Reforming Muslim Family Laws: Examples from Egypt

In this last section, I will conclude with few reflections on how Islamic feminism (both in its global and local forms) are contributing to on-going efforts to reform family laws in Egypt and also creating the beginnings of alternative forms of religious knowledge that could help promote gender justice (and perhaps gender equality).

One manifestation of this role is the collaboration between the Network for Egyptian women's rights organizations (NWRO) and *Musawah* movement that took place in recent years. Some of the young women activists working in NWRO took part in summer schools and training programs that are run by *Musawah* and its predecessor organization *Sisters in Islam* a couple of years ago. In these training programs, the activists were educated in Islamic jurisprudence, exegesis, and the academic scholarship of Islamic feminism by prominent scholars such as Ziba Mir-Hosseini, Khaled Masud, and Amira Sonbol. In addition, in 2010, a similar training program was held in Egypt for a wider range of local activists. These training sessions were held in both English and Arabic and some of the main reading materials were translated from English to Arabic. I find such efforts highly significant because they contribute to educating Egyptian activists and lawyers on the ground about the epistemological and methodological knowledge which would enable them to ground their activism in the underlying principles, language, and goals of Islamic feminism.

Secondly, I see more systematic collaborations and engagements between some of the women's rights groups and religious scholars towards the common goal of reforming family laws. One good

example is the space that is created by Center for Egyptian Women's Legal Assistance (CEWLA) for religious scholarship and discourse to play a central role in their reform efforts. These new efforts go beyond simply organizing workshops to which religious scholars are invited and asked to speak on Islamic jurisprudence and related issues of legal reform. What is new is that CEWLA has been organizing systematic and regular debates among diverse interlocutors such as religious scholars, lawyers, activists, policy makers on key legal concepts in *Fiqh* that shape its model of marriage and marital roles such as male guardianship and wifely obedience. Moreover, CEWLA has been coordinating and supporting the production of new religious scholarship on these issues, exemplified in the recent work of Dr. Abdel Moty Bayoumy, a religious scholar and key interlocutor and participant in public debates about family laws in Egypt for the past decade. In a recent work, Bayoumy historicizes and contextualizes the production of Islamic *Fiqh* in order to apply a critical analysis to some of the classical jurists' doctrines on male guardianship and wifely obedience, which privilege men and discriminate against women.²⁷ While his approach is not as systematic and comprehensive in its deconstruction of *Fiqh* as are those of Ziba Mir-Hosseini and Kecia Ali, it reflects a local form of religious knowledge that more forcefully critiques the assumptions and the viewpoints of classical jurists' and the role that these views played in shaping their juristic work and knowledge outputs. Bayoumy also made use of this same approach in a number of articles which he published in 2000 in order to counter the opposition of many religious scholars at the time to the new *khul* law on the grounds that the latter eliminates the requirement for the husband's consent which the majority of jurists in different schools of law agreed upon.

Furthermore, I have noticed some of the trickling effect of these new approaches and understandings of religious knowledge in my conversations with poor Egyptian women in *Masr El Kadima*, a neighborhood of Cairo. These litigants had recently petitioned and were granted *khul* divorce with the legal assistance of women's rights organizations such as CEWLA and Association for Development and Enhancement of Women (ADEW). Many of these women had also attended some of legal literacy classes offered by these organizations. Some of these women articulated to me an understanding of *khul* which viewed it as a right granted to them by God so that they could have equal access to unilateral repudiation just like men. In other words, these women's understandings of *khul* did not resemble that of classical jurisprudence (i.e. contingent on a husband's approval), nor those reflected in cultural norms of the country (i.e. a legal right that Egyptian women are not morally or rationally equipped to exercise). Rather, their understanding of *khul* was more in agreement with those put forth by Islamic feminism (i.e. a *Qur'anic* and prophetic-based right that equalizes women and men's right to unilateral repudiation).

Lastly, one of the key demands of women's rights activists is to include new definitions of marriage and marital roles in the new family law that is currently being drafted and debated. For me, this is also an important reflection of how these reform efforts are being shaped by the interpretive and academic projects of Islamic feminism.

To conclude, there is still a lot to be debated, clarified, and agreed upon regarding the conceptualization and categorization of Islamic feminism. Part of this work entails addressing the question: Do we need to move beyond the term itself to a more robust less loaded one? And there is certainly need to develop systematic and coherent methodological and theoretical frameworks to delineate what we call Islamic feminism. But overall, I see two types of Islamic feminist projects that are already well on their way towards systematic conceptual development, and have a lot to offer.

²⁷ See Bayoumy, Abdel Moty. *Min qadaya il mar'a: al wilaya wa al wisaya, al qawama fi al islam, tadud al zawjaat, talaq il ghiyabi, shahadat il mar'a* (Women's Issues: Guardianship, Trusteeship, Qawama in Islam, Polygamy, Repudiation in Absentee, and Women's Testimony). Cairo, Egypt: Center for Egyptian Women's Legal Assistance, 2010

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