

# The Challenges of Islamic Feminism<sup>1</sup>

**Ziba Mir-Hosseini**

**Abstract:** By the early 1990s there were clear signs of the emergence of a new gender discourse that came to be labelled 'Islamic feminism'. In this paper, I first set this new discourse against the backdrop of the global and local politics of Islam and gender in the latter part of the 20th century. Then I introduce the work of feminist scholar-activists who argue for equality and justice from inside the Muslim tradition, outline how they seek to change the terms of traditional Islamic discourses on gender, and consider their prospects of success. I shall focus on Musawah ([www.musawah.org](http://www.musawah.org)), a global movement for equality and justice in the Muslim family.

**Keywords:** Islam, Islamic feminism, family law, Musawah

Mir-Hosseini, Ziba. 2019. 'The Challenges of Islamic Feminism.' *Gender a výzkum / Gender and Research*, Vol. 20, No. 2: 108–122, <http://dx.doi.org/10.13060/25706578.2019.20.2.486>.

The Muslim legal tradition does not treat men and women equally. At the heart of its unequal construction of gender rights lie two key assumptions: one theological – that God has given men authority over women; the other sociological, reflecting an ancient premise – men are strong, they protect and provide, while women are weak and obey. These assumptions are reproduced in a set of legal rulings that the classical Muslim jurists derived from Islam's sacred texts. They continue to constitute the established interpretations of the Shari'a.

With the expansion of human rights and feminist discourses in the course of the twentieth century, many Muslims came to see these interpretations as unjust and discriminatory and began to challenge them from within. By the late 1980s this challenge had acquired the label of 'Islamic feminism', which at the time seemed a contradiction in terms. There has since been much discussion and debate and a growing literature on this composite term, to which I have contributed (Mir-Hosseini 1995, 2006, 2011a).

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<sup>1</sup> This article draws on and expands arguments I presented in two previous articles (Mir-Hosseini 2014, 2016).

I have two aims in this article. First, to set the rise of 'Islamic feminism' against the backdrop of the global and local politics of Islam and gender in the latter part of the twentieth century. Second, to provide an idea of the work of the feminist scholar-activists who argue for equality and justice from inside the Muslim tradition and of how they seek to change the terms of traditional Islamic discourses on gender and to consider their prospects of success. I shall refer to Musawah ([www.musawah.org](http://www.musawah.org)), a global movement for equality and justice in the Muslim family. Musawah – an Arabic word for 'equality' – was launched in February 2009 at a large gathering in Kuala Lumpur, where it had been initiated by the pioneering Malaysian women's group Sisters in Islam (SIS), itself active since 1988. We (I am a founding member) seek to link academic research with activism in order to present fresh perspectives on Islamic teachings and to contribute constructively to the reform of family laws and practices.

But first, a word on my own position and where I am coming from. I am a Muslim woman and a committed participant in the debates over – and the struggle for – gender equality in law. My approach and analysis are those of a trained legal anthropologist; but I do not claim to be a detached observer. Since the early 1980s my research has centred on the laws regulating gender relations in the Islamic legal tradition. I examine these laws from a critical feminist perspective and attempt a kind of 'ethnography' of the juristic constructs on which the whole edifice of gender inequality in the Islamic legal tradition is built. In 2000, I crossed the line between academic research and activism and began working with women's groups such as Sisters in Islam.

## **The Rise of Islamic Feminism**

In my own life experience, I see two major turning points. The first was the Iranian Revolution of 1978-9 and the foundation of the Islamic Republic. I think this was also a turning point in the history of Islam and of Muslim women's place in the Western imaginary. Until then, the standard expectation among the general public, among intellectuals on the left and right, among feminists, and in academia, was that religions – including Islam – would gradually retreat and that political modernisation would do away with religious manifestations and symbols in the public space. Muslim women were still an exotic curiosity, expected to follow the path of progress and to liberate themselves from the constraints of their religion. In the 1970s, hijab – the most potent and loaded of Islamic symbols – was almost non-existent in public spaces; it was indeed rare to see a woman wearing hijab, whether in Europe or in public spaces, such as universities, offices and so on, in most Muslim-majority countries.



All that changed with the resurgence of Islam as a political and spiritual force, which peaked in the Iranian Revolution. Though the forces that brought about the revolution were multiple, in the aftermath Islamists took power, and it has become known as the 'Islamic revolution'. It gave hope and confidence to the Muslim masses and a sense of pride that they badly needed; they needed to know that they could change a corrupt and unjust regime even though it was supported by Western powers. This was no small realisation. It was also a revolution that unfolded before the eyes of the world's media, and one of its enduring and puzzling images was that of women in black hijab leading political demonstrations. It is no exaggeration to say that the Iranian Revolution of 1978-9 had as great an impact as the Russian Revolution of 1917 – at least in terms of its ideology.

