

New Feminist Voices in Islam

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Who is to say if the key that unlocks the cage
might not lie hidden inside the cage?¹

If justice and equality are inherent in Islam - as most contemporary fugaha claim and all Muslims believe - should they not be reflected in laws regulating relations between men and women and their respective rights? Why have women been treated as second-class citizens in the fiqh books that came to define the terms of the Shari'a?

These are the questions that I came to confront in 1979, when my personal and intellectual life was transformed by the victory of Islamism – that is the use of Islam for a political ideology - in my own country. Like most Iranian woman, I strongly supported the 1979 Revolution and believed in the justice of Islam. But I soon found out that in an Islamic state - committed to the application of the Shari'a – the backbone of the Islamist project – I was a second-class citizen. This brought the realization that the justice of Islam in modern times cannot be achieved without the 'modernization' and 'democratization' of its legal vision. For this, Islamic discourses and Islamists must come to terms with the issue of rights – especially those of women. The justice of Islam is no longer reflected in the laws that some Islamists are intent on enforcing in the name of the Islam.

A Painful Choice to Make

Muslim women, like other women in the world, have always been aware of – and resisted – gender inequality, yet the emergence of a sustained, indigenous feminism was delayed until recently. This delay at least partly reflects the complex relation between women's demands for equal rights and the anti-colonial and nationalist movements of the first part of the 20th century. At a time when feminism, both as a consciousness and as a movement, was being shaped and making its impact in Europe and North America, it also 'functioned to morally justify the attacks on native [Muslim] societies and to support the notion of the comprehensive superiority of Europe,' as Leila Ahmed among others has shown.²

Nineteenth-century European travellers and diplomats regularly reported on 'the subjection of women' in Muslim societies. The rise of anti-colonialist and nationalist movements put Muslims on the defensive with regard to traditional gender relations. The situation was further complicated with the rise of modern nation-states in the Muslim world and their appropriation of Islam and the 'woman question' in the process of nation building. New regimes not only selectively reformed the classical rules of Islamic family law, grafting them onto a unified legal system, they also tried to define the scope of women's rights and to control nascent women's activism. The degree to which they succeeded or failed in this varied from country to country and from one period to another.³

Muslim women who acquired a feminist consciousness at the time, and sought equal rights for women, were under pressure to conform to anti-colonialist and nationalist priorities, as well as to the secularist and 'modernist' but despotic agenda of the new states. Some scholars have argued that at the start of the twentieth century the boundary between Islam and feminism was not so clearly marked, and that women often tried to change traditional laws by invoking and relying on Islam's sacred texts.⁴ But it was in this period too that women became symbols of cultural authenticity and carriers of religious tradition and way of life, which meant that any dissent on their part could be construed as a kind of betrayal or could be silenced. Contemporary western feminists could criticize the patriarchal elements of their own cultures and religions in the name of modernity,

liberalism and democracy, but Muslims could not draw on these external ideologies or on internal political ideologies in their fight for equal rights. For both the colonialists and the modernizing secularists, 'Islamic law' was the embodiment of a backward system that must be rejected or tamed in the name of progress. For anti-colonialists and most nationalists, 'feminism' – that is, advocacy of women's rights – was a colonial project and must be resisted. Meanwhile, undemocratic Muslim 'modernists' gave a new legal force to the gender inequalities prescribed by classical Islamic jurists. As a consequence, many Muslim women faced a painful choice, as Leila Ahmed puts it, 'between betrayal and betrayal'.⁵ They had to choose between their Muslim identity – their faith – and their new gender awareness.

A New Gender Discourse Produced

But as the twentieth century drew to a close, this dilemma disappeared. One neglected and paradoxical consequence of the rise of political Islam in the second half of the century was that it helped to create a space, an arena, within which Muslim women could reconcile their faith and identity with a struggle for gender equality. This did not happen because the Islamists offered an egalitarian vision of gender relations: they did not. Rather, their very agenda – 'return to the Shari'a' – and their attempt to translate into policy the patriarchal gender notions inherent in traditional Islamic law, provoked many women to increasing criticism of these notions, and spurred them to greater activism. A growing number of women came to see no inherent or logical link between Islamic ideals and patriarchy, no contradiction between Islamic faith and feminism, and to free themselves from the straitjacket of earlier anti-colonial and nationalist discourses. Using the language of political Islam, they could sustain a critique of the gender biases in Islamic law in ways that were previously impossible.

