

**CHALLENGES FACED BY MUSLIM WOMEN:  
AN EVALUATION OF THE WRITINGS OF LEILA AHMED,  
ELIZABETH FERNEA, FATIMA MERNISSI AND AMINA WADUD**

by

**ANNE JOHANNA TUPPURAINEN**

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**PROMOTER: PROF H C STEYN**

**JOINT PROMOTER: PROF G J A LUBBE**

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Student number: **3276-711-0**

I declare that

**CHALLENGES FACED BY MUSLIM WOMEN:  
AN EVALUATION OF THE WRITINGS OF LEILA AHMED,  
ELIZABETH FERNEA, FATIMA MERNISSI AND AMINA WADUD**

is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

REV A J TUPPURAINEN

02/06/2010

## ABSTRACT

The subject and the scope of this study are the challenges faced by Muslim women in contemporary societies as presented by the four prominent authors: Leila Ahmed, Elizabeth Fernea, Fatima Mernissi and Amina Wadud. The methodology applied to the literary analysis is the feminist-qualitative research approach in religious studies with specific reference to Islamic feminist studies. Many Muslim women scholars criticise the study of Third World women as objects of study-cases who are rarely heeded as serious scholars. Misconceptions about Islam and Muslim women are common in Western society. Previous studies have not dealt with the issue satisfactorily and failed to provide a holistic picture. The challenges faced by Muslim women have been interpreted against a Western feminist framework, thus causing more harm than good. The resultant predicament is the subject of this study in which Muslim women's own attitudes and responses to their present circumstances and future prospects are explored. How and why Muslim women are challenged? How do they envisage the resolution of these challenges? The purpose of this study is to provide a framework that can give an adequate account of challenges as seen by Muslim women and to evaluate strategies that can provide suitable solutions to these challenges.

Firstly, an objective Giele/Smock/Engineer framework was developed with reference to the most pressing challenges (articulated in well-documented definitions and descriptions) faced by Muslim women in contemporary societies. These key issues of women's rights on political participation, education, work, family, and social participation were discussed and analysed in the light of this women-centred approach with specific reference to the writings of four prominent women authors: Leila Ahmed, Elizabeth Fernea, Fatima Mernissi and Amina Wadud. Each author has brought her own particular perspective and area of expertise into the discussion – sometimes arguing among with the other authors in a virtual 'roundtable' discussion; at times joining hands in mutual agreement.

Finally, Muslim women's struggle against injustice was subjected to critical scrutiny with particular attention to common strategies and solutions that the four authors have used and developed in the light of the modern debate. It is in the latter discussion that the study reached its ultimate goal by determining how the challenges have been met. Moreover, Islamic feminism was assessed to determine how it related to and coped with social change and how effective it has been in seeking to assert rights of and find justice for women through historical, anthropological, socio-political and hermeneutical approach.

**Key terms:** Feminism, Feminism in Islam; Gender in Islam; Islamic feminism; Muslim women; Rights of women; Social change; Social justice; Third World women; Women in Islam; Women's studies; Women's and gender studies; Women's rights

## PREFACE

Writing this thesis has been a long process over many years. Although it is my work and only I can be responsible for any shortcomings, there are many who have shared this study.

Firstly, I wish to express my sincere gratitude to Prof H C Steyn, my promoter and supporter, who has faithfully and expertly guided my studies. She insisted at all times on a high standard of academic excellence, with particular reference to methodology and women's studies, and her thoughtful patient guidance and encouragement enabled me to persevere and bring this project to fruition.

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**CHAPTER ONE**  
**PROBLEM FORMULATION, AIM,**  
**THEORETICAL AND METHODOLOGICAL CONSIDERATIONS**

**1.1 Introduction**

*While studying women is not new, studying them from the perspective of their own experiences so that women can understand themselves and the world can claim virtually no history at all.*

Sandra Harding (1987:8)

The feminist/women's approach is a fairly recent development within Western academia (Harding 1987:8); this is also true of the field of religious studies.<sup>1</sup> Religious studies is a field long influenced by male scholars; women are still endeavouring to find their place in the field and are not always taken seriously.<sup>2</sup> "Until very recently religious studies departments were composed almost entirely of men, most of whom experienced no discontinuity with the received cultural script on gender" (Fenn 2003:350). As noted by Kramarae and Treichler (1985:138), "women's studies is an academic interdisciplinary approach which researches, records, and teaches feminist knowledge." In this thesis the term 'feminist' is used to refer to women/men who think about and act to change expectations of women's social roles and responsibilities as defined by Cooke (2001:ix). The status of a feminist approach in religious studies, its methodology and terminology are debated by scholars in both feminist studies and religious studies. Some scholars have retained the term, 'Women's studies'; others choose to use the terms 'Gender studies', 'Women and gender studies' or 'Feminist studies'. Questions of naming are anything but neutral (Hemmings 2006:22). The term, 'Women's studies', is an American import, but its translation into multiple contexts where English is not the native tongue has also transformed its meaning, linguistically and theoretically (Braidotti 2002:285).

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<sup>1</sup> See Davis et al (2006:1). Thirty-five years ago the concept, women's studies, was a radically new idea in the academic world. Scholars found that thinking about women changed thinking about history and society and revised the understanding of social institutions. Although departments of women's studies have been established in universities worldwide, there is no such department in the institution situated in Brussels, Belgium where I am teaching.

<sup>2</sup> Although the field of religious studies has been dominated by male scholars, pioneers, such as Elizabeth Cady Stanton (1815-1902), urged a feminist approach to religious studies pointing out that women scholars could bring a fresh experiences and expressions to the academic debate.

Many Muslim women scholars are critical that women in the so-called Third World are studied only as objects of case studies, their voices go unheard and Muslim women scholars are not taken seriously. For instance, although feminism has been an area of academic research in universities in Finland for some time, undertaken independently or in departments of gender or women's studies, research on Muslim women is rare. Much more is required than the mere inclusion of the term 'Muslim women' into academic texts to shed more light on and to ameliorate the situation of women in the Third World. Shortcomings can be observed in two kinds of information about Muslim women: both popular and scholarly interpretations. Popular texts and/or television-viewing convey narrow perspectives on women's issues in Muslim societies. Scholarly interpretations pay attention to theorising and abstraction but are limited by the chosen methodology. Interestingly, the numerous methods available for scholarly enterprise have brought fragmentation rather than unity. Although all methods aim to assist the reader to understand women's issues better, they are limited by their specific approach and remain one-sided. Previous studies do not deal with the issue satisfactorily, failing to provide a holistic picture. Many Western (non-Muslim) academics may be able to theorise objectively, but may fall into Western assumptions in analysis (i.e., Maynard and Purvis 1994:7).

It is a critical premise of this thesis that a Western feminist framework for the understanding Muslim women is inadequate. Therefore, a literature analysis is used to explore and evaluate the writings of four selected women authors on women in Islam, thereby, allowing Muslim women themselves to 'speak' about the most vital contemporary issues touching their lives. In this chapter the thesis topic is developed by demonstrating the need for a study on a feminist/women's approach in religious studies research. This includes the problem formulation, a definition of the research group, remarks on my personal background, an assessment of various other studies, and finally an examination of several methodologies used in women's studies. The literature is surveyed during these processes.

## 1.2 Problem formulation

Pauline Lewis (2005:5) in her study on Zeinab al-Ghazali (the Egyptian pioneer of Islamist feminism) notes that scholars in Islam no longer question “whether or not women should be freed from the traditional patriarchy” that govern Muslim societies, “but rather what path should such an emancipation follow” or to some extent, what paths it has already taken. This research aims to provide a map for current discussions on how and why women are challenged in contemporary Muslim societies; how Muslim women view the resolution of these challenges; and what they are working towards. What are their attitudes and responses to their present and future circumstances?

Few terms in contemporary social, cultural and religious lexicons have been as misused as ‘Islam’; a similar comment can be made of the understanding of ‘women in Islam’ by Muslim and non-Muslim alike. Islamic migration to Europe and the United States from Africa and the Middle East has been accompanied by problems of social change particularly in the case of Muslim women. Muslim women as seen through Western eyes are faced by formidable challenges that have crystallised around concepts formed within a Western mindset. And yet there are Muslim women who have risen to heights of achievement, such as the late Benazir Bhutto, former prime minister of Pakistan. Why under certain circumstances do Muslim women enjoy higher status and why is their position inferior in other circumstances? The Western feminist framework is not sufficient when examining these questions. The challenge facing sympathetic women scholars from a Western background and imbued with a Western mindset is how to understand Third World women from within their own frameworks, without imposing a Western (feminist) framework on what they are thinking about, studying and observing. Visions of a just society may differ and these differences should be respected.<sup>3</sup>

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<sup>3</sup> See for instance Chilla Bulbeck (1998:75). A word for ‘rights’ was only introduced into Mandarin in the late nineteenth century. It was seen as demeaning for Chinese women to claim their rights. Demands for equality were considered to produce conflict, a Western phenomenon not prized by Confucianism, which strives for harmony. In Japan there is a slogan: ‘men superior; women dominant.’ There women seek equality through non-confrontation in a culture which values interpersonal harmony.

My central argument is that virtually no society in the world is 'challenge free' for its members, women or men. Women are brought together by their womanhood and their historical struggles in patriarchal societies (i.e., by practices such as feet binding in China, *sati* in India, or witchhunts in Europe) (Bulbeck 1998:25). Furthermore, Amina Mama (1997:49), a Nigeria-based researcher, notes that "the oppression of women within Europe had a direct bearing on the treatment of women in the colonies."<sup>4</sup> After reviewing women's studies in a number of societies, Rosaldo and Lamphere (1974:3) conclude in their classic study the following:

Everywhere we find that women are excluded from certain crucial economic or political activities, that their roles as wives and mothers are associated with fewer powers and prerogatives than are the roles of men. It seems fair to say then, that all contemporary societies are to some extent male-dominated, and although the degree and expression of female subordination vary greatly, sexual asymmetry is presently a universal fact of human social life.

Thus, as stated above not only Muslim women are faced with gender-related challenges in life. Notwithstanding, it is my profound interest in the challenges faced by Muslim women that has been the motivation for this study. Most scholarly works, such as that of William Montgomery Watt<sup>5</sup> (1909-2006), point out that since pre-Islamic times women in the Arabic countries have faced critical challenges, political, social, cultural, economic or religious, yet Islam changed the structure of Arab society to the benefit of women. When interviewed by Maan and McIntosh (1999), Watt, one of the foremost non-Muslim interpreters of Islam in the West, cited evidence to show that the Prophet Muhammad improved the lot of women, recognised their predicament and intervened. As a result the dawn of Islam brought with it a reformation that touched some of the most acute problems faced by women in Arabic society (e.g., the practice of female infanticide and the number of wives allowed to a man). Furthermore, Watt stated (in Maan and McIntosh 1999):

It is true that Islam is still, in many ways, a man's religion. But I think I've found evidence in some of the early sources that seems to show that

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<sup>4</sup> For instance, the statement by Fitzroy in the English House of Commons in 1853 revealed that the nation should treat married women 'no worse than domestic animals' (in Mama 1997:48).

<sup>5</sup> William Montgomery Watt (1909-2006), a Scottish born minister of the Scottish Episcopal church, was an influential scholar in the field of Islamic studies, an emeritus professor in Arabic and Islamic studies at the University of Edinburgh. He wrote over 30 books including *Islamic Political thought* (1968) and *Muslim-Christian encounters: perceptions and misconceptions* (1991). His works about the Islamic prophet, *Muhammad at Mecca* (1953) and *Muhammad at Medina* (1956) are considered to be classics in the field. For his merit the Islamic press has called him 'the Last Orientalist'.

Muhammad improved things quite a lot. By instituting rights of property ownership, inheritance, education and divorce, he gave women certain basic safeguards. Set in such historical context the Prophet can be seen as a figure who testified on behalf of women's rights.

In the early years of Islam, women played an important role in society, for instance, in the foundations of Islamic educational institutions (i.e., Fatima al-Fihri's founding of the University of Al Karaouine in 859). James Lindsay (2005:197) notes that in the 12th and 13th centuries when 160 mosques were established in Damascus, 26 were funded by women and half of all the royal patrons of these institutions were women. Consequently, opportunities for women educators were numerous: women could study, earn and qualify as scholars and teachers (especially women from learned and scholarly families) (Ibid:198). These and other examples drawing on the lives of prominent women in the early period of Muslim history are used as evidence by Islamic feminists to use Islamic doctrine in the discussion of women's rights. Since then there have always been individual personages of note who intervened on behalf of Muslim women. Notably in recent times during the rapid social change of the nineteenth century, reform was led by the Egyptian Rifa'ah Rafi al-Tahtawi (1801-1873) and Huda Sha'rawi (1879-1947). During our own time several Muslim women and men located in different countries can be identified as researchers and spokespersons on Muslim women.

At this point, it is crucial to discuss how to define the research group, since Islam is present in various geographical areas including North Africa, the Arab Middle East, Iran, Turkey, South and South-east Asia, South Africa, Western Europe and North America. Marie-Aimee Helie-Lucas (1994:393) comments that:

'Muslim' means the social reality of the Muslim world as it is – people, countries, states, laws, and customs – while 'Islam' means religions as such, theological reflections and interpretations of the Qur'an.

Of the world's 192 countries, 47 nations have a Muslim majority. Scholars use different criteria for grouping Muslim states.<sup>6</sup> Some focus on women of the Peninsula

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<sup>6</sup> 'The Orient' and 'the East' are now equated with 'Asia'. When the Ottoman Turkish empire ruled much of Europe, Christian Europe was distinguished from Islamic Asia (including Greece, the Levant, Albania and Bulgaria) known as the 'Near East'. Today the same area, with the addition of Muslim dominated North Africa and the subtraction of European lands, is called the 'Middle East' (Bulbeck 1998:223).

(Bahrain, Kuwait, Oman, Qatar, United Arab Emirates, Yemen, and Saudi Arabia); others research women in the North African nations (i.e., Morocco). Others focus on the Middle East (an area that is generally understood to cover a range of nations extending from North Africa in the west to the Chinese frontier, including Israel, Lebanon, Palestine, Jordan, Egypt, Iraq, Iran Afghanistan, Pakistan, Syria, Saudi Arabia, and many other nations). Some focus on the growing number of Muslim permanent residents in the European Union (over 20 million) (Keane 2000:15). Some scholars use the categories of the 'Global North' and 'Global South'; others use the term the 'developed' and 'developing' world.

I have chosen to use the term *Third World*<sup>7</sup> to define the Muslim women who form the focus of this study. To support my choice of the term, I argue that it is a common alternative and is often used by the Third World Muslim feminist scholars themselves, such as Chandra Talpade Mohanty<sup>8</sup> (1991a:ix) and Jasbir K Puar (1996:90). I recognise the limitations embedded in the term due to the hierarchical cultural and economic relationship between 'First' and 'Third' World countries which it suggests; yet I consider it an acceptable alternative. As noted by Bulbeck<sup>9</sup> (1998:35) the 'Third World' has also been described as the 'two-thirds world', a reference possibly both to the collapse of the Second World and to the fact that at

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<sup>7</sup> It was first coined by a French economist and demographer Alfred Sauvy (1952) to refer to countries in the Middle East, South Asia, Central and South America, Africa, and Oceania, that were unaligned with either the Capitalist NATO bloc (the United States and its allies represented the First World) or the Communist Soviet bloc (the Soviet Union [now disappeared] and its allies represented the Second World) during the Cold War. The Second World is sometimes defined as the communist countries (including countries like Cuba, China, Burma, Vietnam and North Korea) which are also often assimilated into the Third World. See Bulbeck (1998:16-18; 43) or Gunew and Longley (1992:20) for further clarification for classifying women's worlds: first, second, third, forth (indigenous), and fifth (including multicultural migrant population) worlds.