Meanwhile, in the intellectual field, the dominant Western narrative and representation of Islam was unravelling. Edward Said's *Orientalism*, first published in 1978, had an impact on Western academia almost as significant as that of the Iranian Revolution on the Muslim world. Said condemned the academic field of Oriental Studies for lacking the objectivity that it claimed, and he argued that representations of the East had served to justify Europe's colonial rule and define the West's self-image. One of Said's arguments that is relevant to our discussion can be summarised as follows: the construction of identity in every age and every society involves establishing opposites and 'others'. Oriental Studies led the West to see Islamic culture as static in both time and place, as uniform, and as incapable of defining itself. This gave Europe a sense of its own cultural and intellectual superiority – seeing itself as a dynamic, innovative, expanding culture, as well as being 'the spectator, the judge and jury, of every facet of Oriental behavior' (Said 1978: 109).

Edward Said's book was part of the emerging post-modern and post-colonial turn that brought a new level of complexity to both public and academic discourses on Islam and the Muslim world. Scholars were now trained to recognise and examine the power of representation, the power to name and define the other, the intimate connections between knowledge and power.

This was the context in which the meaning and symbolism of hijab came to the fore and was contested. One of the cultural manifestations of political Islam was that women, initially on a small scale, took hijab voluntarily. In a few countries like Saudi Arabia, Iran, and Sudan, Islamists in power passed laws to make hijab mandatory: women were forbidden to appear in public without their hair and body fully covered. But elsewhere, in Muslim countries and others, increasing numbers of Muslim women were opting for hijab – for a variety of reasons and in a wide variety of shapes and colours: from the all-enveloping burqa of Afghanistan and Pakistan to the simple head-scarf of the Turkish peasant; and from the all-black niqab of Arabia to the rainbow-coloured manteau of the fashion-conscious Iranian middle class.

This decision was offensive or incomprehensible to many Western feminists, for whom 'veiling' had been the most potent symbol of Islam's subjugation of women. Why should women opt for such a manifest tool of their oppression? These feminists construed this decision by Muslim women as a rejection of a 'Western' and 'modern' way of life and values, which it was indeed for some, though many others thought they were finding fulfilment and defining their identity in their own way. All of a sudden there was an angry debate. Hijab represented so many contradictory ideas about the state, the role of women, control over the body, sexual mores, and codes of morality and value. In that polarised debate, to be a feminist meant to oppose hijab and all it stood for, including 'Islam'. To choose hijab meant one had been duped by religion, by political Islam, and therefore one could not possibly be a feminist.<sup>2</sup>

What was lost in this debate was that political Islam, like other ideologies, carried its own seeds of change. One of its neglected and paradoxical results was that it helped to create a space, an arena, within which Muslim women could reconcile their faith and identity with a 'feminist' struggle for gender equality.

Let me elaborate: It is important to recall how and why Muslim women faced a difficult choice early on when feminism – as consciousness and a movement and a knowledge project – was entangled with the politics of colonialism. In the early part of the twentieth century, in the course of Muslim countries' struggles for independence from colonial powers, women became both carriers of tradition and symbols of cultural and religious authenticity. On the one hand, colonial discourses construed 'Islam' as irreconcilable with the central features of modernity, including 'women's emancipation'; on the other hand, anti-colonialist and nationalist movements saw feminism – the advocacy of women's rights – as part of the colonial project that they rejected. Those Muslim women who acquired a feminist consciousness at the time were under pressure to conform to anti-colonialist priorities; any dissent could be construed as a kind of betrayal.

They faced a painful choice, which Leila Ahmed, a scholar of women's movements, describes as a choice 'between betrayal and betrayal' (Ahmed 1984: 122). They had to choose between their Muslim identity – their faith – and their demand for women's rights. For much of the twentieth century, in many Muslim countries, growing numbers of educated and middle-class women chose the path of emancipation and put their faith – if they retained it at all – in the private space, where it was supposed to belong.