By the late 1980s, there were clear signs of the emergence of a new consciousness, a new way of thinking, a gender discourse that is 'feminist' in its aspiration and demands, yet 'Islamic' in its language and sources of legitimacy. Some versions of this new discourse came to be labelled 'Islamic Feminism'.⁶ The majority of Islamists, however, and some secular feminists, see the notion of 'Islamic feminism' as antithetical to their respective positions or ideologies, and in effect as a contradiction in terms.

What, then, is 'Islamic feminism'? How does it differ from other feminisms? These questions can best be answered by examining the dynamics of 'Islamic feminism' and its potential in the Muslim world. It is difficult and perhaps futile to put the emerging feminist voices in Islam into neat categories, and to try to generate a definition that reflects the diversity of positions and approaches of so-called 'Islamic feminists'. As with other feminists, their positions are local, diverse, multiple and evolving. Many of them have difficulty with the label, and object to being called either 'Islamic' or 'feminist'. They all seek gender justice and equality for women, though they do not always agree on what constitutes 'justice' or 'equality' or the best ways of attaining them.

To understand a movement that is still in formation, we might start by considering how its opponents depict it, in other words, the resistance against which it has had to struggle. Opponents of the feminist project in Islam fall into three broad categories: Muslim traditionalists, Islamic fundamentalists and secular fundamentalists. Muslim traditionalists resist any changes in what they hold to be eternally valid ways, sanctioned by an unchanging Shari'a. Islamic fundamentalists – a very broad category – are those who seek to change current practices by a return to an earlier, 'purer' version of the Shari'a. Secular fundamentalists – who can be just as dogmatic and as ideological as religious fundamentalists – deny that any religious law or social practice can be just or equal.

Though adhering to very different ideologies and scholarly traditions and following very different agendas, all these opponents of the feminist project in Islam share one thing in common: an essentialist and non-historical understanding of Islam and Islamic law. They fail to recognize that assumptions and laws about gender in Islam – as in any other religion – are socially constructed, and thus historically changing and open to

negotiation. They resist readings of Islamic law that treat it like any other system of law, and disguise their resistance by mystification and misrepresentation. Selective in their arguments and illustrations, the three kinds of opponents resort to the same kinds of sophistry; for example, they seek to close discussion by producing Koranic verses or Traditions (*hadith*), taken out of context. Muslim traditionalists and Islamic fundamentalists do this as a means of silencing other internal voices, and abuse the authority of the text for authoritarian purposes. Secular fundamentalists do the same, but in the name of enlightenment, progress and science and as means of showing the misogyny of Islam, while ignoring the contexts in which the texts were produced, as well as the existence of alternative texts. In so doing, they end up essentializing and perpetuating difference, and reproduce a crude version of the Orientalist narrative of Islam.⁷

What is often missing in these narratives is a recognition that gender inequality in the Old World was assumed, and that perceptions of women in Christian and Jewish texts are not that different from those of Islamic texts. The early Western feminists too found it necessary to confront and challenge these perceptions, and they did so not by rejecting the bible or their faith but by appealing to its higher values and principles. In the eighteenth century, Mary Wollstonecraft, an early and daring feminist voice, in her *A Vindication of the Rights of Women*, often referred to biblical passages in her defence of women's essential equality with man and in her refutation of the Enlightenment philosophers' arguments on women's nature as essentially different from men's. A century later, Elizabeth Cady Stanton placed the demand for equal rights for women squarely within a religious framework and went as far as writing *The Women's Bible*.⁸ These became part of new political and socio-economic discourses that were shaped by new social conditions and in turn shaped new understandings of sacred texts and women's situation in the West.⁹

The work of the so-called 'Islamic feminists' should be examined in this light. By both uncovering a hidden history and rereading textual sources, they are proving that the inequalities embedded in *fiqh* are neither manifestations of divine will, nor cornerstones of an irredeemably backward social system, but human constructions. They are also showing how such unequal constructions go contrary to the very essence of divine justice as revealed in the Koran, and how Islam's sacred texts have been tainted by the ideologies of their interpreters.¹⁰ For example, they show how men's unilateral rights to divorce (*talaq*) and polygyny were not granted to them by God but by Muslim male jurists. They are juristic constructs that follow from the way that early Muslim jurists conceptualised and defined marriage.