<sup>8</sup> Chandra Talpade Mohanty (b 1955) is a prominent postcolonial feminist theorist. Originally from Mumbai, India (she moved to US 27 years ago), she is currently a professor of women's studies at Syracuse University. Her intellectual and political interests include racial and transnational dimensions of feminist theory, the intersections of gender, race, and education, international development and postcolonial studies, and feminist and antiracist pedagogy in the US Academy. See Mohanty's article "Under Western eyes: feminist scholarship and colonial discourses" (1991b) which focuses on constructions of Third World women, problematising monolithic understandings of feminism, and the subsequent universalizing of Western frameworks. See also Chandra Talpade Mohanty, Ann Russo and Lourdes Torres (eds) *Third World women and the politics of feminism* (1991).

<sup>9</sup> Chilla Bulbeck is professor emeritus. She held a chair of women's studies at Adelaide University until 2008. She has published widely on issues of gender and difference. Her works include *Re-orienting Western feminisms: women's diversity in a postcolonial world* (1998) and *Living feminism: the impact of the women's movement on three generations of Australian women* (1997). Her work is important for Australian women's studies and feminist politics.

least “two-thirds of the world’s population live in countries with low average per capita incomes.” However, although this study is focused on challenges faced by Third World women (particularly Muslim women), it does not presume to generalize or draw conclusions on the plight of Muslim women worldwide. In fact, as noted by Chilla Bulbeck (1998:38), the Third World cannot be treated uniformly. For instance, within the Third World Bangladesh is a poor country and Kuwait is a very rich country (Kuwait’s per capita income was the highest in the world in 1982). Moreover, a history of British colonial rule conflates South Asia (India, Pakistan, Nepal, Sri Lanka and Bangladesh), while the French colonial rule extended to many African countries. Because it is impossible to make generalisations about all colonial cultures, it is noted that, for example, the focus of Mohanty’s work is India (a former British colony) and Mernissi’s work is on Morocco (a former French colony). Thus, these works touch the histories of feminism and women’s issues in those particular contexts. Finally, this conclusion is summarised by South African scholar Sa’diyya Shaikh (2003b:160):

There is clearly no singular Third World woman or Third World situation. The terms are used to describe the relationships of structural domination between First and Third World peoples while fully recognizing the diversity of experiences and realities among different groups of Third World people.

Furthermore, we maintain that this research is particularly a literary analysis on the challenges faced by Muslim women as drawn out from the writings of the four selected authors; therefore the Muslim countries under study are the ones focused on by these four authors, nevertheless, we do recognise the need to bring up examples of other Muslim societies outside of the writings of the selected four authors, in order to situate their texts in the common ground. Furthermore, we do realise that Islam is a major religion with many sects and denominations that vary as much as the societies where they are found (Acar 2002:4). With this understanding we aim to bring sufficient examples to document that the challenges faced by women are not all the same. For instance, Camille Adams Helminski’s work *Women of Sufism – a hidden treasure: writings and stories of mystic poets, scholars and saints* (2003) give a valuable light into this discussion on the issues of Sufi women and their contributions in life. Another scholar focused in the area of Islamic studies with a twin

focus on Sufism and feminism is South African Sa'diyya Shaikh.<sup>10</sup> She notes (2006:1) that some Muslim scholars use the analogy of a walnut when describing Islam to others:

The practical, rural and legal dimensions of the Islamic faith are likened to the outer shell. Inside this shell one finds the animating spiritual core, also known as the Sufi path, which is signified by the inner kernel. The oil that permeates all parts of the walnut represents the all-encompassing nature of Ultimate Reality, or God. . . the Sufi is encouraged to cultivate social interactions based on, among other things, qualities of love, mercy, justice. . .

Finally, a challenging task for the researcher in the field of feminist/women's studies is the choice of methodology. This requires that the focus of the study and how it is to be studied should be considered. Moreover, the relationship between the focus of study and other topics in the field of religious studies should be determined. In other words, the researcher must be familiar with contemporary debates not only in feminist studies but also in Islamic feminist studies. She must be familiar with the sub-divisions of feminism in which certain authors are located in order to situate their writings in the current debate on Muslim women. For example, a Marxist feminist theoretical framework as used by Valentine Moghadam or an Islamic feminist theological framework as used by Amina Wadud can lead to different conclusions to the issues discussed. This will be treated in detail when presenting the methodology (section 1.4).

### **1.3 Aim of the research**

The broad aim of the research is to use a feminist/women's approach in religious studies to provide a literary analysis of challenges faced by Muslim women. The assumption undergirding the research is that both women's resistance and their contributions in the Third World are sometimes not seen. Key issues of women's rights in political participation, education, work, the family, and social participation are considered in the light of this woman-centred approach. At the same time, I argue that Muslim women do not comprise a universal category. Therefore, it is necessary, as Haleh Afshar puts it in her introduction to *Women and politics in the Third World* (1996:xi), "to disaggregate women's activities." The question is: How can

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<sup>10</sup> Sa'diyya Shaikh is a lecturer in Religious Studies at the University of Cape Town, South Africa. She is author of many works such as her recent "A *tafsir* of praxis: gender, marital violence, and resistance in a South African Muslim community," in Maguire, D C and Shaikh, S (eds), *Violence against women in contemporary world religions: roots and cures* (2007).



Western women understand the struggles of Third World women and support their attempts to negotiate change in their lives? Further: What do women regard as areas where changes are necessary, and what do they envisage as ideal? This research aims for insight without imposing alien frameworks of understanding. Thus, it aims at supporting Third World women by building awareness within their own ranks rather than trying to force change from the outside. Muslim women need the support of Western women to effect change (if this is their object) in their own way and at their own pace. What is non-negotiable is that Muslim women themselves should drive the process.

The particular aim of this study is to analyse the challenges confronting Muslim women as presented by four contemporary feminist authors in Islam (Leila Ahmed, Elizabeth Fernea<sup>11</sup>, Fatima Mernissi and Amina Wadud); to evaluate how Muslim women propose to resolve these challenges; and to identify objectives they are pursuing. Although women's rights in Muslim society have been debated in the past, the present offers a different opportunity. While the earlier periods of increased interest in Muslim women's issues were associated with outsiders' observations usually concerning a specific country, at least two new indicators have emerged in the present context. Firstly, the interest is virtually global in its extent and secondly, it is increasingly insiders' studies that inform the challenges.

This study uses literary analysis to examine the writings of the four authors. Their work will be systematically analysed as a composite body of research subsumed under religious studies. The selection of these four authors was partly governed by the following; they represent a large body of work produced by women about women in Islam; their writings are accessible to an international readership; they are proficient in Arabic (e.g. Amina Wadud understands Arabic but does not speak Arabic fluently); they have spent their lives studying and researching within Islam; and all four are practising academics (all were born after 1927: Fernea is the oldest and Wadud, the youngest). Moreover, as I was primarily interested in representing women's status in a diversity of Islamic cultural traditions, these particular authors were chosen because they represent a wide range of interests in Muslim society.

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<sup>11</sup> Fernea died on Dec 2, 2008 at the age of 81.

One is an African-American convert to Islam; another is a non-Muslim who has lived in and observed and researched Muslim societies; two were born into Muslim families; and three of them are currently living in the United States of America (USA). All have a Western education and therefore reflect a Western understanding of feminism. This does not imply that their views are identical with or that they concur in their understanding of feminism, yet it clearly gives them common ground and common terminology in their discussion of issues challenging Muslim women in contemporary Muslim and non-Muslim societies. In studying the chosen authors four different worlds arise. The societies depicted are different, not only from Western society, but from each other. What binds them together is Islam, the Qur'an, and to a great extent, oppression. The reader should be careful not to succumb to the temptation of comparison or judgment, but should enter into and embrace in order to understand. With these four women as guides, my aim is to listen and learn – and support, if support should be enlisted. The value of their work can be misunderstood or even destroyed if the reader's interest and support tarnishes their work, particularly in their own societies. If they are tarred with the brush reserved for Western feminists, the result could be calamitous. The object of this study is thus not to prescribe, but to observe and to immerse and so to learn.

Finally, a secondary purpose of this study is to evaluate the proposals made by the authors under review to bring about change in the lives of Muslim women. My endeavour is to describe and understand the role of Muslim women in society. This study aims to produce a provisional summary of the results achieved to date as could be represented in a 'round-table' discussion with the selected authors. Each author brings her expertise into the picture. Sometimes there is a debate among the women (as represented in their works); but often, they nod in agreement. After studying their thinking and works, they and their voices can be heard.

#### **1.4 Theoretical and methodological considerations**

The debates about feminist studies often conflate method, epistemology and methodology (Gottfried 1996:4). Shulamit Reinharz (1992:11) argues that it is too simplistic to call a method 'feminist' merely by virtue of the fact that a person is studying women. Theoretical and methodological considerations are way more

complicated and have been greatly debated by scholars. Reinharz (1992:240) states:

Feminist methodology is the sum of feminist research methods. Feminism is a perspective, not a research method; feminists use a multiplicity of research methods; feminist research involves an ongoing criticism of non-feminist scholarship; feminist research is guided by feminist theory; feminist research may be transdisciplinary; feminist research aims to create social change; and feminist research strives to represent human diversity.

In fact, there are three main trends in feminist research. The first is highly abstract and is represented by works, such as *Feminism and methodology*, edited by Sandra Harding (1987). For many researchers in the English-speaking world, Harding's work, although Americanocentric, has been the most accessible. She argues in *Feminism and methodology* (1987:vii) against the idea of a unique or a distinctive feminist method of inquiry. Harding sees 'method' as 'technique' or specific sets of research practices, such as surveys, interviews, ethnography and the like. Methodology, however, is a 'perspective' or a very broad theoretically informed framework (Stanley 1990:26). The second category, which includes *Doing feminist research*, edited by Helen Roberts (1981) and *Theories of women's studies*, edited by Gloria Bowles and Renate Duelli Klein (1983), deals with feminism as a method of conducting research on experience-based research practices. The third category is represented, for instance, by *Feminism and social change: bridging theory and practice*, edited by Heidi Gottfried (1996), in which it is asserted that a variety of feminist theories, methodologies or authentic women's voices are needed for research because the authority of experience is limited and exclusionary. Liz Stanley<sup>12</sup> (1990:14), on the other hand, argues that feminism is not merely a 'perspective', a way of seeing, nor even this plus an epistemology, a way of knowing, it is also an ontology, or a way of being in the world. This research on Third World women more likely reflects the view of Cooke, who defines feminism as much more than an ideology driving organized political movements, but it is, above all, an epistemology. Cooke (2001:ix) states that feminism:

Is an attitude, a frame of mind that highlights the role of gender in understanding the organization of society. Feminism provides analytical tools

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<sup>12</sup> Liz Stanley is a professor of Sociology at the University of Edinburgh. Formerly editor of *Sociology and of Women's Studies International Forum*. Also founding editor of *Sociological Research Online* and *Auto/Biography*.

for assessing how expectations for men's and women's behaviour have led to unjust situations, particularly but not necessarily only for women. Feminism seeks justice wherever it can find it. Feminism involves political and intellectual awareness of gender discrimination. . . , and open opportunities for women to participate in public life.

Furthermore, in this study, research methodology, a theory and analysis of how research is to proceed including accounts of how the general structure of theory finds its application in a particular scientific discipline, is a feminist/women's approach in religious studies. This was deemed the most suitable for my purpose. This methodological approach is a combination of a qualitative and a feminist approach in that it is expressly qualitative in some parts and feminist in others and discussed under religious and Islamic feminist studies respectively. To quote Mouton (1988:1): "The qualitative research is based on human behaviour characteristics with specific reference to a holistic perspective on social behaviour." This research is: feminist (it is used to lay bare ordinary women's lives); sociological (it is used to define Muslim women in their social settings with the people involved: husbands, children, and so on); theological (it is used to explore theological questions about the Qur'an<sup>13</sup> and *Ahadith* (plural form of *Hadith*), as well as practices that are crucial to understanding women in Islam); and analogical (it proceeds by way of an analogy that draws on elements in people's experience with the law and tradition). Taylor and Bogdan (1998 [1984:5]) characterise qualitative research as follows:

Qualitative research is inductive in that it proceeds from a holistic perspective on people; it is sensitive to its effects on people; the qualitative researcher tries to understand people from within their own frames of reference; the qualitative researcher sets aside her/his own beliefs, perspectives and predispositions; and the qualitative researcher values all perspectives – all settings and people are worthy of study.

Moreover, the research method, the technique for gathering evidence in this study is a literature analysis (the writings of four selected women authors). The works of the four authors represent a variety of feminist research, including feminist interview research, feminist ethnography, feminist oral history, feminist case studies, and

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<sup>13</sup> The Qur'an source used for this thesis is the sixth edition of 'Abdullah Yusuf 'Ali's (1872-1953) *The meaning of the Holy Qur'an* (1989) [1934] which has the revised Arabic text and the English translation with commentary. A note on transliteration is that in the thesis diacritics are omitted as a convenience to a non specialist. The numerous foreign terms which appear in the text are italicised. Common English forms and some personal names and other transliterated words are cited as they have appeared in particular works in Western languages.

feminist action research. In the light of this, this study rests on an epistemology, a theory of knowledge, which answers questions about 'what kinds of things can be known', as well as 'who can be a knower' based on the view that women can be 'knowers' (Harding 1987:3). Moreover, I assume that a non-Muslim can also be a 'knower' or the agent of knowledge of the research process, although she is an 'outsider' (see section 1.4.5 'personal background').

Thus, the feminist approach in religious studies is used; one of its aims is to invite an empathic understanding of difference within a variety of global religious traditions and expressions. This multi-cultural and multi-religious perspective is crucial in understanding today's world. Although it would be interesting to provide major methodological issues in the study of religion through a reading of classic theories of religion, such as, the work of Weber or Otto, I refrain because of the limited nature of the study. Similarly, I do not present debates between perspectives, such as that of Harding or Smith. This is not my aim, nor is it essential to the aims of the study. Because this is not a philosophical or a theological study, I will only look very briefly at the clarification of the terms, 'feminist philosophy of religion' and 'feminist theology' in order to situate this inquiry in the broader field of study. The *feminist philosophy of religion* is important to feminist and non-feminist philosophy alike since it gives a critical understanding of various religious concepts and beliefs. It is equally important for feminist theory, which is criticised because of its tendency to neglect the academic study of religion (Frankenberry 2008:2). *Feminist theology* is a movement that considers the traditions, practices, scriptures, and theologies of religions from a feminist perspective. This category includes Christian feminism, Jewish feminism, Buddhist feminism, New Thought feminism, and Islamic feminism. The field of feminist scholarship in religion provides greatly needed feminist research designed for religious studies. This is particularly important for this research because the coverage of Western feminist theory on Muslim women and Islamic feminism has been limited, or non-existent, as already stated. According to Ritzer (1996:7), although women's studies and feminist studies have tended to view feminism as an exclusively and relatively modern Western phenomenon, the new millennium has introduced a wave of literature on Islamic studies and particularly on women's studies that rearticulate women's place and status in Islam. Feminist theology asks questions such as: How do we do theology? Where are women in the history of

religions? Islamic feminist theologians, Amina Wadud, Riffat Hassan, and Asma Barlas, are examples of the former area of discussion as they debate systems of thought of interpreting and reinterpreting the Qur'an. Feminist historical theologians, like Leila Ahmed, Margot Badran, and Miriam Cooke, are examples of the latter as they seek to present the roles and impact of women in important periods in Islamic history (i.e. through women's autobiographies). These sources and others on women in Muslim societies provide a significant source of literature for this study.