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2 There is extensive literature on this; see in particular Hoodfar 1997, 2003; Scott 2007; Mir-Hosseini 2011b



But as the twentieth century ended, this choice began to dissolve. The year 1979 was not only the year of the Iranian Revolution – the apogee of political Islam – it was also the year when gender equality acquired a new international legal mandate: the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) – also known as the Women’s Convention. The 1980s saw the concomitant development, globally and locally, of two powerful but seemingly opposite trends. On the one hand, with the encouragement of CEDAW, the international women’s movement expanded, and NGOs emerged, with international funding and transnational links, to give women a voice in policymaking and public debate over the law. On the other hand, Islamist political movements – whether in power or in opposition – started to invoke ‘Shari’a’ in order to dismantle earlier efforts at reforming and/or secularising laws and legal systems. Tapping into popular demands for social justice, they presented this dismantling as ‘Islamisation’ and as the first step in bringing about their vision of a moral and just society.

By the early 1990s, the conflict between these bitterly opposed isms – i.e. Islamism and feminism – found a kind of resolution in the emergence of a new gender discourse that came to be called ‘Islamic feminism’. I was one of the first to use this term for the new gender consciousness and discourse that emerged in Iran a decade after the 1979 revolution had brought Islamists into power. I called this discourse ‘Islamic feminism’ because it was feminist in its demands and yet took its legitimacy from Islam. Women who voiced this discourse in Iran were those who in the early 1980s were ‘Islamist’; some had played a crucial role then in silencing secular women’s voices, but by the late 1980s, many of them had become disillusioned with the Islamic Republic’s official discourse on women. They found an ally in feminism, and they were intent on resisting patriarchal interpretations of Islam’s sacred texts (Mir-Hosseini 1996).

I argued that ‘Islamic feminism’ was the ‘unwanted child’ of political Islam; it did not emerge because the Islamists offered an egalitarian vision of gender relations. They certainly did not. Rather, their slogan and agenda of a ‘return to the Shari’a’ and their attempt to translate into policy the patriarchal gender notions inherent in classical jurisprudence provoked Muslim women to increased criticism of these notions.

The second turning point was the rhetoric and politics of the ‘War on Terror’ in the aftermath of the 11 September 2001 attacks in the USA. The illegal invasions of Afghanistan and Iraq – both partially justified as promoting ‘democracy’, ‘freedom’, and ‘women’s rights’ – the double standards employed in promoting UN sanctions, the subsequent revelations of abuses in Guantanamo, Abu Ghraib, and Bagram, have all, in the eyes of many, discredited both international human rights and Western feminist ideals (Abu-Lughod 2002).

At the same time, for many Muslims the appeal of Islamism has been dented by the human rights abuses committed by Islamists in power, notably the Taliban in

Afghanistan, the hardliners in the Islamic Republic of Iran, the rulers of several other Muslim states, and of course, more recently, Da'esh or the so-called 'Islamic State'.

Yet, rightly or wrongly, many Muslims have perceived the 'war on terror' to be directed against them, which has not only made them insecure and thus more likely to cling to their religious traditions, but has also – and this is my point – silenced internal voices of dissent and reform. For them, the US-led invasions were reminiscent of the earlier European 'Civilising Mission', making a hollow mockery of lofty concepts like democracy, freedom, human rights, and women's rights. In 2004, Haifa Zangana – an Iraqi woman novelist who was tortured in Saddam's prisons and now lives in London – wrote in the Guardian newspaper of the new meaning of the word 'democracy' in Iraq. It had become the bogeyman that mothers summon to scare their children into obedience: 'Quiet, or I'll call Democracy!', they now told them (Zangana 2004).

## **The Birth of Musawah**

It was then that many of us, as Muslims and feminists, found ourselves in the crossfire. On the one hand, Islamists were denying us equality in the name of Shari'a; on the other, hegemonic global powers were pursuing a neo-colonial agenda in the name of feminism and human rights. The way out of this predicament, for some of us, was to bring Islamic and feminist frameworks together. The vast majority of women whose rights we championed were believers and wanted to live according to the teachings of Islam; effective change, we believed, could come, not through rejection and confrontation, but only through a meaningful and constructive engagement with those teachings.

To do this we needed to reclaim the egalitarian ethos of Islam and to create a public voice for our vision of Islam. We faced two different forms of resistance. One came from religious establishments: leaders and groups – all men – who claim to know and speak for 'authentic' Islam. They view both international human rights law and feminism with suspicion and refuse to engage meaningfully with their advocates. But it is their vision of Islam, not ours, that reaches most women, who consequently do not necessarily support our quest for legal equality. The other form of resistance is from some secularist feminist scholars and women's rights NGOs and activists, who refuse to engage with religious perspectives on women's issues. For many of them, 'Islam' itself is the main obstacle in their struggle for equality; they are only comfortable working within a human rights framework.