The majority of these feminist scholars have focused their energy on the field of Koranic interpretation (*tafsir*) and have successfully uncovered the Koran's egalitarian message. The genesis of gender inequality in Islamic legal tradition, these scholars tell us, lies in the cultural norms of early Muslim societies.¹¹ While the ideals of Islam call for freedom, justice and equality, Muslim norms and social structures in the formative years of Islamic law impeded their realization. Instead, these norms were assimilated into Islamic jurisprudence through a set of theological, legal and social theories and assumptions. Salient among them were assumptions such as: 'women are created of men and for men', 'women are inferior to men', 'women need to be protected', 'men are guardians and protectors of women', and 'male and female sexuality differ and the latter is dangerous to the social order.' These assumptions and theories are nowhere more evident than in the rules that define the formation and termination of marriage, through which gender inequalities are sustained in present-day Muslim societies. In my own work on marriage and divorce, I have tried to engage with these juristic assumptions, to show how the science of Islamic jurisprudence became the prisoner of its own legal theories, which in time came to by-pass the Koranic call for justice and reform.

Concluding Remarks

The emergence of the new feminist voices in Islam in the late 1980s must be seen as part of a larger intellectual and ideological struggle among Muslims over two opposed understandings of their religion and two ways of relating to its sacred texts. One is an absolutist and legalistic Islam, as understood and constructed in traditional *fiqh*, which makes little concession to contemporary realities and the aspirations of Muslims. The other is a pluralistic and tolerant Islam that is making room for these realities and values, including gender equality.¹² The struggle over interpretations of Islam's sacred texts has shaped Islamic history and civilization, and undoubtedly will continue to do so. Since the early twentieth century the issue of women's rights has been central to this struggle, reflecting both modern realities and the changed status of Muslim women.

By advocating a brand of feminism that takes Islam as the source of its legitimacy, these feminist voices are effectively challenging the hegemony of patriarchal interpretations of the Shari'a and the legitimacy of the views of those who until now have spoken in the name of Islam. Such a challenge, I argued, has been made possible, even inevitable, by the Islamists' call for 'return to Shari'a' and attempts to impose anachronistic jurisprudential constructions of gender relations. This has placed Islamic feminism in a unique position to bring about a much-needed paradigm shift in Islamic law. It exposes the inequalities embedded in current interpretations of Shari'a – i.e. *fiqh* – as constructions by male jurists rather than manifestations of the divine will. This exposure can have important epistemological and political consequences. Epistemological, because if it is taken to its logical conclusion, then it can be argued that some rules that until now have been claimed as 'Islamic', and part of the Shari'a, are in fact only the views and perceptions of some Muslims, and are social practices and norms that are neither sacred nor immutable but human and changing. Political, because it can both free Muslims from taking a defensive position and enable them to go beyond old *fiqh* dogmas in search of new questions and new answers.

Can a feminist discourse that takes its legitimacy from Islam's sacred texts and has to operate within a closed legal system like *fiqh*, with little support from the power-base in that tradition, break that closed system apart? In other words, can its advocates nurture a gender discourse that meets women's aspiration for equality? My answer to this question is a qualified 'yes', for three reasons.

First, given the current realities of the Muslim world, in which the Islamists have the upper hand in defining the terms of reference of political and gender discourses, I would maintain that only those who are prepared to engage with Islam's sacred texts and its legal tradition can bring change from within. Otherwise, Muslim women's quest for equality will remain a hostage to the fortunes of various political forces and tendencies, as was the case in the twentieth century. In my view, secular feminism in the Muslim world fulfilled its historical role by paving the way for women's entry into politics and society in the early twentieth century. But since the rise of political Islam in the second part of the century, the battle between tradition and modernity in which Muslim women's lot are still caught must be conducted in a religious language and framework, where jurisprudential constructions of gender can be re-examined and the patriarchal mandates of *fiqh* can be challenged. The legal gains and losses of women in Iran, and now in Afghanistan and Iraq, testify that there can be no sustainable gains unless patriarchal notions of family and gender relations are debated, challenged and redressed within an Islamic framework.