Research dealing with a feminist methodological approach to a discipline should fulfil the requirements of feminist theory. Numerous commentaries and encyclopaedias have been published on feminism and particularly on feminist theory: *Encyclopaedia of feminist theories* by Lorraine Code (2000); *Critical dictionary of feminism and post-feminism* by Susan Gamble (2000); *The dictionary of feminist theory* by Maggie Humm (1995); *A concise glossary of feminist theory*, edited by Sonya Andermahr, Terry Lovell and Carol Wolkowitz (1997); and *Feminist sociology: an overview of contemporary theories* by Janet Saltzman Chafetz (1988). *Feminist theory* is generally defined as the extension of feminism into theoretical and philosophical discourse aiming to understand the nature of gender inequality. It is diverse and encompasses work in a variety of disciplines, including women's studies, literary criticism, art history, psychoanalysis, philosophy, economics, sociology and anthropology. Feminist theory emerged from the different feminist movements as will be discussed in the ensuing section. The rise of feminist theory occurred in the 1960s and 1970s and was seen in the criticism of patriarchy in academic contexts. Although there is disagreement about what exactly should be contained in feminist theory, as already pointed out, Janet Chafetz (1988:5) concludes by suggesting the following three essentials as the basic elements of feminist studies:

Gender must be a central focus or subject matter; it must proceed from the premise that gender relations are inherently flawed by virtue of intrinsic inequity, contradiction or strain; and there must be an underlying assumption that gender relations are not natural in the sense of being inevitable or immutable because they are a product of sociocultural and historical force.

Although numerous works have been published in this rapidly expanding field in the last three decades, the abundant empirical data on these commentaries fall short in their representation of feminism and women's studies and their orientation remains

overwhelmingly Western as seen in *Gender* by Ivan Illich (1982). Also *Gender roles: a sociological perspective* edited by feminist sociologist, Linda Lindsey (1997) lacks in its presentation on Third World women. This misrepresentation in contemporary feminist scholarship on Third World women has been criticised by many scholars. Shaikh (2003b:153) notes the misrepresentation in contemporary feminist scholarship on Islam by pointing out that in Lindsey's edited work *Gender roles: a sociological perspective* the titles for the sections on Judaism, Christianity and Hinduism merely give the name of the respective traditions without any sub-title. However, the section examining Islam is titled: 'Islam and *pardah*: sexual apartheid'. Another example of misrepresentation on Islam in scholarly literature could be taken from *Women in sociology: a bio-bibliographical sourcebook* by Mary Jo Deegan (1991) which reflects this traditional and largely outdated Western bias that ignores the wider interests of the rest of the world. Although Deegan's book is generally comprehensive and well-founded, it includes only a few Islamic feminist scholars, and none of whom are Muslim. This suggests that feminist theory is still primarily Western-orientated, which should not, however, prevent one from using it to inform feminist knowledge which, after all, means much more than feminist theory (Garry and Pearsall 1989:xi).

There are many different ways to analyse and categorise the methodologies applied to women's studies. The following indicate some of the discussions on the developments in feminist theorising including the diverse feminist theoretical and methodological approaches: liberal feminist, Marxist socialist feminist, radical feminist and black feminist approaches. However, in order to understand the depth and extent of forming a research methodology in gender and women's studies in the Islamic context, one needs to recognise the limitations of traditional analysis. Therefore, the focus will be on the alternative methodological approaches which will be represented in this chapter including the Third World feminist approach (see section 1.4.2) and the Islamic feminist approach (see section 1.4.3).

#### **1.4.1 Feminism in the West**

Feminism as a political discourse aims at equal rights and legal protection for women and involves various movements, theories, and philosophies. It is a complex term with many nuances. This section will discuss some of these when defining and

explaining the term 'feminism' in the Western context. First, we note that there is not only one way of defining feminism, but rather multiple views and ongoing debates between the different feminist movements over the nature of feminism. *A feminist dictionary* (1985:158), edited by Kramarae and Treichler, sees feminism as a conscious stand in opposition to male defamation and mistreatment of women; and a belief that the sexes are culturally, and not just biologically, formed. Although feminists do not believe that women should be like men, they do believe that women's experiences, concerns, and ideas are as valuable as those of men and "should be treated with equal seriousness and respect" (Andersen 1997:9). Ultimately, 'feminism' as conceived in my view is something that brings constructive and beneficial transformation to the lives of women; the "capacity to exercise their will, to determine the shape of their own lives and to partake in the shaping of their culture and society" (Badran 1995b:3).

In reviewing the history of feminism in the West there are two foci: Anglophone feminism (UK and US) and Francophone feminism (France, Europe). As noted by Offen (2000) and Badran (2002b), the term has been given many meanings and has been variously defined since its first use. In her influential work, *European feminisms, 1700-1950: a political history* (Offen 2000), the historian, Karen Offen<sup>14</sup>, analyses the term 'feminism', which was first coined in France in the 1880s by Hubertine Auclert. The latter introduced it in her journal, *La Citoyenne*, to criticise male dominance and to make claims for women's rights (Badran 2002b:1). Many of the standard textbooks focus on American feminism and their definition of feminism which distinguishes the history of feminism into three waves. Examples are the work of Maggie Humm (1995) and Rebecca Walker (1992). Originally the first wave feminism<sup>15</sup> focused on equal contract and property rights for women, but by the end of the nineteenth century, its focus had turned primarily to gaining political power, particularly the right of women's suffrage. Although the main concern was women's right to vote, others were active in campaigning in other areas, such as for women's sexual, reproductive and economic rights, at this time. Moreover, leaders influenced

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<sup>14</sup> Karen Offen is a historian and independent scholar affiliated as a senior scholar with the Michelle R. Clayman Institute for Gender Research at Stanford University in California.

<sup>15</sup> Refers to the period of the nineteenth century and early twentieth century in the UK and US.



by Quaker thought (i.e. Lucretia Mott, Susan B Anthony, Elizabeth Cady Stanton and Lucy Stone) campaigned for the abolition of slavery. This first wave of feminism in America ended when its goal was accomplished with the passage of the Nineteenth Amendment to the United States Constitution (1919), granting women the right to vote in all states.<sup>16</sup> In Britain, the Representation of the People Act in 1918 granted the vote to women over the age of thirty who owned property. This right was extended to all women over twenty-one in 1928.

The term first wave was coined retrospectively after the term second wave feminism (the period of activity in the early 1960s to 1980s) began to be used to describe a more recent feminist movement that focused, not only on political inequalities but also on addressing social and cultural inequalities. Eastelle Freedman (2003:464), compares first and second wave feminism. She argues that the first wave focused on rights such as suffrage; the second wave was largely concerned with other issues of equality, such as ending discrimination. Carol Hanisch, a feminist activist of the time, coined the slogan '*The personal is political*'. This became synonymous with the second wave implying that "all theories about women and gender need to be checked against real-life experiences" (Braidotti 2002:197).<sup>17</sup> This appeal to 'the politics of experience' originated from Marxist epistemology (real-life conditions are the most important indicator of the status of women) (Ibid). "Issues like violence against women, women's control over their bodies, and sexuality were articulated as issues of public concern and politics" (Desai 2006:459). This opening up of the 'private' realm to activism led to the development of numerous kinds of autonomous women's organizations and women's studies centres (Ibid). *A concise glossary of feminist theory* (1997), edited by Andermahr and others, provides a useful introduction to these key feminist concepts. It was at this time that the French philosopher and existentialist, Simone de Beauvoir (1908-1986) became known for her maxim: 'One is not born a woman, but becomes one' focusing on the social construction of 'Woman' as the '*Other*'. She saw this as fundamental to understanding women's oppression and argued that the attitude of considering

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<sup>16</sup> More information can be found in: *The ascent of women: a history of the suffragette movement and the ideas behind it* by Melanie Philipps (2004).

<sup>17</sup> See Carol Hanisch's new introduction to 'The personal is political' in [www.scholar.alexanderstreet.com/pages/viewpage.action?pageId=2259](http://www.scholar.alexanderstreet.com/pages/viewpage.action?pageId=2259).

women deviant and abnormal beings should be set aside for feminism to move forward. The phrase 'Women's liberation' was first used in the US in the 1960s. This movement campaigned for women's rights, including the right: to vote (universal suffrage); to hold public office; to work; to fair wages; to equal pay; to own property; to education; to serve in the military; to enter into legal contracts; and to have marital, parental and religious rights. These different waves of feminism reflect the variety of tactics used by the feminist movement to motivate Western women to become active and to effect changes for women.

Over the years several sub-movements of feminist ideology have been developed in the West, which often overlapped. Consequently, some feminists identify themselves with several types of feminist thought. These include liberal feminism, radical feminism, and socialist or Marxist feminisms, each with its distinctive explanation of the origins of sexism and suggestions for overcoming it (Reinharz 1992:6). Liberal feminism, also called egalitarian feminism, is considered the most moderate branch of feminism. It is based on the simple proposition that all people are equal and should not be denied equal opportunity because of gender. According to the views of contemporary radical feminists, sexism is at the core of patriarchal societies. Their focus is on the patriarchal family as a critical system of domination (Lindsey 1997:16). By contrast, socialist or Marxist feminism proceeds from the principle that the capitalist economic system needs to be changed in order to liberate women. Whereas socialist feminism sees the core of the problem in sexuality, Marxist feminism finds it in work. Thus, Marxist feminism asserts the primacy of class oppression over gender oppression, whereas socialist feminism asserts the coexistence of both in explaining the subordination of women (Bulbeck 1998:8). Radical feminism and liberal feminism are particularly based in the First World context, Marxist feminism is more often found in the Second and Third World contexts, as supported by scholars such as Chilla Bulbeck and Valentine Moghadam. It is crucially important to acknowledge the discipline that a feminist scholar is coming from in order to understand the foundations of the debate she is part of. A useful source for the debate on how a feminist perspective affects the research process is Maynard and Purvis' edited work *Researching women's lives from a feminist perspective* (1994).

Developments in feminist analysis in the 1980s introduced new theoretical insights. Black feminists and later Third World feminists critiqued the hitherto normative experience of white, middle-class Western women. The idea of women's interests shared by all women regardless of race, class or sexuality: 'all women are oppressed by all men,' and 'sisterhood is global,' became highly contested at that time. This view failed to recognise the diversity among women and treated all non-Western women the same; in other words as the 'Other,' regardless of nationality, class and education (Afshar 1996:9). Scholars had pointed out several gaps in this approach. Firstly, because most feminist analysis had been done by middle-class white women in the Western European and North American contexts, Western terminology carried the feminist discourse forward (Mills 2003:142). Secondly, the Western methodology of feminist analysis, terminology and theory created a situation in which the discourse on women's issues was seen as foreign and Western by Third World people, men and women alike (Spivak 1987:ii; Eagleton 2003:6). Eventually Third World women were heard in their parts of the world:

The US and the USSR are the most powerful countries in the world but only 1/8 of the world's population. African people are also 1/8 of the world's population, of that, 1/4 is Nigerian. 1/2 of the world's population is Asian, 1/2 of that is Chinese. There are 22 nations in the Middle East. Most people in the world are Yellow, Black, Brown, Poor, Female, Non-Christian and do not speak English. By the year 2000 the 20 largest cities in the world will have one thing in common none of them will be in Europe none in the United States (by Audre Lorde referred to in Mohanty 1991a:1).

Third wave feminism (began in the early 1990s) arose as a response to failures of the second wave. Its particular purpose was to avoid the over-emphasis on the experiences of upper to middle-class white women. Its focus was not on 'what was wrong in patriarchy so much as what was wrong with women or more specifically, feminism' (Bulbeck 1997:219). Its origins can be found as early as the mid-1980s when the African-American feminist leaders, such as Gloria Jean Watkins (pseudonym 'bell hooks')<sup>18</sup> in *Aren't I a woman?: black women and feminism* (1981) and *Feminist theory: from margin to centre* (1984) and Audre Lorde in *Sister outsider* (1984) sought to negotiate a space within feminist thought for consideration of race-related topics. Deborah King (1997:229) writes that one of the serious flaws in

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<sup>18</sup> bell hooks (1981:124) does not use capitals for her name as a sign of respect for her great-grandmother's name.

feminist theorising was that feminism excluded and devalued black women. bell hooks claimed that academic feminism is part of white culture, thus, feminist research became defined for some as part of the problem, rather than the solution (Reinharz 1992:12). In these debates on problematic one-dimensional depictions of non-Western women, Andre Lorde (1984:60) redefined feminism: “black feminism is not white feminism in black face”. She argued that black women have particular and legitimate issues that affect their lives, such as birth control and sexual relationships (Lorde is a lesbian feminist). According to African-American, Barbara Smith (1980:49):

Women who teach, research, and publish about women, but who are not involved in any way in making radical social and political change [are not actually feminist] . . . if lifting oppression is not a priority to you then it is problematic whether you are part of the actual feminist movement . . . to me racist white women cannot be said to be actually feminist.

Several black feminists prefer to use the term ‘*womanist*’<sup>19</sup> as coined by Alice Walker (1983:xi) rather than ‘feminist’. Others reject Walker’s term as too radical. Nonetheless, as noted by Fiorenza (1994:13), some feminists of the Second/Third World argue that abandoning the term ‘feminism’ would be a mixed blessing:

Not only would such a practice credit the historical achievements of feminism as a worldwide political movement to white European/American women, it also would relinquish the claim of feminists around the world that they have shaped and continue to define the meaning and practice of feminism in a different key. Instead of rejecting feminist movement as white middle class, these feminists maintain that women of all colours have always engaged with feminism or ‘feminist movement’ – to use bell hooks’ expression.

bell hooks (1997:485) distinguishes two forms of ‘sisterhood’. According to her, the Western model is an empty (if not hypocritical) claim on the part of middle-class white women that all women are sisters in virtue of their ‘*common oppression*’. This is a false and corrupt platform disguising and mystifying the true nature of women’s varied and complex social reality, since divisions will not be eliminated by wishful thinking or romantic reverie about ‘common oppression’ despite the value of highlighting experiences all women share (hooks 1997:486). The second form of

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<sup>19</sup> See Russo (1991:315). Walker’s “desire to gain a new term has nothing to do with a lack of commitment to women’s equality and everything to do with her vision of the interconnectedness of her life as a black woman and her perception that ‘mainstream’ (i.e., liberal gender-specific) feminism has been too narrow to encompass it” (Ibid).

sisterhood is based on solidarity among diverse women. Solidarity, which is built through hard, ongoing political work: “work confronting conflicts, work finding common interests and goals, and work opposing sexist oppression in all its forms” (Ibid). Thus, hooks (1997:485) favours a multipronged approach to feminist politics:

Women from different social groups may choose to focus their political activities on issues that are especially compelling to them, but their thinking and their initiatives must be informed by an awareness of other women’s needs and concerns. In this way, feminist solidarity can be achieved without eradicating women’s difference.

Many scholars feel that black feminism paved the way to alternative feminisms (i.e., postcolonial feminism and Third World feminism). Indeed, as Sa’diyya Shaikh (2003b:160) notes, the term ‘*Third World women*’ has been used interchangeably with the description, ‘*women of colour.*’ Postcolonial feminists had strong ties with black feminists because colonialism usually contains themes of racism. Both groups have struggled for recognition, not only by men in their own culture, but also by Western feminists. Haleh Afshar (1996:8) agrees that black feminism/womanism was one of the major elements that contributed to the breakdown of the universal theorising practised by Western feminists. Black women strongly challenged much of the work of white feminists, arguing that the latter’s analysis included racist and ethnocentric assumptions: generalising the experience of white feminists to black women (Ibid). A key issue within feminism became recognition of the diversities and complexities of women’s issues. The term ‘*common differences*’ well describes this phenomenon (a term borrowed from Gloria Joseph and Jill Lewis, used in Mohanty, Russo and Torres’ text, *Third World women and the politics of feminism*, 1991:viii).