One of the very few women's NGOs that are happy to identify as both Islamic and feminist is the Malaysia-based Sisters in Islam (SIS). Since its inception in 1988, SIS has argued for women's rights and equality from within an Islamic framework, engaging





scholars and the media in a public debate on religion. In February 2007, Zainah Anwar, founder and director of SIS, organised a workshop in Istanbul that brought together a diverse group of women's activists and scholars from different countries. The meeting led to the formation of a planning committee, charged with the task of setting out the vision, principles, and conceptual framework of the movement that we called Musawah, with the aim of forging a new strategy for reform. We sought to link scholarship with activism to develop a framework to integrate Islamic teachings, universal human rights laws, national and constitutional guarantees of equality, and the lived experiences of women and men in Muslim contexts.

In the course of these discussions we realised that the source of many misunderstandings and obstacles to consensus and progress lay in the very notion of the Shari'a, which both contemporary Islamists and women's rights advocates have constructed as immutable, not open to negotiation or to contestation from within. To counter this, and to pierce the veil of sanctity surrounding the classical law, we invoked two crucial distinctions within the Islamic legal tradition that have become obscured and elided in recent times.

The first is between Shari'a and *fiqh* (the science of Islamic jurisprudence), which underlies the emergence of various schools of Islamic law and within them a multiplicity of positions and opinions. Shari'a is the ideal divine way, which in Muslim belief was revealed to the Prophet Muhammad. *Fiqh*, Islamic jurisprudence, was developed by Muslim jurists in order to discern the Shari'a by extracting legal rules from the sacred sources of Islam – namely, the Qur'an and the Sunna (the practice of the Prophet, as contained in Hadith and the traditions). *Fiqh* also denotes the 'laws' that result from this process. What we 'know' of 'Shari'a' is only an interpretation, an understanding. *Fiqh*, on the other hand, like any other system of jurisprudence and law, is human and mundane, temporal and local. Anyone who claims that a specific law or legal rule is Shari'a, or 'God's law', is claiming divine authority for something that is in fact a *fiqh* ruling, a human interpretation.

The second distinction is between the two main categories of legal rulings (*ahkam*): between *'ibadat* (ritual/spiritual acts) and *mu'amalat* (social/contractual acts). *'Ibadat* rulings cover relations between God and the believer, where jurists contend there is limited scope for rationalisation, explanation, or change, since they pertain to the spiritual realm and divine mysteries. This is not the case with *mu'amalat*, which regulate relations among humans and remain open to rational considerations and social forces, and to which most rulings concerning women and gender relations belong.<sup>3</sup>

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<sup>3</sup> Although these distinctions are not new, the ways that they are invoked and developed in the *Musawah Framework for Action* and subsequent documents are novel.

These distinctions allow us to challenge patriarchy from within the Muslim legal tradition. The genesis of the gender inequality that is integral to the tradition, we argued, lies in a contradiction between the ideals of the Shari'a and the patriarchal structures in which these ideals unfolded and were translated into legal norms. Islam's call for freedom, justice, and equality was submerged in the norms and practices of seventh-century Arab society and culture. In the formative years of Islamic law, patriarchal norms were assimilated into *fiqh* rulings through theological, legal, and social theories and assumptions that reflected the state of knowledge at the time and were part of the fabric of society. Existing marriage practices and gender ideologies were sanctified, and women were excluded from the production of religious knowledge. Women had been among the main transmitters of the hadith traditions, but by the time the *fiqh* schools were consolidated, over a century after the Prophet's death, they had reduced women to sexual beings and placed them under men's authority. The further we move from the era of the Prophet, we argued, the more we find that women are marginalised and lose their political clout; their voice in the production of religious knowledge is silenced; their presence in public space is curtailed; their critical faculties are so far denigrated as to make their concerns irrelevant to law-making processes. There is an extensive debate in the literature on this. Some argue that the advent of Islam weakened the patriarchal structures of Arabian society, others that it reinforced them. The latter also maintain that, before the advent of Islam, society was undergoing a transition from matrilineal to patrilineal descent, that Islam facilitated this by giving patriarchy the seal of approval, and that the Qur'anic injunctions on marriage, divorce, inheritance, and whatever relates to women, both reflect and affirm such a transition (Smith 1985; Spellberg 1991; Mernissi 1991; Ahmed 1992).