Secondly, the emerging feminist voices in Islam have the potential to overcome the dichotomy between 'Islam' and feminism, which has been a feature of the politics of gender among Muslims in modern times. This dichotomy – itself a colonial legacy – is false and at times arbitrary, as An-Na'im reminds us.¹³ But its implications are too grave and too pernicious to be ignored – especially in the context of the neo-imperialist 'war on terror', which many Muslims perceive to be directed against them once again. Such a perception – whether justified or not – not only puts them on the defensive and makes

them more likely to cling to religious tradition, but it also erodes the credibility and moral high ground of secular and Western discourses. 'Islamic feminism' has a positive role to play in such a context, because, in Margot Badran's words, it 'transcends and destroys old binaries that have been constructed. These included polarities between religious and secular and between "East" and "West".'¹⁴

Finally, the daily lives of many Muslim women, and their life choices – whether they live in an Islamic state or as part of a diaspora in a Western liberal state – are governed and shaped by a set of patriarchal beliefs and laws for which divine roots and mandate are claimed. Only the elite and the minority of highly-educated women have the luxury of choice, of rejecting or challenging these beliefs and laws. A movement to sever patriarchy from Islamic ideals and sacred texts, and to give voice to an ethical and egalitarian vision of Islam, can and does empower Muslim women from all walks of life to make dignified choices. This, in the end, is what 'Islamic feminism' is about.

Notes

- ¹ Arvind Sharma (1999) 'Preface', in A Sharma and K Young, (eds), *Feminism and World Religions*, Albany: SUNY Press, p. ix.
- ² Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (Newhaven: Yale University Press, 1992), 154.
- ³ See Mounira Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco* (Berkeley: University of California Press, 2001); Deniz Kandiyoti (ed.), *Women, Islam and the State*, London: Macmillan, 1991); Parvin Paidar, *Women and the Political Process in Twentieth-Century Iran* (Cambridge: Cambridge University Press, 1995).
- ⁴ On Egypt, see Margot Badran, *Feminists, Islam and Nation: Gender and the Making of Modern Egypt* (New Jersey: Princeton University Press, 1995); on Iran, see Paidar, *Women and the Political Process*.
- ⁵ Leila Ahmed, "Early Feminist Movements in the Middle East: Turkey and Egypt," in Freda Hussain (ed), *Muslim Women* (London: Croom Helm, 1984), 122.
- ⁶ There is a growing literature on Islamic feminism and its politics. See for instance, Haleh Afshar, *Islam and Feminisms: an Iranian Case-Study* (London: Macmillan, 1998); Margot Badran, "Islamic Feminism: What's in a Name?" *Al-Ahram Weekly Online* 569 (2002, 17-23 January); Margot Badran, "Between Secular and Islamic Feminism/s: Reflection on the Middle East and Beyond," *Journal of Middle Eastern Women's Studies* 1 (2005): 6-28; Elizabeth Fernea, *In Search of Islamic Feminism: One Woman's Global Journey* (New York: Anchor Books, 1998); Anouar Majid, "The Politics of Feminism in Islam," in Therese Saliba et al. (eds), *Gender, Politics and Islam* (Chicago: University of Chicago Press, 2002); Ziba Mir-Hosseini, "Islamic Law and Feminism: The Story of a Relationship," *Yearbook of Islamic and Middle Eastern Law* 9 (2004): 34-42; Qudsia Mirza, "Islamic Feminism, Possibilities and Limitations," in John Strawson (ed.), *Law After Ground Zero* (London: Cavendish House, 2002); Qudsia Mirza (ed.), *Islamic Feminism and the Law* (London: Cavendish House, 2006); Valentine Moghadam, "Islamic Feminism and its Discontents: Toward a Resolution of the Debate," in Therese Saliba, *Gender, Politics and Islam*; Najmabadi, "Feminisms in an Islamic Republic"; Paidar, "Islam and Feminism in Iran"; Heba Raouf Ezzat, "The Silent Ayesha: An Egyptian Narrative", in Jane H. Bayes and Nayereh Tohidi (eds), *Globalization, Gender and Religion: The Politics of Women's Rights in Catholic and Muslim Contexts* (New York: Palgrave, 2001); Anne Sofie Roald, "Feminist Reinterpretation of Islamic Sources: Muslim Feminist Theology in Light of the Christian Tradition of Feminist Thought," in Karen Ask and Marit Tjomsland (eds), *Women and Islamization: Contemporary Dimensions of Discourse on Gender Relations* (Oxford: Berg, 1998); Sa'diyya Shaikh, "Transforming Feminism: Islam, Women and Gender Justice", in Omid Safi (ed.), *Progressive Muslims: On Justice, Gender, and Pluralism* (Oxford: Oneworld, 2003); Gwendolyn Zoharah Simmons, "Are We Up to the Challenge? The Need for a Radical Re-ordering of the Islamic Discourse on Women", in Safi, *Progressive Muslims*; Nayereh Tohidi, "'Islamic Feminism': Perils and Promises," *Mews*