#### **1.4.2 Third World feminism: K Jayawardena (1986), C T Mohanty (et al 1991) and H Afshar (1996)**

“Feminisms are influenced by the societies which host them” (Bulbeck 1997:213). *Third World feminism* has been described as a group of feminist theories developed by feminists who acquired their views and took part in feminist politics in so-called Third World countries (see definition on section 1.2). This section elaborates on Muslim women’s issues as viewed by three prominent Third World feminist scholars: Sri Lanka-born Kumari Jayawardena, Indian-born Chandra Talpade Mohanty and Iranian-born Haleh Afshar. I have selected these women scholars because of the

availability of their works in English, their representation of three different countries and their valuable contribution to the debate on Muslim women's issues.

Third World feminism is a fairly new area of feminist theory. In 1983 a leading feminist publisher told Mohanty, Russo, and Torres that there was no such field as 'Third World feminism'. Yet in 1990 feminists of colour were transforming the contours of the academy and the polity (Mohanty et al 1991:x). Afshar (1996:1) argues that since the early 1960s women's roles in the processes of development have been increasingly recognised and their contributions documented and analysed. However, political scientists, particularly in the West, have been reluctant to acknowledge women's extensive participation in political processes. Haleh Afshar<sup>20</sup> was born and raised in Iran where she worked as a journalist and a civil servant before the revolution. Her edited work *Women and politics in the Third World* (1996) is a contribution to the growing body of feminist literature which is seeking to redress this imbalance. Her article "Why fundamentalism? Iranian women and their support for Islam" (1995) looks at the arguments presented by the female advocates of Islamism for rejecting Western options of feminism and choosing the Islamic way for women.

Third World feminists, Mohanty (et al) in her influential *Third World women and the politics of feminism* (1991) and Jayawardena in her eye-opening *Feminism and nationalism in the Third World* (1986) are both critical of the ethnocentrism of Western feminism. They feel that mainstream Western feminists do not take into account the unique experiences of Third World women or the existence of indigenous feminism in Third World countries. Although Western theorizing may adopt a universalizing language, the assumptions made are often Western-centered (Rai 1996:25) and mainstream Western feminists have tended to ignore the voices of non-Western, non-white women for years, thus creating resentment among feminists

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<sup>20</sup> Haleh Afshar teaches politics and women's studies at the University of York and Islamic law at the Faculte Internationale de Droit Compare at Strasbourg. Afshar serves on several bodies, notably the British Council and the United Nation's Association. She is the joint convenor of the Development Studies Association's Women and Development Study Group and has edited several books produced by these groups. In 2007 she was announced a baroness and joined the House of Lords as a cross-bench (non-party political) peer.

in Third World nations. Therefore, as pointed out by Afshar (1996:10), an approach was needed which would look at the complexity of woman's issues in the Third World from a perspective of the '*multiplicity of difference*' rather than 'otherness'.

Time witnessed a rise of women scholars developing 'alternative feminism', feminist awareness of their particular religious and cultural contexts in former European colonies and the Third World countries ('alternative' does not mean separate or irrelevant) (Cooke 2001:x). Kumari Jayawardena,<sup>21</sup> a leading feminist figure and academic in Sri Lanka, in her well-known work *Feminism and nationalism in the Third World* (1986) focuses on feminist movements in Asia in the late nineteenth and early twentieth centuries. She defines feminism as 'embracing movements for equality within the current system and significant struggles that have attempted to change the system' (1986:2). Some call this particular feminism among the Third World women 'alternative feminism'; others term it 'cultural feminism', 'colonial feminism' or 'postcolonial feminism'; still others call it 'Islamic feminism' depending on the emphasis, focus or standpoint which is embraced. I maintain that there is a clear distinction between Third World feminist and Islamic feminist ideas and therefore discuss them separately in this study. Third World feminists may focus on the formulation of national identities, mobilising anti-imperialist movements during independence struggles and not on any particular religion per se, as Jayawardena points out (Ibid). Moreover, Third World women may include women from various religious faiths such as those promoting Buddhist feminism. However, Islamic feminists advocate for women's rights and social justice grounded in an Islamic framework not only in Third World countries.<sup>22</sup> Just as it is difficult to speak of a singular entity called 'Western feminism,' it is difficult to generalize about 'Third World feminisms' (Mohanty et al 1991:4).

How then and on which grounds is the analysis of Third World women formed? According to Waylen (1996a:21), Third World women are not to be seen as an

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<sup>21</sup> Kumari Jayawardena (b 1931) plays an active role in women's research organizations and civil rights movements in Sri Lanka, and is presently the Secretary of the Social Scientists' Association, a group of concerned scholars working on ethnic, gender, and caste.

<sup>22</sup> For a more extensive discussion of defining 'Third World feminism,' see Mohanty (1991a:1-47).

automatic unitary group, nor are they analyzed as victims, but the focus is instead on a dynamic oppositional agency of women. As noted by Waylen (1996a:21), not only are struggles analyzed, but also strategic bargaining in spaces that are intersections of the private and the public spheres. For the Indian Sarojini Sahoo<sup>23</sup> Third World feminism is not a 'gender problem' or confrontational attack on male hegemony (as such, it differs from the feminist views of Virginia Woolf or Judith Butler), but an integral part of femaleness separate from the masculine world. Her feminism is constantly linked to the sexual politics of a woman speaking against the view which sees women as second-class citizens in India. Third World postcolonial feminists argue that oppression relating to colonial experiences, particularly racial, class, and ethnic oppression, has marginalized women in postcolonial societies. So saying they react against universalizing tendencies in Western feminist thought (being critical of Western forms of radical feminism and liberal feminism) as well as the lack of attention to gender issues in mainstream postcolonial thought (Mills 1998:98). Postcolonial feminists challenge the belief that gender oppression is the primary force of patriarchy. Moreover, they argue that cultures impacted by colonialism are often different and should be treated as such. They struggle to address women's rights issues within their own cultural models of society rather than through those imposed by Western colonizers.

Another scholar and author focusing on development studies is Turkish-born Deniz Kandiyoti.<sup>24</sup> She has written numerous articles on women in the Middle East, feminist theory and gender and development issues. Her edited work *Women, Islam and the state* (1991b) deals with analytic debates in the field of gender and development by

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<sup>23</sup> Sarojini Sahoo (b 1956), a key figure and trend setter of Third World feminism in contemporary Oriya literature, is an Indian feminist writer (short stories) who has won the Orissa Sahitya Academy Award (1993), the Jhankar Award (1992), the Bhubaneswar Book Fair Award, and the Prajatantra Award.

<sup>24</sup> Deniz Kandiyoti (holds Turkish and British citizenship) is senior lecturer in the Social Sciences Division of Richmond College, London. The author of *Women in rural production systems: problems and policies* she also taught at the Middle East Technical University in Ankara, Turkey and Bogazici University in Istanbul between 1967 and 1980. She has also served as the chairperson of the Research Committee 32 on Women in Society of the International Sociological Association. More recently she has been working in the Central Asian republics of the former USSR on post-Soviet transitions with special reference to land rights and agrarian reform. She has done consultancy work for UNESCO (UN Educational, Scientific and Cultural Organisation), OSCE (Organisation for Security and Co-operation in Europe) and UNIFEM. She was also a British Council consultant for a World Bank project. She is the editor of the journal *Central Asian Survey*.



examining the relationship between Islam, the nature of state projects and the position of women in the modern nation states of the Middle East and South Asia. Kandiyoti views 'development studies' as a dynamic field of study concerned with social and economic change and the major policy challenges they present in Third World countries. Kandiyoti argues (1991b:vi) that studies of women in Muslim societies have, by and large, neglected the role of the state and remained relatively untouched by the growing body of feminist scholarship on the subject. She criticises (1991b:1) how the treatment of women and of Islam has for a long time been dominated by ahistorical accounts of the main tenets of Muslim religion and their implications for women. As noted by Waylen (1996a:25), there is now a growing literature on women and the state in the Third World which seeks to challenge the universalising language of the Western feminist and developmental state discourses about women, the state and struggle. This view is particularly important as noted by Rai (1996:30) because Western feminist debates do not take into account the complex picture, the different approaches to and different types of state formation found in the writings of Third World feminists.

Beside development issues the topic of 'state policies' is intensely debated by Third World feminists. For instance, the topic of international capitalism appears large in the writings of postcolonial feminists, such as El Saadawi (1980). Shirin Rai in her chapter, "Women and the state in the Third World" (1996:31), quotes El Saadawi saying that "the international capitalism in Third World states brings about a general social crisis that leads to the impoverishment of whole communities and that women suffer most in this context of exploitation." Kandiyoti, on the contrary, argues that "the impact of capitalism on women's lives is not entirely negative, because capitalism, while exploitative, also leads attack upon traditional patriarchy in Third World countries creating new opportunities for women in the public sphere" (Rai 1996:31). As noted by Rai (1996:31), this ongoing work on Third World states is an important alternative perspective that the universalising debates among Western feminists neglected to take into account. In the above discussion I have endeavoured to acknowledge some contemporary debates among the variety of scholarship on women's studies (e.g. development studies and political feminism). As noted by Kandiyoti (1991b:2), such studies do not necessarily privilege Islam (or Islamic feminism) as an analytical category, but they do insert gender into broader

discourses about social transformation which should be understood. The following section reflects on the common discourse on Islamic feminism.

#### **1.4.3 Islamic feminism: M Badran (2002b), M Cooke (2001), Z Mir-Hosseini (1996a) and S Shaikh (2003b)**

Some Muslim women refer to their form of feminism, namely their project of articulating and advocating the practice of Qur'anically mandated gender equality and social justice, simply as a 'women's movement'; 'Middle Eastern feminism'; or as 'Islamic feminism' in order to distinguish Islamic definitively from Western feminism. Although rooted in Islam, many Islamic feminists have also used secular and Western feminist discourses and have sought to include Islamic feminism in the larger global feminist movement. Not everyone, however, believes this is necessary. Some have sought to include Islamic feminism in the larger global Islamic feminist movement. Not everyone uses the term 'feminist'; some name themselves 'womanists' (Zuhur 2003:32) or 'remakers of women' (Abu-Lughod 1998:5-6). Through historical research, historians such as Margot Badran<sup>25</sup> and Miriam Cooke, have brought significant insights into the feminist debate in the Islamic world.

Badran has authored a number of essays and books interpreting Islam from a feminist perspective (specialising in women and gender in Muslim societies and particularly in Islamic feminism). Her writings include articles and talks published on various websites, such as "Islamic feminism means justice to women" (2004); "Islamic feminism: what's in a name?" (2002b); and the recent "Islamic feminism revisited" (2006) which was given as a talk at the Netherlands/Flemish Institute in Cairo. Badran's work focuses on Islamic feminism as an inter-Islamic phenomenon produced by Muslims at various locations around the globe (there is no East/West fault line) by giving examples from Iranian, South African and North American contexts. Further excellent texts on Islam and women include books such as *Doing daily battle: interviews with Moroccan women* by Fatima Mernissi (1988b), *Middle Eastern Muslim women speak*, edited by Elizabeth Fernea and Basima Bezirgan

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<sup>25</sup> In the 1960s Margot Badran did research in Egypt, married an Egyptian Muslim, and since then has studied Arabic and lectured extensively. Badran is an historian of the modern Middle East specialising in women's history and senior fellow at the Prince Alwaleed Bin Talal Centre for Muslim-Christian Understanding, Georgetown University, USA.

(1977), *Women and gender in Middle Eastern history: shifting boundaries*, edited by Nikki Keddie and Beth Baron (1991), *Women in the Muslim world*, edited by Lois Beck and Nikki Keddie (1979), and *Women of the Arab world: the coming challenge* by Nahib Toubia (1998). Muslim-women-telling-about-their-own-lives approach is used for example by Syrian Bouthana Shaaban<sup>26</sup> (1991) [1988] in *Both right and left handed: Arab women talk about their lives* and Alifa Rifaat (1985) in *Distant view of a minaret and other stories*. Significant works on history of feminism in Islamic world include *Feminists, Islam and nation: gender and the making of modern Egypt* by Margot Badran (1995b) and *Opening the gates: a century of Arab feminist writing* by Margot Badran and Miriam Cooke (1990).

One of the most multifaceted Western works of twenty-first century Islamic feminism is *Women claim Islam: creating Islamic feminism through literature*, by Miriam Cooke (2001). Her perspective is particularly important in supporting indigenous (defined by geographically localised ethnicity) Islamic feminist thought. Interestingly, she writes her name with small letters: miriam cooke<sup>27</sup> in like manner to African-American feminist, bell hooks, mentioned earlier. In describing Arab women using Islam to empower themselves, Cooke argues that thereby Muslim women are reclaiming their right to their own specific identity. Such an approach is also exemplified *In search of Islamic feminism: one woman's global journey* by Elizabeth Fernea (1998c) as well as *Recognizing Islam: religion and society in the modern Arab world* by Michael Gilsenan (1982). Cooke focuses on different Muslim women authors to examine the identification of Islamic feminism. Interestingly, she (2001:xxvvi, 61) argues that Islamic feminism is not an identity but rather an attitude and intention to seek justice and citizenship for Muslim women, 'one of many possible speaking positions'. This is seen, for instance, in Zeinab al-Ghazali's writings. Prominent Egyptian writer, teacher of Muslim Brotherhood<sup>28</sup>, and founder of *The Muslim Women's Association* (an Islamic alternative to the Egyptian Feminist Union), al-Ghazali positions herself

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<sup>26</sup> Shaaban is a Professor in the English Department at Damascus University, Syria and the Executive Editor of *Foreign Literature Quarter*.

<sup>27</sup> I respect her choice, however, in this work I capitalise Cooke's name for easier reading since that is how her name is used in most reference sources.

<sup>28</sup> Instrumental in regrouping the Muslim Brotherhood in 1960s.

as a 'gender-neutral Islamist' in her Qur'anic exegesis, but as an Islamic feminist in her prison memoirs.<sup>29</sup> Cooke (2001:61) notes that some (e.g. Fatima Mernissi) situate themselves as Islamic feminists, whereas others (e.g. Nawal El Saadawi) position themselves as Arab, but not necessarily Islamic feminists.

Interesting light on the women's question is shed in women's literature and journals, already prominent from the early twentieth century on. Roy (2005:75) notes that among the earliest journals by Muslim women was the Egyptian Journal, *Fatah* (1892), the Turkish weekly, *Newspaper for Ladies* (1895), and *Knowledge*, the Iranian Women's Journal (1906). These reading materials enabled women (i.e. Egyptian women) to read about and comment on legislative reforms taking place in other countries such as in Turkey. According to Badran (2002b:2), by the early 1920s the term 'feminism' was already in use in Egypt where it circulated in French as *féminisme* and in Arabic as *nisa'iyya*. Egypt was a pioneer in articulating feminist thinking and in organising collective feminist actions. Muslim feminist scholars claim that there has always been a feminist perspective in Islam. Muslim women throughout history have been interested in improving their own, their families and their societies' circumstances (e.g. Khadijah and A'isha, two wives of the Prophet). In almost every part of the Muslim world, some form of 'Islamic feminism' or a 'women's movement' has been identifiable although it was not explicitly designated as such. In the Islamic countries feminist movements grew from efforts to improve the social status of women. Ironically, efforts to reform Egyptian society and improve the status of women originated with men at the end of the nineteenth century (primarily Muhammad 'Abduh and Qasim Amin). One motive inspiring some of these men was the association of nationalism with social reform (Giele and Smock 1977:42).<sup>30</sup> Amin, in particular, devoted much of his energy to the cause of women's liberation, though his views met with resistance at the time.<sup>31</sup> Malak Hifny Nassef presented ten demands to improve women's rights to the first Egyptian Congress of 1911, all of

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<sup>29</sup> See Cooke (2001:61). See also al-Ghazali (1985).