We commissioned a number of concept papers by reformist thinkers such as Amina Wadud, Khaled Abou El Fadl, and Muhammad Khalid Masud, as a way of opening new horizons for thinking and to show how the wealth of resources within the Islamic tradition, and in the Qur'anic verses on justice, compassion, and equality, can support the promotion of human rights and a process of reform toward more egalitarian family relations. These papers were published as the book *Wanted: Equality and Justice in the Muslim Family* (Anwar 2009); we made them available in Arabic, English, and French, and used them as the basis for a wider discussion with a larger group of Muslim scholars and human rights and women's rights activists. This discussion, which took place over two years and included two more workshops in Cairo and London, followed by constant electronic communication among the members of the committee, led to the *Musawah Framework for Action* (<http://www.musawah.org/resources/musawah-framework-for-action/>).





## Engaging with Patriarchal Concepts

We aim to re-insert women's concerns and voices into the processes of the production of religious knowledge and law-making. In this sense, what we are doing is part of the larger struggle for the democratisation of the production of knowledge in Islam and for the authority to interpret its sacred texts. In 2010, Musawah initiated a multi-faceted project to rethink two central juristic concepts rooted in the Qur'an that lie at the base of the unequal construction of gender rights in Muslim family laws. These are *qiwamah* and *wilayah*, which, as understood and translated into legal rulings by Muslim scholars, place women under male guardianship. *Qiwamah* denotes a husband's authority over his wife; *wilayah* denotes the right and duty of male family members to exercise guardianship over female members (e.g. fathers over daughters when entering into marriage contracts). These concepts, as constructed by classical jurists and reflected in current laws and practices, have played and continue to play a central role in institutionalising, justifying, and sustaining gender inequality in Muslim contexts.<sup>4</sup>

There are two interconnected elements to the Musawah project. The first is the production of new feminist knowledge that critically engages with these legal concepts and redefines them in line with contemporary notions of justice. The second element of the project involves documenting the life-stories of Muslim women and men in different countries with the aim of revealing how they experience, understand, and contest these two concepts in their lived realities.

For the project, we commissioned background papers that expound and interrogate the construction of the two concepts in classical *fiqh* texts and their underlying religious and legal doctrines, as well as their place and working in contemporary laws and practices. This naturally took us to Verse 4:34 in the Qur'an:

Men are **qawwamun** [protectors/maintainers] in relation to women, according to what God has favoured some over others and according to what they spend from their wealth. Righteous women are **qanitat** [obedient] guarding the unseen according to what God has guarded. Those [women] whose **nushuz** [rebellion] you fear, admonish them, and abandon them in bed, and **adribuhunna** [strike them]. If they obey you, do not pursue a strategy against them. Indeed, God is Exalted, Great. (Ali 2003, bold in the original – author's note)

This verse has been intensely contested and debated by Muslims for over a century. There is now a substantial body of literature that attempts to challenge and reconstruct

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4 The project built on an earlier one, 'New Directions in Islamic Thought', hosted by the Oslo Coalition for Freedom of Religion or Belief, in which some of us were involved. See Mir-Hosseini et al. 2013.

the meanings and connotations of the four terms that I have highlighted. Kecia Ali (2003), from whom I have taken the translation of the verse, leaves the emphasised words untranslated, pointing out that any translation of each of these key terms amounts to an interpretation. I have inserted translations that approximate the consensus of classical Muslim jurists and are reflected in a set of rulings (*ahkam*) that they devised to define marriage and marital relations.

As defined by classical jurists, marriage was a contract whose legal structure was patterned after a contract of sale (*bay'*), which served as the model for most contracts in Islamic jurisprudence. The contract established a set of default rights and obligations for each party, some supported by legal force, others by moral sanction. Those with legal force revolve around the themes of sexual access and compensation, as expressed in two legal concepts: *tamkin* and *nafaqa*. *Tamkin*, obedience or submission, specifically sexual access, was the husband's right and thus the wife's duty; whereas *nafaqa*, maintenance, specifically shelter, food, and clothing, was the wife's right and the husband's duty. A wife's refusal to fulfil her marital duties put her in a state of *nushuz* (disobedience), which could free the husband from the duty to maintain her (Mir-Hosseini 2003).

These rulings rest on a single postulate: that God placed women under male authority. For these jurists, men's superiority and authority over women was a given and legally inviolable; it was consistent with a conception of justice that accepted slavery and patriarchy, as long as slaves and women were treated fairly. They naturally understood the verse in this light; they used the four key terms in the verse to define relations between spouses and notions of justice and equity. This postulate, we aim to show, is derived from a reading of Verse 4:34 that is no longer in line with either contemporary notions of justice or the lived realities of the vast majority of Muslims.