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(<http://www.amews.org/review/reviewarticles/tohidi.htm>); Yamani, *Islam and Feminism*.

7 Haideh Moghissi, *Feminism and Islamic Fundamentalism: The Limits of Postmodern Analysis* (London: Zed Press, 1999).

8 Mary Wollstonecraft, *A Vindication of Rights of Women With Strictures on Political and Moral Subjects* (1792; available at www.bartleby.com); Elizabeth Cady Stanton, *The Women's Bible* (New York 1895; available at www.sacred-texts.com/wmn/wb/).

9 Given the centrality of law in Judaism, there are interesting parallels and differences in the ways in which Muslim and Jewish feminists deal with patriarchal laws legitimated through religious tradition. On Jewish feminism see Susannah Heschel (ed.), *On Being a Jewish Feminist: A Reader* (New York: Schocken, 1995).

10 In addition to works mentioned in note 20 above, see Aziza Al-Hibri, "Islam, Law and Custom: Redefining Muslim Women's Rights," *American University Journal of International Law and Policy* 12 (1997): 1-44; Kecia Ali, "Progressive Muslims and Islamic Jurisprudence: the Necessity for Critical Engagement with Marriage and Divorce Law," in Safi, *Progressive Muslims*; Asghar Ali Engineer, *The Rights of Women in Islam* (London: Hurst, 1992); Asghar Ali Engineer, "Islam, Women, and Gender Justice," in John C. Raines and Daniel C. Maguire (eds), *What Men Owe to Women* (Albany: SUNY Press, 2001); Farid Esack, "Islam and Gender Justice: Beyond Simplistic Apologia," in Raines and Maguire, *What Men Owe to Women*; Haifaa Jawad, *The Rights of Women in Islam: an Authentic Approach* (London: MacMillan, 1998); Ziba Mir-Hosseini, "The Construction of Gender in Islamic Legal Thought: Strategies for Reform," *Hawwa: The Journal of Women in the Middle East and the Islamic World* 1 (2003): 1-28; Amira El-Azhary Sonbol, "Rethinking Women and Islam," in Yvonne Haddad and John Esposito (eds), *Daughters of Abraham: Feminist Thought in Judaism, Christianity, and Islam* (Gainesville: University of Florida Press, 2000).

11 See for instance Asma Barlas, *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an* (Austin: University of Texas Press, 2002); Riffat Hassan, "Equal before Allah? - Woman-Man Equality in the Islamic Tradition," in Riffat Hassan, *Selected Articles* (Grabels: Women Living Under Muslim Laws, 1987); Fatima Mernissi, *Women and Islam: an Historical and Theological Enquiry*, trans Mary Jo Lakeland (Oxford: Blackwell 1991), Sa'diyya Shaikh, "Exegetical Violence: Nushuz in Qur'anic Gender Ideology," *Journal of Islamic Studies* 17 (1997): 49-73; Amina Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective* (New York: Oxford University Press, 1999).

12 This struggle is not confined to Iran or to the Shi'a branch of Islam. For two recent accounts of its unfolding in history and other contexts, see Reza Aslan, *No God But God: The Origins, Evolution and Future of Islam* (New York: Random House, 2005) and Robert Hefner (ed.), *Remaking Muslim Politics: Pluralism, Contestation, Democratization* (Princeton: Princeton University Press: 2005).

13 Abdullahi An-Na'im, "The Dichotomy between Religious and Secular Discourse in Islamic Societies," in Mahnaz Afkhami (ed.), *Faith and Freedom: Women's Human Rights in the Muslim World* (London: I. B. Tauris, 1995).

14 Badran, "Islamic Feminism," 3.