<sup>30</sup> 'Abduh (1849-1905) was a student of Sayyid Jamal al-Din al-Afghani, a figure of enormous intellectual influence in both Egypt and Turkey, as well as in Iran. He argued that the full and equal humanity of women were first recognised in Islam and not in Western society.

<sup>31</sup> Amin's work *The liberation of woman* [1899], has traditionally been regarded as marking the beginning of feminism in Arab culture.

which were unanimously rejected (Giele and Smock 1977:42). Women later continued these efforts by forming their own organisations during the beginning of the twentieth century. Active feminism in Egypt began in the same year when Huda Sha'rawi founded the *Arab Feminist Union* (1944) which then became affiliated with the *International Alliance for Women's Suffrage* (Giele and Smock 1977:42; Ahmed 1992:178). These early reformers advocated education for girls and the relaxation of the practice of women's segregation. They also called for the divorce law to be subjected to sensible control and for polygamy to be curbed. In some Muslim countries women asserted their freedom by throwing off the veil as the symbol of women's confinement and seclusion. Several prominent women appeared unveiled in public, such as Queen Surayya of Afghanistan and the Queen of Iran (in 1920 and in 1936 respectively) (Jayawardena 1986:143). Nevertheless, as noted by Giele and Smock (1977:43), the importance of this feminist activity should not be overestimated:

At best the Egyptian Feminist Union appealed to the small group of well-educated women who had been exposed to Western culture. The vast majority of women who remained secluded in their homes and behind their veils, and were not even aware of the Union's aims. Had they been informed of the objectives, it is doubtful that they would have supported them.

The term 'Islamic feminism' appeared for the first time during the 1990s in various parts of the world, but notably in the work of Iranian Muslim scholars, such as Ziba Mir-Hosseini and Afsaneh Najmabadeh, published in the women's journal, *Zanan* (Badran 2002b:2, Cooke 2001:xii). Ziba Mir-Hosseini,<sup>32</sup> an Iranian anthropologist, has done extensive fieldwork in rural and urban Iran as well as in urban Morocco, and is the author of *Marriage on trial: a study of Islamic family law in Iran and Morocco* (1993). Furthermore, she is a filmmaker who has documented contemporary issues faced by women in Iran. Her award-winning documentary, *The runaways* (2001), set in Tehran, tells about young girls who were forced to run away from their families because of abuse and intolerable restrictions. The Saudi Arabian scholar, Mai Yamani (1996), used the term in the book she edited, namely *Feminism*

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<sup>32</sup> Ziba Mir-Hosseini obtained her first degree in Sociology from Tehran University and her PhD in Social Anthropology from the University of Cambridge where she is a research associate. She also works as a freelance consultant on gender and development issues.

*and Islam: legal and literary perspectives*; the Turkish scholars, Yesim Arat<sup>33</sup> and Feride Acar<sup>34</sup>, used it in their articles; the Turkish intellectual, Nilufer Göle (1996)<sup>35</sup> used it in her book: *The forbidden modern: civilization and veiling (Critical perspective on women and gender)*; and the South African activist, Shamima Shaikh (1997) employed the term in her speeches and articles.<sup>36</sup> Badran (2002b:1) comments and concludes, therefore, that already by the mid-1990s, there was growing evidence of “Islamic feminism” as a term created and circulated by Muslims in far-flung corners of the global *umma*.

South African born (Indian origin) Sa’diyya Shaikh’s work “Transforming feminisms: Islam, women and gender justice” (2003b) is one of the most helpful regarding to understanding Islamic ‘feminisms’ (note her use of the plural term)<sup>37</sup> or ‘Muslim women’s gender activism’. I concur with Shaikh’s view of not only one Islamic feminism but different feminisms, which may even contradict each other. Sa’diyya Shaikh (2003b:155) finds Cooke’s concept of ‘*multiple critique*’ compelling in that it allows one to conceptualise the notion of dynamic and multi-layered subjectivities of Muslim women in varying contexts, but she criticises Cooke’s position and theorization of it. As in the West where there are categories of liberal, Marxist, or radical feminisms, similarly there are Muslim women propounding Islamic feminism from different points of views with different emphases, such as the Iranian Moghadam who uses a Marxist feminist approach. Moreover, part of the problem lies in the fact that although Islamic feminism falls under feminist theology, many Islamic feminists, such as Lebanese-American Aziza al-Hibri, are not theologians and lack

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<sup>33</sup> Yesim Arat is a chair of the Department of Political Science and International Relations at Bogazici University, Istanbul.

<sup>34</sup> Feride Acar is a professor in the Department of Political Science and Public Administration at Middle East Technical University, Ankara and an international authority on women’s human rights. Widely published, her areas of specialisation also include political sociology, social and political change in Turkey, and women in Islamic movements.

<sup>35</sup> Nilufer Göle is a professor of Sociology at the Bogazici University. Her sociological approach employs a number of personal interviews of young Turkish women.

<sup>36</sup> Shamima Shaikh’s (1960-1998) text was presented on December 1997, seventeen days before her death on the 8 January 1998. She became known for her courageous initiative to claim her right to take part in congregational prayer at the 23<sup>rd</sup> street mosque in Pageview, South Africa.

<sup>37</sup> For a discussion on different types of feminisms among Muslim women see Karam (1998b).

theological training, yet they make theological claims and statements. Therefore, in the literary analysis of the work of the four selected authors (Ahmed, Fernea, Mernissi and Wadud) this aspect of the debate is recognised and the authors' standpoints are defined (see chapter 3 'Authors' biographical details and work').

Islamic feminisms comprise a broad area with a variety of methodologies. Shaikh (2003b:157) identifies different modes of feminist expression among Muslim women: feminist writings (from scholarship to fiction); everyday activism (i.e., social services, education, and the professions); and organized movement activism. Shaikh is a good example of feminist scholars who have taken part in the world-wide network on women's issues. It was her work, "Islam, feminisms and the politics of representation", in *Journal of the European Society of Women in Theological Research* (JESWT) that aroused my interest in the importance of participation in academic society. Sa'diyya Shaikh (2003b:155) uses the term 'feminist' as a description of Muslim women's activities that are aimed at transforming masculinist social structures. Nahib Toubia (1998:xii), an Arab woman, defines Islamic feminism as a 'feeling' of which she is not ashamed:

It is a state when women no longer suppress their feelings of anger and love, of rage and ecstasy, of revenge and beauty. It is when women feel free to use their immense emotional energy to explore and redefine their position in the world. It is then they use their intellect and wit, education and skills, and their rich heritage of knowledge and wisdom to redesign their role in the past, present and future of humanity. Feminism is the fire that melts, but does not destroy.

Sources on the *Islamic feminist hermeneutic* literature include the Qur'anic text and its interpretation in relation to women's issues. According to DeLong-Bas (2006:1), contemporary Muslim women's venture into Qur'anic interpretation, both in the Muslim world and in the West, dates to the turn of the twentieth century. In 1909, Malak Hifni al-Nasif, an Egyptian activist (using the pen name, Bahithat al-Badiya or Explorer of the desert), developed a ten-point programme for change that included as its first demand the teaching of the Qur'an and *Sunnah* to females.

Nasif later requested mosque space for women to permit them to attend public prayer services. In 1937/1938, the Muslim Ladies' Association was formed by Zeinab al-Ghazali to carry out social welfare activities. However, it quickly expanded to train women to perform *da'wah* (religious exhortation), as well as to teach religious principles to other women. Training sessions were

established to provide women with knowledge of exegesis on the Qur'an and *Hadith* (DeLong-Bas 2006:2).

Islamic feminism has undergone some notable changes in its emphasis in the last few decades. To quote Margot Badran (2002b:5), this 'new gender-sensitive, or what can be called feminist hermeneutics, renders compelling confirmation of gender equality in the Qur'an that was lost sight of as male interpreters constructed a corpus of *tafsir* promoting a doctrine of male superiority reflecting the mindset of the prevailing patriarchal cultures.' Jane Dammen McAuliffe, author of *Encyclopaedia of the Qur'an* (2002:200), identifies two Muslim feminist paradigms: Qur'an consciousness and women's rights; and Qur'an hermeneutics and gender equality, or what is increasingly called Islamic feminism. To quote McAuliffe (2002:201), Islamic feminism constitutes "a move away from the earlier focus on women's rights toward a wider focus on gender equality and social justice" as basic and intersecting principles enshrined in the Qur'an. Those who shaped the discourse on Islamic feminism in the first place claimed an explicit feminist identity, but most who articulate Islamic feminism in contemporary times are reluctant to wear a feminist label (Ibid).<sup>38</sup> As noted by Badran (2002b:2), some do not call it 'Islamic feminism' but describe it as 'an Islamic project of rereading the Qur'an'; 'women-centred readings of religious texts'; 'Muslim women's gender activism' as referred to by Sa'diyya Shaikh (2003b:154) or 'scholarship-activism' as referred to by Gisela Webb (2000:5). It is important to realise that 'Islamic feminism' may serve either as an analytical term or denote identity or designate an explicitly declared project. The one element Islamic feminists have in common is their Islamic belief, which serves as the matrix or platform for most of their feminist behaviour.

#### **1.4.4 A framework of understanding**

This chapter has been establishing the theoretical approach, research methodology, as well as the working definitions that are used in the thesis. Islamic feminism is part of the feminist theology. It advocates women's rights, gender equality, and social

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<sup>38</sup> See Haar and Busuttil (2003:12). The main limitation for Muslim women's feminist movements is that some people associate them with Western thinking. Some Islamic fundamentalists still find it difficult to accept these movements regardless of how valid their Islamic credentials are. By its very nature religious fundamentalism tends to be patriarchal, which has a bearing on human rights. In the case of Islamic fundamentalism, for example, women's rights are not regarded as human rights, hence women's rights to self-determination are constantly violated.



justice grounded in an Islamic framework designed to do justice to the uniqueness of Muslim women, their culture and their belief system. Some men are hostile to the idea of feminist research, while others label themselves feminist and their research 'feminist research' (Reinharz 1992:14). It is helpful to look at how Maynard and Purvis in their edited work, *Researching women's lives from a feminist perspective* (1994:4) explain how a feminist criminologist, Stanko, in her research on violence towards women also focused on how men view violence in their own lives, as a way of trying to understand how they characterise this in the lives of women. In a similar vein, men who promote literacy or health care are more likely to promote women's literacy or women's health care as well, than men who do not see the importance thereof. Furthermore, as noted by Andersen (1997:9), some Muslim men have been afraid of Islamic feminism because it seems to represent a revolution. It is true that Islamic feminism has engaged in a process of redefining the position of women within and outside the domestic sphere. However, feminism, and definitely Islamic feminism as understood by its adherents is not, in essence, a demand that women should take over the male world; rather it is a different view of the world seen by women from their perspective and experience. Important contributions are made by men towards 'gender justice'. In this regard, consider the influential *On being a Muslim: finding a religious path in the world today* (1999) and *Qur'an, liberation and pluralism: an Islamic perspective of interreligious solidarity against oppression* (1996) by South African Muslim scholar, Farid Esack; *The rights of women in Islam* (1992) by Ashgar Ali Engineer; *Rethinking Islam: common questions, uncommon answers* (1994) by Mohammed Arkoun (together with Lee); and *Progressive Muslims: on justice, gender, and pluralism* (2003a) by Omid Safi. All these four male authors touch on the topic of 'gender justice', already noted in the writings of Sa'diyya Shaikh and Ziba Mir-Hosseini, further discussed in chapter two (section 2.6). Because of the complexity of the topic of Muslim women's issues, this study has been limited to a select number of challenges usually raised in connection with women's status in Muslim society. Chapter two will assess some of the most common ways and theories used to categorise women's status in society.

#### **1.4.5 Personal background**

As the researcher is a real, historical individual with concrete, specific desires and interests, Harding (1987:9) claims that "the beliefs and behaviours of the researcher

are part of the empirical evidence for the claims advanced in the results of research.” She views that this evidence too must be open to critical scrutiny no less than what is traditionally defined as relevant evidence: “introducing this ‘subjective’ element into the analysis in fact increases the objectivity of the research” (Ibid).

I do not consider myself only an academic, but an academic researcher equipped with theological, medical and educational training. After or possibly due to my training as a nurse, teacher and theologian, I have become interested in human relations. My desire is to learn about people with whom I have not been familiar, in this case, Muslim women. My Finnish grandmother-in-law, Katri did not travel more than a few hundred kilometres by foot and by train when fleeing the Russian army during the military attack on Finland prior World War II. My own mother travelled much more extensively; my work has taken me across the globe. I was exposed to Islamic studies for the first time in 1997 when engaging in research required for a master’s degree. Having grown up in Finland where literature about Muslim women was rare at the time, I found it necessary to access larger libraries and therefore applied to and was accepted by a university in the United States of America. To my surprise it was difficult to identify a research advisor/supervisor who had specialised in Islamic studies even at that particular university. It was no small wonder that finally after intensive independent research, I was selected as ‘Student of the year’ (1998). After obtaining my master’s degree, my interest was piqued to learn more about Muslim women. As I knew that South Africa has been a forerunner in debating gender issues and Islamic feminist thought and since by that time I had obtained other degrees in Europe as well as the US, it seemed expedient to pursue my scholarly interests at the University of South Africa. I have not been disappointed in this endeavour.

In the meantime, I had obtained dual nationality (Finnish-Canadian citizenships) and had experienced a new cultural environment in Canada. After studying theology and being ordained as a minister of the gospel, I returned to Europe to settle in Belgium and began teaching religious studies at a university in Brussels which is affiliated with the University of Wales. Since the nineties, it has become fashionable once more to study and to discourse about religion. The elective course in world religions which I teach always has a full enrolment. In order to communicate with women in

different societies (i.e., Dutch in Flanders and French in Wallonia in Belgium) I have come to appreciate the benefit of language study in order to 'peer' into different cultures; this includes my desire to learn basic Arabic. The importance of language study has been noted by Bulbeck (1998:1) who argues that "before saying something smart about women in different cultures learn her mother-tongue." Together with my research, I have learned that the historical roots of feminism lie in the European Enlightenment, and that the term 'feminism' originated in France. Moreover, I have developed a new appreciation towards Third World women.

Early in my study of women's studies I realised that the Western feminist approach is not sufficient to explain women's issues across the globe. Moving from a study of black feminism to an examination of the work of Chinese women, postcolonial and Third World feminists to that of Islamic feminists, I have realised that similarities between societies, and especially between women in different societies, are far more numerous than the features that separate them. All societies, Muslim or non-Muslim, are undergoing social change and can learn from each other if they communicate. My knowledge of Muslim women has been shared with my Muslim neighbours in Canada and Brussels who have proved an excellent sounding-board, thus broadening my purview. In addition, my occupation (educator) has taken me to the Muslim countries of Indonesia (Bali), North Africa (Tunisia), and West Africa (Senegal, Guinea and Ivory Coast), thus affording valuable opportunities to learn more about the lives of women in various Muslim societies, particularly at grassroots level. I too have held misconceptions about Muslim women until I got to know them as friends and learned about the diversity of their lives. There is no single typical Muslim woman, any more than there is a typical Christian, Jewish, Hindu or Buddhist woman. Muslim women's challenges differ depending on their social class, economic means, their rural or urban roots or family position. My experiences have helped me to see the complexity and diversity of Muslim societies as reflected in the lives of Muslim women in the midst of social change. There is no single way of doing feminism; yet there is a critical contribution to the discourse of Islamic feminism to which scholars in Western academe need to pay more attention.