The first product of our research is the collected volume: *Men in Charge? Rethinking Authority in Muslim Legal Tradition* (Mir-Hosseini et al. 2015). Its main thesis is that the concepts of *qiwamah* and *wilayah* have mistakenly been understood as a divine sanction for men's authority over women. In one of the book's chapters, Omaima Abou-Bakr shows how and through what processes the first sentence of the Verse was continually reinterpreted until it became a patriarchal construct (Abou-Bakr 2015). She identifies four stages in this construction. In the first, the sentence was isolated from the rest of the Qur'an and turned into 'an independent and separate (trans-contextual) patriarchal construct' (p. 44). This, she shows, was done by taking the term *qawwamun* out of its immediate context and transforming it into a grammatical *masdar* (a verbal noun or infinitive) of *qiwamah*. In the second stage, when the concept was consolidated, rational arguments and justifications were provided for hierarchal relations between men and women. In the third stage, *qiwamah* was expanded by linking it to the idea that men have an advantage over women, from the last phrase



in Qur'an verse 2:228: 'But men have a *daraja* (degree) over them (women)'. This phrase, part of a long passage on the theme of divorce, was again taken out of its immediate context and interpreted as further support for male superiority; and a selection of *ahadith* (Sayings of the Prophet) were also invoked to establish women's duty of obedience. The final stage came in the twentieth century with the modernist thinkers, who linked *qiwamah* with the theory of the naturalness of 'Islamic law' and the ideology of domesticity, using pseudo-psychological knowledge to argue for men's and women's different natures (*fitra*).

Our other studies show that male authority over women cannot be defended on religious grounds. The term *qawwamun*, from which the jurists derived the concept of *qiwamah*, only appears once in the Qur'an in reference to marital relations.<sup>5</sup> Many other verses speak of the essential equality of men and women in the eyes of God and the world. In relation to marriage, two other terms appear numerous times: *ma'ruf* (that which is commonly known to be right) and *rahmah wa muwadah* (compassion and love). The closely related term *wilayah* does occur in the Qur'an, but never in a sense that specifically endorses men's guardianship over women, which is the interpretation of the term that is enshrined in classical *fiqh*.<sup>6</sup>

The book brings the insights from feminist theory and gender studies into conversation with the Islamic legal tradition and asks new questions: Why and how did verse 4:34, and not other relevant Qur'anic verses, become the foundation for the legal construction of marriage? What does male guardianship, as translated in the concepts *qiwamah* and *wilayah*, entail in practice? These questions are central to the ongoing struggle for equality and justice in Muslim families, and our project seeks to clarify them and suggest some answers.

## Concluding Remarks

Feminist voices and scholarship in Islam, such as those represented in *Musawah*, are still in a formative phase, and their future prospects are tied to political developments all over the Muslim world – and to global politics.

Let me end by summarising my argument and considering the potential of Muslim feminist voices for transforming the patriarchal interpretations of Shari'a. First, the

5 *Qawwamun* appears in two other verses (4:135 and 5:8), where it has a very different, positive, and gender-inclusive meaning. See Lamrabet (2015: 77–78).

6 *Wilayah* appears in Verse 18:44, where it refers to God's protection of humans. However, words derived from it, such as *wali*, appear in many verses as an attribute of God or to describe human beings in particular contexts and stories in the Qur'an. More importantly, none of the verses on which the jurists based the doctrine of *wilayah* in regard to marriage guardianship (2:221, 2:232, 2:234, 2:237, 4:2, 4:3, 4:6, 4:25, 24:32, 60:10, 65:4) use the term *wali* or *wilayah* (Masud 2013: 132–133).

struggle for gender equality and justice in Muslim contexts is enmeshed in an intricate dialectic between religious authority and power politics, which must be recognised and exposed by those seeking meaningful reform and change. This struggle is as much political as theological. One of the key obstacles that Muslim women have confronted in their struggle is the linkage between the religious and political dimensions of identity in Muslim contexts. This linkage is not new – it has its roots in the colonial era – but it took on a new and distinct expression in the 1970s with the resurgence of Islam as a political and spiritual force. With the end of the colonial era, the rise of secular and despotic regimes in Muslim countries and their suppression of progressive forces left a vacuum that was filled by Islamist movements. Strengthened dramatically by the success of the Iranian Revolution of 1979, Islamist movements gained momentum with the subsequent perceived defeat of communism. With the US-led ‘War on Terror’ – in particular the invasions of Afghanistan in 2001 and Iraq in 2003 – Muslim women found themselves in the crossfire.

A second strand of my argument is that the rise of political Islam had certain unintended, but in my view positive, consequences: notably, the demystification of power games conducted in religious language. This in turn led to the emergence, by the 1990s, of reformist and feminist research that offered an internal critique of the pre-modern ethics that informed interpretations of the Shari’a. Building on the work of earlier reformers, they contend that the human understanding of Islam is flexible, that Islam’s tenets can be interpreted to encourage both pluralism and democracy, and that Islam allows change in the face of time, space, and experience.<sup>7</sup> But instead of searching for an Islamic genealogy for modern concepts like gender equality, human rights, and democracy (the concern of earlier reformers), the new thinkers place the emphasis on how religion is understood and how religious knowledge is produced. The questions they are now asking, and the assumptions that inform their readings of the sacred texts, are radically different from those of the classical jurists. They are re-critically examining earlier interpretations and epistemologies and exposing the contradictions inherent in the earlier discourses on family and gender rights.

In doing so, they are changing the terms of debate among Muslims and above all are paving the way for the democratisation of religious knowledge and for the wider acceptance of egalitarian interpretations of the Shari’a.

Finally, by opening the way for a meaningful and constructive conversation between feminism and the Muslim legal tradition, the new 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 conversation has both epistemological and political implications. On the epistemological side,

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<sup>7</sup> For the textual genealogy of this thinking, see Kurzman 1998.



feminist critical theory enables us to see how unreflective assumptions and 'common sense' arguments limit and deform our knowledge; and gives us the tools with which to analyse relations between the production of knowledge and the practices of power. It also provides us with a research methodology for giving voice to women and inserting their concerns and interests in the process of law-making. On the political front, bringing the current Muslim legal tradition into a conversation with feminism can pave the way for transcending the ideological dichotomies, such as 'secular' versus 'religious' feminism or 'Islam' versus 'human rights', to which Muslim women's quest for equality and dignity has remained hostage since the early twentieth century. These dichotomies have masked the real site of battle, which is between patriarchal and authoritarian structures, on the one side, and egalitarian, pluralist, and democratic ideologies and forces on the other.

Unmasking this reality entails two linked processes: decoding and exposing the relation between the production of knowledge and the practices of power, and recovering and reclaiming the ethical and egalitarian ethos in Islam's sacred texts. This is what 'Islamic feminism' is offering.

## References

- Abou Bakr, O. 2015. 'Interpretive Legacy of Qiwwah as Exegetical Construct.' Pp. 44–64 in Mir-Hosseini, Z., Al-Sharmani, M., Ruminger, J. (eds.). *Men in Charge? Rethinking Authority in Muslim Legal Tradition*. London: Oneworld.
- Abu-Lughod, L. 2002. 'Do Muslim Women Need Saving? Anthropological Reflections on Cultural Relativism and Its Others.' *American Anthropologist*, Vol. 104, No. 3: 783–790.
- Ahmed, L. 1984. 'Early Feminist Movements in the Middle East: Turkey and Egypt.' In Hussain, F. (ed.). *Muslim Women*. London: Croom Helm.
- Ahmed, L. 1992. *Women and Gender in Islam: Historical Roots of a Modern Debate*. New Haven: Yale University Press.
- Ali, K. 2003. 'Muslim Sexual Ethics: Understanding a Difficult Verse, Qur'an 4: 34.' [online]. [cit. 23/2/2003]. Available from: <http://www.brandeis.edu/projects/fse/muslim/diff-verse.html>.
- Anwar, Z. (ed). 2009. *Wanted: Equality and Justice in the Muslim Family*. Kuala Lumpur: Sisters in Islam. Available from: <http://www.musawah.org/resources/wanted-equality-and-justice-in-the-muslim-family-en/>.
- Hoodfar, H. 1997. 'The Veil in Their Minds and on Our Heads: The Persistence of Colonial Images of Muslim Women.' Pp. 248–279 in Lloyd, D., Lowe, L. (eds.). *Other Circuits: Intersection of Exchange in World Theory and Practice*. Durham, NC: Duke University Press.
- Hoodfar, H. 2003. 'More Than Clothing: Veiling as an Adaptive Strategy.' Pp. 3–40 in Alvi, S., Hoodfar, H., McDonough, S. (eds.). *The Muslim Veil in North America: Issues and Debates*. Toronto: Women's Press.