My research is also a positive response to the debate whether a non-Muslim can study Muslim women fairly. According to Maynard and Purvis (1994:6), 'experience'

was long viewed as a starting point for feminist analysis, but it has now become an end in itself, with the understanding that such awareness is inaccessible to those who have not 'lived' such experiences. Montgomery Watt, influential scholar in the field of Islamic studies, responds to this dilemma in his contribution, "Problems facing the non-Muslim scholar" (1997). He makes a distinction between a '*cerebral knowledge of religious ideas*' and '*experiential knowledge*' of these same ideas using an illustration of sexual intercourse and a drunken man (Watt 1997:182). If one has lived a sheltered life, has never even been tipsy and has never seen a drunken man, one's knowledge remains cerebral. "The person without experience may have a perfect cerebral knowledge, but only experience can give experiential knowledge," according to Watt (1997:182-183). Of course the case of religious ideas is more complex:

Normally a person can only reach important levels of religious experience through participating in the life of the community in which he has been brought up and basing his activity on its ideas. It is not easy for a person brought up in a Christian environment to appreciate the religious ideas of Islam, far less to make them the basis of a satisfactory life. The same is true for the Muslim with Christian ideas. One of the effects on the scholar of studying a religion other than that in which he was brought up is to produce a more sophisticated attitude in him.

Watt (1997:186) concludes that there is a need for further study in Islam and this must be undertaken by both Muslim and non-Muslim. South African scholar J S Kruger (1982:39) agrees with Watt saying:

Being a member of a religion has enormous advantages in studying it, since the participant can draw a vast store of insider knowledge. We should not, however, be lured into imagining that having this insider knowledge is a sufficient condition for studying the religion of a group adequately. Familiarity is not the same thing as theoretical knowledge, which is what we are after in science of religion. Being an insider as such does not guarantee validity. This kind of knowledge (un-reflective) has to be transported into theoretical (reflective) knowledge. It is short-sighted to believe that only a believer can understand a religion. There is a difference between science and religion. Science is at the same time less and more, than religion. It is less, in that it cannot pretend to reproduce the fullness of religious experience; and it is more, in that it asks questions not asked by faith and gives answers not given by faith (Ibid).

Dorothy E Smith (1987:92), the Canadian sociologist, on the other hand claims that the only way of knowing a socially constructed world, is knowing it from within. Even to be a stranger is to enter a world constituted from within as strange, thus, the

strangeness itself is the mode in which it is experienced (Ibid). In fact, as Bulbeck (1997:156) notes, “while the exchanges between women in different cultural locations are often troubled, they are also potentially productive.” Scholars provide a variety of ways of crossing the barriers of cultures, a useful aspect being the standpoint of feminist theory which is an attempt to combine the politics of location with a more scientific methodology (Braidotti 2003:200). Harding’s ‘standpoint feminism’ (1987) argues that women’s experience provides a good starting-point for the elaboration of new paradigms of knowledge.

Perhaps the most useful aspect of cross-cultural understanding when considering this research is the method of ‘*world travelling*’. Maria Lugones in *Feminist social thought: a reader* (1997) edited by Diana Tietjens Meyers presents the concept of ‘world travelling’ as a possible solution to the problem of how divisions between women who are members of different social groups can be overcome. As a Hispanic woman she examines how she and others from different national backgrounds can find a common ground in discussions on women’s issues. By travelling to their ‘world’, one can understand what it is to be them and what it is to be oneself in their eyes (Lugones 1997:148). African-American law professor, Isabelle Gunning (1992:240) also regards the notion of ‘world-travelling’ as a useful approach in understanding culturally different practices (i.e. clitoridectomy) without pre-judging them. She sees ‘world-travelling’ as walking the tightrope between interconnectedness and independence, between women’s shared perspectives and their differences (Gunning 1992:204, 215).

The qualitative approach of this thesis is exemplified in a gender-related religious study of women in Islam. More specifically, it is a study of Muslim women and social change in Muslim societies, undertaken by a Finnish-Canadian non-Muslim woman, a white woman who is a second language English speaker. There are two important aspects in this statement. Firstly, I regard it as particularly important to my academic objectivity that my country of birth, Finland, has never been a colonizing power. On the contrary, Finland has a history of being colonized by others. Consequently, the debate about colonialism in Muslim societies is neutral within my context. Furthermore, Finland is a country where women’s issues have been long in the public debate. Finland was one of the earliest countries in Europe to provide suffrage

and higher education rights to women. In addition, it currently has a female president and the highest number of female parliamentarians per population in the world. Secondly, I am a Christian in the Pentecostal<sup>39</sup> and broader Lutheran tradition. In other words, I am not a secularist researcher with a secularist worldview, but a researcher who has a strong belief in a monotheistic God. However, in this work I view religion as a socio-cultural, political, economic and historical phenomenon, rather than as a personal question of faith or as a set of notions of the divine. Kruger (1982:38) puts it as follows:

In studying people, especially an aspect of their lives as elusive and sensitive as their religion, a large part of the personality of the observer is engaged. Therefore, objectivity is to recognize the hidden facets so intimately related to one's personality and therefore to discipline them. When we get to know them their role is changed.

Finally, although I define myself as an 'outsider' with respect to the Islamic faith, at the same time I define myself as an 'outsider-within' in line with the view of Dorothy Smith. I believe that the research itself is more important than the researcher. My focus is on the people researched – Muslim women – not on the person behind the computer. Thus, while I cannot pretend to resolve this complex issue of Muslim women's rights, I aim to address a limited but crucial aspect of it as an 'outsider', but from an 'outsider-within-standpoint'. My hope is to advance, in some measure, the inter-religious dialogue between Christian and Muslim women.

## **1.5 Layout of the thesis**

This thesis is organised in six chapters.<sup>40</sup> The first chapter presents the research problem and the necessity for study. It presents an engaged review of the development of Western and non-Western feminist study, including alternative feminisms such as black feminism, Third World feminism and Islamic feminism. It is my view that many Third World women's rights activists are uncomfortable with the

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<sup>39</sup> The critical similarity between the Pentecostal tradition and Islam is that in both cases religious faith is not merely practised as a set of periodic religious observances, but as a pervasive, all-encompassing way of life. It is known from intercultural studies that there are significant correspondences between the Pentecostal and Islamic world views, particularly where matters of practical faith are concerned.

<sup>40</sup> If the bibliography is included, the work will have seven chapters. The number seven is particularly important in most religious traditions. The Qur'an has a sevenfold meaning, and there are seven canonical ways to recite it.

'feminist' label, mainly because of its connotation associated with the West (much of its movements and theories having been developed by predominantly middle-class white women from Western Europe and North America). Notwithstanding, it has been important to analyse areas in which Western feminists struggled during a particular period; the development of different waves of feminisms; and how these contributions are understood within their social and historical context, keeping in mind, however, that at each historical moment the earlier strands coexist, which keep alive the tension and debate over the form and content of feminism. This discussion has laid the foundation for understanding why Islamic feminism is a contested concept and why it is an active tool for women's rights activists in Third World countries today. Finally, this chapter provides a starting point for further research for those interested in a women's approach in religious studies.

Chapter two reviews the current research on how the challenges faced by women in society are defined. The chapter demonstrates the relevance of sources used in this study. In this chapter, the Giele/Smock/Engineer framework is developed as a background framework that is used to explore the writings of the four women authors. The most pressing challenges faced by Muslim women are then brought into focus by giving well-documented definitions and descriptions of each.

Chapter three provides a biographical sketch of the four selected authors as well as an overview of their work, thus placing it in context within the general field of women and Islam.

Chapter four provides an analysis of the work of the four authors and the issues in their writings as identified by the Giele/Smock/Engineer framework.

Chapter five evaluates the results of the analysis and explores the solutions and suggestions offered by the four authors as a means of dealing effectively with the challenges faced by Muslim women. The chapter presents and assesses alternative approaches, namely historical, anthropological, socio-political and hermeneutical approaches.

Finally, in the last chapter, the findings are summarised and suggestions for further studies are presented.



## **CHAPTER TWO**

### **RESEARCH FRAMEWORK**

#### **2.1 Introduction**

The purpose of this chapter is to develop a research framework against which the writings of the four selected authors can be evaluated. A feminist/women's approach in religious studies guides this process. Two major steps are taken: to familiarise reader with key theoretical discussions on categorising women's status in society; and to identify challenges to women's status and features that indicate whether women's status can be regarded as high or low.

#### **2.2 United Nations' research and Freedom House statistics on the status of women**

As noted by Nader and Qureshi (2007:5), it was in the aftermath of the Second World War that "the modern international formulations of human rights were produced, setting standards that came to be incorporated in public international law." Muslim countries were among the founding members of the United Nations (UN), whose 1945 Charter called for respect for human rights and fundamental freedoms. All Muslim countries eventually joined the UN, although there has been no voice of Muslim unanimity in the decision-making. The UN and its Commission on the status of women (established in 1946) has provided valuable research (all relevant UN agencies have websites).<sup>41</sup> The United Nations has held four World Conferences on women's issues: Mexico City (1975), Copenhagen (1980), Nairobi (1985), and Beijing (1995). Scholars refer to the 'boomerang effect' meaning that these conferences created multiple services for women (an international forum for women's rights); encouraged governments to take steps on women's issues; addressed and publicised issues concerning women; and illustrated divisions between women of different cultures and the difficulties of attempting to apply principles universally (Catagay et al 1986:401; Desai 2006:461). One should also mention the establishment of women's studies programmes in colleges and universities and outside the academy and research and documentation centres

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<sup>41</sup> UNIFEM on the World Wide Web 'Sharing information on the road to empowerment.' Women Watch, the United Nations Internet Gateway on the Advancement and Empowerment of women. UNRISD occasional papers, United Nations 'Fourth World Conference on Women'.

around the world that focused on women's issues (Desai 2006:460). Moreover, in this climate, 'romantic sisterhood' began to give way to a 'strategic sisterhood' to confront strategic issues like that of "the global crisis of economy and polity" (Bulbeck 1998:169, 198). In fact, the *International Decade for Women* brought women from seventeen Muslim countries together to form political alliances, share strategies and exchange information to give them new alternatives in the battle for women's rights (Bulbeck 1998:203). In this context the term 'political sisterhood' as used by Braidotti (2003:196) could be useful.

According to Hosken (1981:2), the term 'women's rights' refers to freedoms and entitlements of women and girls of all ages.

These rights may or may not be institutionalised, ignored, or suppressed by law, local custom, and behaviour in a particular society. These liberties are grouped together and differentiated from broader notions of human rights because they often differ from the freedoms inherently possessed by or recognized for men/boys. Issues commonly associated with notions of women's rights include, thought are not limited to the right: to bodily integrity and autonomy; to vote (suffrage); to hold public office; to work; to fair wages or equal pay; to own property; to education; to serve in the military or be conscripted; to enter into legal contracts; and to have marital, parental and religious right (Lockwood 2006:2).

According to Nader and Qureshi (2007:6), 'secular discourses' in the Muslim world are widely discredited and viewed as inauthentic. Thus, contemporary Muslim human rights scholars have attempted to anchor human rights discourses within an Islamic paradigm. One of the most visible proponents has been the human rights activist, Iranian lawyer, Shirin Ebadi<sup>42</sup>, who won the 2003 Nobel Peace Prize for her significant and pioneering efforts with regard to human rights (especially for children and women rights) in her native Iran (DeLong-Bas 2006:4). Muslim feminists arguing for women's human rights include Fatima Mernissi in Morocco, Amina Wadud and

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<sup>42</sup> Shirin Ebadi was the first ever Iranian to have received the prize, yet the Iranian state media waited hours to report the Nobel committee's decision and finally when they did, it was as the last item on the radio news update. Shirin Ebadi has been lecturing and teaching in different countries. She was accused of appearing without the Islamic headscarf abroad and of defending the families of the members of the Baha'i faith arrested in August 2008. The office of a human rights group led by her was shut down by the Iranian police a few months later.

Asma Barlas in the United States. Also Aziza al-Hibri<sup>43</sup> (see section 1.4.3) should be mentioned, the founder and executive director of *Karamah: Muslim Women Lawyers for Human Rights* (founded in 1993) which is working to change the practice of *Shari'ah* in countries where it is not implemented in a balanced way.<sup>44</sup> Noting a tendency of bias and discrimination toward women, her organization has established an international network of Muslim women jurists and academics to support the rights of Muslim women both domestically and globally by developing gender-equitable Islamic jurisprudence based on the foundational and classical sources (DeLong-Bas 2006:3). The International Muslim Women's Human Rights Commission has reviewed human rights violations in Muslim countries and has taken effective steps towards their cessation (al-Hibri 2000:55). *Karamah* has addressed core issues and legal realities affecting Muslim women's lives, such as marriage and divorce laws, child custody, education, political participation, domestic violence, economic, and inheritance rights (al-Hibri 1999:109-111). However, al-Hibri's reasoning on 'Satanic logic' which she views as the reason behind patriarchal jurisprudence presents the reader with several difficulties. She uses the story of the fall of Satan to explain a self-serving, hierarchical worldview which underpins a patriarchal world. Al-Hibri's view on (2000:54), "oppression of women as the result of 'Satanic logic' infiltrating Muslim laws and distorting Muslim beliefs" is an example of highly hypothetical theological foundation for Islamic feminism and difficult to accept.

Another attempt to define women's status in world nations has been carried out by the non-profit organization, 'Freedom House' since 1941.<sup>45</sup> It uses political science research and publishes an annual report assessing the degree of perceived democratic freedoms in each country. These statistics were used by the late Benazir

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<sup>43</sup> Aziza al-Hibri is a professor of Corporate Law and Islamic Jurisprudence. She received a doctorate and a law degree from the University of Pennsylvania. She is a former professor of Philosophy and a Wall Street lawyer.

<sup>44</sup> For instance, *Karamah* has expressed its disapproval of a Michigan Supreme Court ruling whereby judges were allowed to ask Muslim women to remove religious clothing while testifying.

<sup>45</sup> Freedom House is a US-based international non-governmental organization that conducts research and advocacy on democracy, political freedom and human rights. It uses political science research to publish an annual report assessing the degree of perceived democratic freedoms in different countries. Wendell Willkie and Eleanor Roosevelt founded the organization in 1941. The main criticism of the organisation concerns the funding from and the aim of allegedly furthering the interests of the US government.

Bhutto in her work, *Reconciliation: Islam, democracy and the West* (2008:115) (published soon after her death). According to the recently released survey's findings:

[The year] 2008 marked the third consecutive year in which global freedom suffered a decline. This setback was most pronounced in Sub-Saharan Africa and the non-Baltic former Soviet Union, although it affected most other regions of the world. Furthermore, the decline in freedom coincided with the onset of a forceful reaction against democracy by a number of powerful authoritarian regimes, including Russia and China.<sup>46</sup>

The organization's annual survey divides world nations into three categories: 'Free', 'Partly Free', and 'Not Free'. This study is particularly interested in looking at the survey findings released at the end of 2001, because of its particular focus on Islamic states. It shows that 86 countries (representing 41.40% of the world's population/2.54 billion people) receive a rating of 'Free' for its people who enjoy a broad range of rights. The survey finds that 58 countries (representing 23.25% of the world's population/1.43 billion people) are considered 'Partly Free,' political rights and civil rights are more limited in these countries. In the 'Not Free' category there are 48 countries (representing 35.35% of world population/2.17 billion people). All deny their citizens a broad range of basic freedoms (political and civil rights). Of these 48 nations, over half have majority Islamic populations.<sup>47</sup> The study 'Freedom in the World 2001-2002' concludes that:

Ten of the 'Not Free' countries received the lowest ratings for political rights and civil liberties. Two (Cuba and North Korea) are one-party Marxist-Leninist regimes. Seven (Afghanistan, Iraq, Libya, Saudi Arabia, Sudan, Syria, and Turkmenistan) are majority Islamic countries. Burma, under a military dictatorship, is the tenth worst rated nation. There is a dramatic, expanding gap in the levels of freedom and democracy between Islamic countries and the rest of the world. Of the world's 192 countries, 121 are electoral democracies. However, only 11 of the 47 nations (23%) with an Islamic majority have democratically elected governments. Therefore, a non-Islamic state is over three times more likely to be democratic than an Islamic state. None of the 16 Arab states of the Middle East and North Africa is a democracy.<sup>48</sup>

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<sup>46</sup> See Anon. (2009b). ("Survey findings: 2009" [online]. Available from: <http://www.freedomhouse.org/template.cfm?page=445.htm>) [Accessed 28 August 2009].

<sup>47</sup> See Anon. (2001). ("New study details Islamic world's democracy deficit" [online]. Available from: <http://www.freedomhouse.org.htm>) [Accessed 12 August 2009].

<sup>48</sup> Ibid.

Although the gap in freedom has only widened over the last twenty years, 'Freedom House'<sup>49</sup> points out that there are also bright spots among the Muslim world. Democratically constituted governments, such as those in India, Bangladesh, Indonesia, Nigeria, and Turkey, govern countries with large Muslim populations.

Indeed, today, the majority of the world's Muslims live in electoral democracies. In Bahrain, political reforms were begun after men and women voted in a referendum. In Iran, a discernible democratic ferment is challenging the restrictive measures by the ruling clerics (Ibid).

Furthermore, although the statistics reveal something of the difference between women's status in the variety of regions defined by the UN, generally supporting the claim that women are better off in the developed regions, there are exceptions as noted earlier. Therefore, it is crucially important that Muslim countries are not classified as one group; instead the challenges faced by women in a variety of societies should be carefully examined.

### **2.3 A state theory: G Myrdal (1968, 1970) and C Johnson (1982)**

One of the interesting analyses on categorising women's status in a variety of societies has been the theorising about postcolonial states and developmental states. A 'state theory'-model was originally developed by Gunnar Myrdal (1968, 1970) where a distinction was made between a '*strong*' state (such as his native Sweden) and a '*weak*' or '*soft*' state (such as India). Theory was further developed by Chalmers Johnson (1982) through his analysis primarily of Japan and the East Asian economies. The defining feature of the 'strong' state in this literature was the state's capacity to implement logistically political decisions throughout the region/realm (Mann 1984:189). According to Shirin Rai (1996:34),

Many of the Third World states are categorised as 'weak' where the distribution of information about new legislation is varied and patchy, and where illiteracy and exclusionary social practices further worsen this isolation from the processes of the state. 'Strong' states are characterised by a high degree of bureaucratic autonomy from institutions and groups in civil society, whereas, in the 'soft' states, the general inclination of people was to resist public controls and their implementations.

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<sup>49</sup> See Anon. (2001). ("New study details Islamic world's democracy deficit" [online]. Available from: <http://www.freedomhouse.org.htm>) [Accessed 12 August 2009].

Rai (1996:33) gives three features of the postcolonial state that are relevant at this point: most postcolonial states see themselves as agents of social and economic transformation; the ability of a state to enforce its laws and regulations; the level of corruption that becomes an important variable, particularly in the functioning of a 'weak' state, affecting the lives of women. Furthermore, Rai (1996:35) notes that the lack of political will to disturb traditional family values is one manifestation of the 'weak' patriarchal state, as illustrated by India.

Political expediency overrules the rhetoric of social justice fairly easily when the state perceives the threat to its continuance. Further, the economic vulnerability, the lack of education and weak infrastructural power of the state means that its laws are altogether ignored in many parts of the country. Even though Indian women have constitutional rights of inheritance, divorce and maintenance for example the enforcement of these rights is at best patchy (Ibid).

Furthermore, the resources for gender and development have expanded a great deal in recent years (as shown in the previous chapter). Scholars in women's studies and particularly in development studies and feminist politics (i.e., Haleh Afshar, Deniz Kandiyoti and Georgina Waylen) share recognition of the state as important agents informing policies, ideologies, and institutional practices which have a direct bearing on the situation of women. Kandiyoti's edited work, *Women, Islam and the state* (1991b), includes chapters analysing the effect of Islamic fundamentalist politics on women in South Asia and their resistance to it.

The debate on state development is particularly important in Muslim context as it illustrates very different paths of state evolution. Some have emerged from declining empires (Turkey, from the Ottoman Empire), or dynastic rule (Iran, from the Qajar), and others from direct colonial domination (Egypt, Lebanon, Iraq, and the countries of the South Asian sub-continent) (Kandiyoti 1991b:2).

Some, like Turkey and Egypt, have a long history of modernization of state and society, while others are relatively new territorial entities. However, they have all had to grapple with the problems of established modern nation states and forging new notions of citizenship. This has led them to search for new legitimising ideologies and power bases in their respective societies (Ibid).

An apt example is *Fragments of culture: the everyday of modern Turkey* (2002), edited by Kandiyoti and Saktanber, which explores the evolving modern daily life of Turkey. In this volume, certain scholars of post-1980s Turkey, address the complex

ways how sub-urbanisation and the growth of a globalised middle-class have altered gender and class relations. They examine a range of issues, for instance, the adjustments to religious identity as the Islamic veil becomes marketed as a fashion item.

Nevertheless, there is ongoing debate between Third World feminists whether women's movements should actually attempt to work with the states, development and political parties. The concept of 'state feminism' has emerged as an important issue in the context of democratisation with the return to civilian governments (i.e. in some Latin American countries). As noted by Waylen (1996a:14), debate centres around whether women can successfully be incorporated into the state and achieve their own agendas or if they are simply co-opted. Waylen's (1996a:14) view is positive, yet she sees that "different groups of women interact with the state in different ways, and can have some influence over the way in which the state acts."<sup>50</sup> Thus, her analysis focuses on the enquiry under what conditions and with what strategies women's movements can influence the state, development and policy agendas.

#### **2.4 A citizenship theory and rights: V M Moghadam (1999) and A Roy (2005)**

A Gandhian notion of citizenship is mentioned in many reference books concerning women's citizenship rights in Third World countries, such as *Women, Islam and the state* by Kandiyoti (1991b:156) and *Gendered citizenship: historical and conceptual explorations* by Roy (2005:67). Both Kandiyoti and Roy note Gandhi's intervention in women's issues. However, Gandhi's women were representatives of an urban, middle-class, upper caste. In the early 1990s, many political sociologists and feminist philosophers found that the practice of the women's movement could be articulated most adequately in terms of citizenship (Prins 2006:235). The citizenship theory had gone out of fashion until it was revived. The commonly accepted definition of citizenship by the British sociologist, T H Marshall (1952) is a "full and equal membership in a political community." Others, such as Iranian-born feminist scholar,

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<sup>50</sup> Georgina Waylen's (1996b) *Gender in Third World politics* takes up in more detail many of the issues raised in this section.

activist and author, Valentine M Moghadam<sup>51</sup>, view citizenship theory from the Marxist paradigm. Marxist thought focuses on the inherent contradictions between capitalism and equal rights emphasizing the inequality in citizenship status that this coexistence actually implies (Roy 2005:5). According to Moghadam (1999:138) 'much has been written about the problematic nature of women's citizenship rights in Middle Eastern societies',

It results partly from the absence of underdevelopment of democratic institutions in the region. But it is a function of the discrepancy between constitutions that award equal rights to men and women and family laws derived from the *Shari'ah* (Islamic canon law) that undermine this equality.

The others who view citizenship theory from the feminist side suggest radical changes in the theory and practice of citizenship (Roy 2006:11).

Liberal feminists have been fighting for a wide range of new rights for women to make them equal citizens, but without challenging the dominant liberal models of citizenship and politics. Their view has been criticized by other feminists who argue that the present conception of the political is a male one and that women's concerns cannot be accommodated within such a framework (Mouffe 1997:563).

Yet another feminist critique of liberal citizenship is provided by Carole Pateman. She defines citizenship as a patriarchal category: who a 'citizen' is, what a citizen does, and the arena within which a citizen acts have been constructed in the masculine image. The call for women's distinctive capacities to be integrated fully into the public world of citizenship is confronted by what she calls the 'Wollstonecraft dilemma':

To demand equality is to accept the patriarchal conception of citizenship, which implies that women must become like men, while to insist that women's distinctive attributes, capacities, and activities be given expression and valued as contributing to citizenship is to demand the impossible because such difference is precisely what patriarchal citizenship excluded (Mouffe 1997:537).

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<sup>51</sup> Valentine Moghadam (b 1952 in Tehran) has performed research at various institutions of higher education, and most recently (2007) earned the position of Director of the Women's Studies Program at Purdue University, where she is also a professor of Sociology. Prior to this appointment, she worked for the UN's educational scientific and cultural organization as the Chief of Gender Equality and Development. She has lived in Finland, Mexico, Canada, and the United States. While doing her graduate studies at the University of Waterloo (Ontario, Canada) she joined the Iranian student movement and became a left-wing activist. She earned her PhD (1986) in sociology at the American University in Washington, DC.



She sees the solution to this dilemma in the elaboration of a 'sexually differentiated' conception of citizenship what would recognize women as women, within their own bodies and all that they symbolize (i.e. motherhood). According to Mouffe, although Pateman provides useful insights into the patriarchal bias, her solution remains unsatisfactory. Instead Mouffe (1997:539) argues that "the limitations of the modern conception of citizenship should be remedied, not by making sexual difference politically relevant of its definition, but by constructing a new conception of citizenship where sexual difference should become effectively nonpertinent." The above is to conclude that feminism needs theory, but what that theory will do is crucial in regard to our research purposes. Further analysis on citizenship theory is required.

The word 'citizenship' itself is derived from the Latin (*civis*) and its Greek equivalent (*polites*) means a member of the 'polis' or 'city' (Roy 2005:4). As noted by Prins (2006:238), the American and French Revolutions of the eighteenth century were the political events in which the subjects of a sovereign power demanded to be acknowledged as equal citizens of their own state:

The recognition of the equality of each citizen in the American Declaration of Independence (1776) self-evidently applied to the White, male, Anglo settler – but not to women, Blacks, or Native Americans. In a similar manner, in revolutionary France, the Declaration of the Rights of Man and the Citizen (1789), which elevated the status of 'the commons' to that of '*citoyens*', excluded women. Their exclusion was defended with the argument that, because women were economically dependent on and legally subordinated to their fathers/husbands, they were unable to make independent judgements – their social status reflected their naturally dependent status. The idea of citizenship, historically, constitutes of a series of exclusions, whereby entire societies, such as the colonised (in it slaves, women and immigrant workers) were considered inadequate for citizenship (Ibid).

Usually, three kinds of citizenship rights are distinguished in the literature: civil rights (the realization of individual freedom, such as freedom of speech and the right to own property); political rights (active and passive participation in the exercise of government); and social rights (guaranteeing each individual a minimum share in economic wealth and social security) (Marshall 1952; Prins 2006:238). The controversial Somali-born Dutch politician, Ayaan Hirsi Ali agrees with the views of

the late American feminist scholar, Susan M Okin<sup>52</sup> identifying her as one of the first to question the feminist credentials of multiculturalism (Prins 2008:1). She along with others has attempted to extend the list of liberal rights with a fourth type of rights – cultural rights. Hence, it is a fundamental human right for individuals to maintain their own culture (Kymlicka 2002:342). Moreover, in an era of ongoing immigration, cultural rights also function as ‘rights of integration’, allowing non-citizens to become part of civil society on their own terms (Davis et al 2006:234-250).

By researching the literature in various women’s groups Moghadam (1999:149) concludes that in 1990s women’s struggle for citizenship in countries of the Middle East and North Africa revolved around four key issues: (1) the modernization of family laws; (2) the criminalization of domestic violence; (3) nationality rights for women; and (4) greater representation of women in formal political structures.<sup>53</sup> The important issue of women’s right of nationality is noted also by Lamia Rustum Shehadeh (1998:512), a feminist scholar located in Beirut, Lebanon, which would be an interesting area for further study in the context of immigration to Belgium.

While a foreign women married to a Lebanese man is granted Lebanese citizenship after a period of one year and at her request, a Lebanese woman married to a foreigner is prohibited from giving Lebanese citizenship to her husband and children even if they were born and are living in Lebanon (Shehadeh 1998:512).

A common debate among citizenship theorists, however, is the discussion *who/what forms the core of citizenship* – the individual or the cultural community one is part of. Anupama Roy<sup>54</sup> has been working and writing on the socio-historical, political, legal and juridical dimensions of citizenship in India. Her excellent text, *Gendered citizenship: historical and conceptual explorations* (2005), sheds light on this debate. Many scholars, such as Roy (2006:6) feel that “the common rights of citizenship, originally defined by (and for) white men in a class-differentiated society could not

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<sup>52</sup> New Zealand born Susan Moller Okin (1946-2004) was a liberal feminist political philosopher and author.

<sup>53</sup> For more details on ‘national identity politics and their implications for women and gender relations’ as well as ‘the contemporary struggles around women’s citizenship in various countries’, see Moghadam (1999:137-156).

<sup>54</sup> Anupama Roy is a senior fellow at the Centre for Women’s Development Studies in New Delhi, India.

accommodate the needs of large numbers of ethnic religious and linguistic groups.” A notion of ‘*differentiated citizenship*’ has therefore gained currency within citizenship theory to accommodate the needs of specific cultural groups. The term was first used by Iris Marion Young in 1989 to mean that “members of certain groups should be accommodated not only as individuals but also through their group and their rights would depend partially upon their group membership” (Roy 2006:5, 7):

E.g. Jews and Muslims in Britain have sought exemption from Sunday closing, Jews in the US have sought to wear the *yarmulka* during military service, Muslim girls in France and Britain have asked for exemption from school dress code – to be allowed to wear the *hijab* or *chadors*.

This note on complexities in society as determined by ethnicity and national identity makes citizenship theory very relevant in the context of Third World women. Many researchers have tried to demonstrate empirically that there is at least a correlation between trends in economic growth and either authoritarian or democratic government, but according to Pankhurst and Pearce (1996:41) none has been very successful. The recent debate on democracy in the West claims that social and economic inequalities affect civil and political rights (Pankhurst and Pearce 1996:46). The term ‘democracy’ is understood, in this context, as the right of people (both in theory and practice) to control their own bodies, movements and lives, and participate in decision-making to the same extent that they are affected by it (Pankhurst and Pearce 1996:48). *Religion and democracy* edited by Marquand and Nettler (2000:4), shows how in discussions of civil and human right issues, some like the Muslim modernist, Mohamed Talbi<sup>55</sup> separate religion from politics. According to Talbi certain medieval Qur’anic exegetes were more liberal and far-reaching in their approach to the status of women in Islam than are some of the modern ‘reformist’ leaders (in Nettler 2000:54). ‘Islamic feminism’ can be applied when the main exegetical and legal traditions are seen in their historical context. The American social anthropologist of Islam, Dale F Eickelman, asserts an ‘Islamic Reformation’ embodied in modernism with a role similar to that played by the earlier Protestant Reformation in Europe (Nettler 2000:56). Whether ‘right’ or ‘wrong’, Nettler (2000:56) argues, Eickelman’s thesis provides a useful focal point for attempts at making some

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<sup>55</sup> Tunisian Mohamed Talbi (b 1921) is a leading contemporary modernist Muslim thinker. Among his interests are religion and politics, Islam and democracy, and Islam and human rights. See Talbi (1992:465-482).

sense of the modernist phenomenon. Although few scholars have entered this debate, this intellectual trend is growing and has its supporters on women's rights; at the same time Islamic fundamentalism is widespread in some countries (i.e. Egypt and Iran) (Zubaida 2000:60). An outspoken spokesperson on women's rights advocacy is Egyptian Islamist (some argue that the most famous woman Islamist internationally) Zeinab al-Ghazali (1917-2005).<sup>56</sup> Al-Ghazali was the founder of the Muslim Women's Association and was closely associated with the Muslim Brotherhood (Ibid). Further, distinguished women's movements have occurred in Turkey, for instance, including the *Kemalist*, feminist and Islamist women's groups with different foci:

*Kemalists* advocate women's political participation in political, social and economic life as 'secular and nationalist agents'; the feminist organizations emphasize domestic violence, women's empowerment, and consciousness-raising; and Islamist women's groups perceive women mainly in the context of their families as wives and mothers, offer social services to religious women, and argue for the right to observe *hijab* in public (Moghadam 1999:152).