- Kurzman, C. 1998. *Liberal Islam: A Sourcebook*. Oxford: Oxford University Press.
- Lamrabet, A. 2015. 'An Egalitarian Reading of the Concepts of "Khilafah", "Wilayah" and "Qiwamah".' Pp. 65–87 in Mir-Hosseini, Z., Al-Sharmani, M., Ruminger, J. (eds.). *Men in Charge? Rethinking Authority in Muslim Legal Tradition*. London: Oneworld.
- Masud, M. K. 2013. 'Gender Equality and the Doctrine of Wilaya'. Pp. 127–154 in Mir-Hosseini, Z., Vogt, K., Larsen, L., Moe, C. (eds.). *Gender and Equality in Muslim Family Law: Justice and Ethics in the Islamic Legal Tradition*. London: I. B. Tauris.
- Mernissi, F. 1991. *Women and Islam: An Historical and Theological Enquiry*. Oxford: Blackwell.
- Mir-Hosseini, Z. 1996. 'Stretching the Limits: a Feminist Reading of the Shari'a in Post-Khomeini Iran.' Pp. 285–319 in Yamani, M. (ed.). *Islam and Feminism: Legal and Literary Perspectives*. London: Ithaca Press.
- Mir-Hosseini, Z. 2003. 'The Construction of Gender in Islamic Legal Thought: Strategies for Reform.' *Hawwa: Journal of Women in the Middle East and the Islamic World*, Vol. 1, No. 1: 1–28.
- Mir-Hosseini, Z. 2006. 'Muslim Women's Quest for Equality: Between Islamic Law and Feminism.' *Critical Inquiry*, Vol. 32, No. 4: 629–645.
- Mir-Hosseini, Z. 2009. 'Towards Gender Equality: Muslim Family Laws and the Shari'a.' Pp. 23–63 in Anwar, Z. (ed.). *Wanted: Equality and Justice in the Muslim Family*. Kuala Lumpur: Musawah: An Initiative of Sisters of Islam. Available from: <http://www.musawah.org/wanted-equality-and-justice-muslim-family-english>.
- Mir-Hosseini, Z. 2011a. 'Beyond "Islam" vs "Feminism".' *Institute of Development Studies Bulletin*, Vol. 42, No. 1: 67–77.
- Mir-Hosseini, Z. 2011b. 'Hijab and Choice: Between Politics and Theology.' Pp. 190–212 in Kamrava, M. (ed.). *Innovation in Islam: Traditions and Contributions*. Berkeley: University of California Press.
- Mir-Hosseini, Z. 2012. 'Women in Search of Common Ground: Between Islamic and International Human Rights Laws'. Pp. 291–303 in Emon, M. A., Ellis, M. S., Glahn, B. (eds.). *Islamic Law and International Human Rights Law: Searching for Common Ground?* Oxford: Oxford University Press.
- Mir-Hosseini, Z. 2016. 'Moral Contestations and Patriarchal Ethics: Women Challenging the Justice of Muslim Family Laws'. Pp. 62–82 in Heffner, R. (ed.). *Shari'a and Islamic Ethics in Transition*, Indianapolis: Indiana University Press.
- Mir-Hosseini, Z., Al-Sharmani, M., Ruminger, J. (eds.). 2015. *Men in charge? Rethinking Male Authority in Muslim Legal Tradition*. London: OneWorld.
- Said, E. 1978. *Orientalism*. London: Routledge and Kegan Paul.
- Scott, J. W. 2007. *The Politics of the Veil*. Princeton: Princeton University Press.
- Spellberg, D. 1991. 'Political Action and Public Example: 'Aisha and the Battle of the Camel.' Pp. 45–57 in Baron, B., Keddie, N. (eds.). *Women in Middle Eastern History: Shifting Boundaries of Sex and Gender*. New Haven: Yale University Press.
- Stowasser, B. 1993. 'Women's Issues in Modern Islamic Thought.' Pp. 3–28 in Tucker, J. E. (ed.). *Arab Women: Old Boundaries, New Frontiers*. Bloomington: Indiana University Press.



Zangana, H. 2004. 'Quiet, or I'll Call Democracy.' *The Guardian*, 22 December 2004.  
Available from: <https://www.theguardian.com/world/2004/dec/22/iraq.gender>.

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Dr Ziba Mir-Hosseini is a legal anthropologist, specialising in Islamic law, gender, and Islamic feminism, and a founding member of the Musawah Global Movement for Equality and Justice in the Muslim Family. She is Professorial Research Associate at the Centre for Islamic and Middle Eastern Law, SOAS, University of London. She has held numerous research fellowships and visiting professorships; currently she is Hauser Global Law Visiting Professor at New York University Law School. She has published books on Islamic family law in Iran and Morocco, Iranian clerical discourses on gender, Islamic reformist thinkers, and the revival of *zina* laws; most recently she co-edited *Gender and Equality in Muslim Family Law* (2013) and *Men in Charge? Rethinking Authority in Muslim Legal Tradition* (2015). Contact email: [zm4@soas.ac.uk](mailto:zm4@soas.ac.uk).