## **2.5 A model of 'life options': R L Blumberg (1975), J Z Giele and A C Smock (1977)**

In the 1970s Rae Lesser Blumberg (1975) developed a model listing 'seven types of life options' that affect and reflect the freedom and general status of women and men in all known societies. The critical life options or decisions are the following: deciding whether and whom to marry; deciding to terminate a union; controlling sexual freedom (before and outside marriage); controlling freedom of movement; accessing educational opportunities; controlling household decisions; and controlling reproduction and family size (Blumberg 1975:2). These life options were further refined by Janet Zollinger Giele.<sup>57</sup> Her research began with her 1961 Harvard

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<sup>56</sup> See Anon. (2005a). ("*Jamiatul Ulama* [Council of Muslim Theologians], Johannesburg" [online]. Available from: [www.islamsa.org.za/arrasheed/ar0803/obituary\\_zainab\\_ghazali\\_dies\\_at\\_88.htm](http://www.islamsa.org.za/arrasheed/ar0803/obituary_zainab_ghazali_dies_at_88.htm)) [Accessed 20 March 2010].

<sup>57</sup> See Anon. (2007b). ("Janet Zollinger Giele" [online]. Available from: <http://www.brandeis.edu/departments/sociology/giele.html>) [Accessed 12 October 2007]. Janet Zollinger Giele is an emeritus professor of Sociology, Social Policy, and Women's Studies at Heller Graduate School and a founder of the *Family and Children's Policy Center*. She is the recipient of many honours and awards including a Woodrow Wilson Fellowship, honorary election to Phi Beta Kappa at Radcliffe, a Ford Faculty Fellowship, the Distinguished Alumni Award from Earlham College, and a Resident Fellowship at the Rockefeller Center in Bellagio, Italy. She has also received the Radcliffe Graduate Society Medal in 2000 for her 'groundbreaking scholarship . . . illuminating our understanding of the complexity of women's roles in contemporary society.' She is the author of *Women and the future: changing sex roles in modern America* (1978) and *Two paths to women's*

dissertation,<sup>58</sup> which was eventually published as *Two paths to women's equality: temperance, suffrage, and the origins of modern feminism* (1995). (See Smelser & Badie 1994:316-321). In the 1970s Giele was invited to become a consultant to the Ford Foundation (an international Task Force on Women) where she developed a framework for the analysis of the situation of women in the US and later in other countries. She was one of the first of her generation of sociologists to analyse the changing roles of women. Her empirical-analysis model is designed to assess and compare women's positions cross-culturally. The main theme in her work is the vast innovation that has occurred in women's lives with enormous consequences for families, children, societies, and women themselves. Her main research interests are the historical women's movement, changing life patterns of women (women's changing roles and sociology of the life course), and the growth of family policy (Giele and Elder 1998:341). Her central quest is to discover how this change occurred, the cause-effect mechanism of that change. Giele (1977:4-31) conflated some of Blumberg's life options and added two others (namely, opportunity for political participation and cultural expression) to form her six-fold framework as follows:

- Political expression: Do women have rights (to join in community decisions, to vote, hold property, or public office) that are currently enjoyed by men? Do important segments of the female population show clear signs of dissatisfaction or a sense of injustice compared with men? Is a social movement for women's rights in progress?
- Work and mobility: Are women's movements deliberately more restricted than men's? Are they active in the labour force? Do the jobs they hold enjoy equal rank with those held by men? Is their pay roughly equivalent and do they enjoy the same amount of leisure?
- Family formation, duration and size: Are women subject to greater control and limitations in their choice of a marriage partner than men? Do they have the same right to divorce? What are the consequences if they are

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*equality: temperance, suffrage, and the origins of modern feminism* (1995). Her edited works include *Women: roles and status in eight countries* (together with Smock, 1977), *Women in the middle years: current knowledge and directions for research and policy* (1982), and *Women's work and women's lives: the continuing struggle worldwide* (together with Kahne, 1992).

<sup>58</sup> Janet Zollinger Giele began the study on the 19<sup>th</sup> century American women's movement and from there progressed to cohort comparisons of women's lives.

single or widowed? What are the restrictions on their movements beyond the family?

- Education: Do girls have the same access to educational opportunities as boys? Is their curriculum the same? Do they reach the same levels of educational attainment?
- Health and fertility: Are females subject to higher mortality or more serious physical or mental illness than males? Are they prevented from limiting conceptions and birth?<sup>59</sup>
- Cultural expression: Do women make identifiable contributions to religious culture, the arts, or practical artefacts and inventions? Are they symbolically portrayed to be as valuable and worthy of respect as are men?

Giele presented her framework in the introduction to her book, *Women: roles and status in eight countries* (1977), which she co-edited with Audrey Chapman Smock. Smock<sup>60</sup>, a social scientist, was asked to join Giele's research due to her expertise in the specific field of multi-cultural context. Her research was conducted while living in the Middle East (Lebanon) and Africa (Ghana, Nigeria, and Kenya). Her books include *Ibo politics: the role of ethnic unions in Eastern Nigeria* (1971); *Comparative politics: a reader in institutionalization and mobilization* (1973); and *The politics of pluralism: a comparison of Lebanon and Ghana* (1975) with David R Smock. Her present research deals with a comparative study of women's access to education and its impact on their roles in six countries: Ghana, Mexico, Kenya, Egypt, the Philippines and Pakistan.

The selected eight countries studied by Giele and Smock are as follows: two Muslim countries, Bangladesh and Egypt; non-Western Japan; mixed indigenous and colonial traditions of Ghana and Mexico; two Western countries, France and the United States; and finally, the socialist case of Poland. The selection of countries

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<sup>59</sup> See Bulbeck (1998:41). Indicators which are commonly used to reflect physical well-being are: infant mortality, maternal mortality, life expectancy, literacy, and per capita income.

<sup>60</sup> Smock is Research Associate at the Institute for Development Studies, University of Nairobi and Consultant to the Office of the vice-president, International Division, of the Ford Foundation.

was partly governed by the availability of qualified researchers. Giele and Smock identified some standards by which women's status can be measured across societies despite differences in the family, economy and government. Firstly, they (1977:6) argue that 'life options' for women appear to be related to modernization of both cultural tradition and structural features. Secondly, they present a theoretical framework for relating modernization in each country to changes in the status of women. They classify the eight countries into three groups according to ideological tradition and level of structural complexity: undeveloped (Bangladesh); transitional (Mexico, Ghana and Egypt); and advanced (Poland, US, France and Japan). The greatest limitations are apparent in Bangladesh (followed by Egypt), a country where the status of women is still very low today, three decades later. Moreover, their findings comparing women's role and status cross-culturally document that all the countries (examples of Muslim, socialist, Western, and colonial and non-Western countries) share a striking historical theme: "women's status was high at some earlier time, then passed through a period of constriction, before showing improvement in recent times" (1977:7). In ancient Egypt, for instance, women's status was high, "only to fall and remain low for a period of over a thousand years beginning with Greek and Roman influence" (Ibid). "Not until the Napoleonic invasion and subsequent reforms of the nineteenth century did Egyptian women's position begin to improve again" (Ibid). As social scientists, Giele and Smock noted that although women's lives benefited from technology and advancements in the period approaching the twenty-second century, problems exist, which greatly challenge women's lives across the world. These they categorise into the previously listed six categories.

The idea of '*five life changes*' as outlined has distinctive significance as well as some obvious limitations when forming the framework used in this study. The significance lies therein that ideas remain valid, despite more than three decades of subsequent comparative research done by many others.<sup>61</sup> Organizations, such as the United Nations, have used similar frameworks to assess and compare the status of women around the world. My research will use Giele's study which is used in many

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<sup>61</sup> See Giele (2005) ([giele1@brandeis.edu](mailto:giele1@brandeis.edu)), 10 August 2005. RE: 6-fold framework. e-Mail to A J Tuppurainen ([rikuanne@canada.com](mailto:rikuanne@canada.com)).

contemporary studies, e.g. “Chinese women: media concerns and the politics of reform” by Delia Davin (1996) in Haleh Afshar’s book *Women and politics in the Third World*. The Giele/Smock model is a useful way of specifying changes and trends in women’s social, economic, political, and cultural roles and thus to identify the strengths and weaknesses of their positions. Some limitation or critique can be pointed out (in the framework’s Western, secular orientation in some areas, for example), by registering concern about women’s legal standing in political matters. Giele (1977:3) implies that women are part of the political dispensations in their societies, whereas the lack of such participation is a major limitation in contemporary Muslim societies. This is, however, balanced by Smock’s scholarly research and analysis of Islamic countries.

## **2.6 Gender justice: A A Engineer (2001b)**

The theory of justice in Islam is discussed in great detail by a number of scholars. I have chosen to use the work of Asghar Ali Engineer as a focal point in this debate; his thoughts are also compared and contrasted with the thinking of other scholars. For the purpose of this thesis, it is important not to be limited to secular social scientists’ views in forming a framework. Their model should be integrated with the work of representative Islamic scholars, such as Engineer. His work was chosen due to its availability in English, his credibility with regard to the issues discussed and because he is a male Muslim scholar who is familiar with Islamic sources as well as changes affecting women today.

Asghar Ali Engineer was born in Salumbar, India, in 1939 to a Bohra orthodox priestly family (Shi’a Muslim).<sup>62</sup> His philosophy of religion, his progressive perspective on religion and his hermeneutics of the Qur’an and the Islamic tradition form his standpoint on women’s issues even to the degree that he has become a human rights activist. His approach has caused him to be the target of life-threatening attacks. Although Engineer’s writings have been consulted, along with the work of Giele and Smock, to form a framework of analysis for this study, it does

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<sup>62</sup> See Anon. (2004a). (“Asghar Ali Engineer: scholar with a mission” [online]. Available from: <http://www.dawoodi-bohras.com/aboutus/asghar.htm>) [Accessed 29 December 2004]. See also Anon. (2004d). (“Roll of honour” [online]. Available from: <http://www.rightlivelivelihood.org/recipe/2004/asghar-ali-engineer.htm>) [Accessed 29 December 2004].



not mean that I necessarily agree with Engineer's views on religion. However, his theology is not the focus of this thesis and is thus not discussed here.

Engineer is a co-founder of the *Centre for the Study of Society and Secularism* (CSSS) and winner of the *Right Livelihood Award* (2004c).<sup>63</sup> In his numerous texts, Engineer (1992; 2000a-b; 2001a-b; 2002; 2003a-c; 2004a-h; 2005; 2006a-b) discusses various thematic issues faced by Muslim women ranging from property, inheritance, and dowry rights to child custody and maintenance rights. Since his work (contained in numerous web articles, e-mail postings, and books such as *The rights of women in Islam*, 1992) has not been encapsulated in a distinct model, this task will be undertaken in the present chapter. Engineer (2004d:2) notes women's disenfranchised plight in a male dominated society and raises challenging issues that demand the acknowledgment of social injustice and the introduction of social reforms. Although his topics of interests are not categorized as those of Giele/Smock's six 'life options' it is possible to order them according to the previously presented format: women's rights to own property, to maintenance, to inheritance and to bear witness, rights to education, to practising a profession and to movement, rights in marriage and polygamy and, finally women's rights in divorce and custody of children.

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<sup>63</sup> See Hakansson (2005). *The Right Livelihood Award* (RLA) was established in 1980 by Swedish-German Jacob von Uexkull, past Member of the European Parliament, who provided the initial endowment from the sale of his rare stamps (about US\$ 1 million). The Buddhist concept of 'right livelihood' proceeds from the view that everybody is responsible for his/her actions and should take only a fair share of the earth's resources. This award honours courageous and practical projects fuelled by hope for our common future. The RLA has become widely known as *The Alternative Nobel Prize*. The foundation is a charity registered in Sweden. It is non-dependent and has no political, religious or commercial affiliation. The presentation of the RLA takes place in the Swedish parliament on the day before the Nobel Prize ceremony (in December). The Nobel Prize is considered the highest honour that society can bestow on individual persons, but the criteria for its award are relatively narrow in scope in that it has been customary to choose its recipients from the ranks of contributors to the advancement of knowledge in the industrialised countries. Whereas the Nobel Prizes go overwhelmingly to American and European men, reflecting these regions' dominance in the advancement of Western science, the RLA is used to pay tribute to the lives of men and women from the ranks of the poor majority of the world's population. Unlike the Nobel awards (eg. for physics, medicine and literature), the RLA has no categories. It was founded to recognise the people who meet the human challenges of today's world. See also Anon. (2004c). ("Right Livelihood Award" [online]. Available from: <http://www.rightlivelihoodaward.com.htm>) [Accessed 29 December 2004]. On April 2006 Asghar Ali Engineer was honoured by the Institute of Mappila Studies, Thrichur, Kerala State, India, for his contribution to understanding Islam in modern contexts, for his constant efforts to promote interfaith harmony and inter-religious dialogue.

Although material by Engineer has been gathered from a variety of sources, one unifying theme emerges that clearly binds his work; namely, gender justice. “There is a great deal of emphasis on justice in the Qur’anic teachings,” Engineer (2001b:110) says, “the words like *‘adl* and *qist* are used for emphasising the concept of justice.” Gender justice is integral to the theory of justice in Islam, as seen for instance in the Qur’an (2:228) and (33:35).

Both of these verses leave no doubt that gender justice is highly crucial to Qur’anic teachings. These verses also make it abundantly clear that gender justice cannot be realized without gender equality. This theory is far more important than the interpretations of the Qur’anic verses under the influence of patriarchal values (Engineer 2001b:110).

Many Islamic feminists and scholars point out that the hallmark of Islam is justice and that yet Muslim societies have been dispensing injustices to women in the name of Islam (al-Hibri 1999:101). Engineer’s work can be related to other Islamic scholars’ works, such as, Omid Safi’s *Progressive Muslims: on justice, gender, and pluralism* (2003a:10) which claims that “at the heart of a progressive approach to the Qur’anic interpretation of women’s issues is a simple yet radical idea” – every human life (female/male, Muslim/non-Muslims, rich/poor, Northern/Southern) has exactly the same intrinsic worth. In short, there can be no progressive interpretation of Islam without gender justice. Another interesting work touching on this topic from a cross-religious point of view is Raines and Maguire’s *What men owe to women: men’s voices from world religions* (2001). South Africans Farid Esack and Sa’diyya Shaikh have written widely on the issue of the gender justice in Islam. In particular, Esack’s chapter “Islam and gender justice: beyond simplistic apologia” (2001b) is a useful source. Esack’s view supports Engineer’s thesis on the challenges women face in Muslim societies. Sa’diyya Shaikh (2003b:159) notes that “in South Africa, the resistance of Muslim activists to patriarchy and sexism in their religious communities has been embraced as the *‘gender jihad’*.” Still another scholar focusing on Islam and gender justice is Ziba Mir-Hosseini. In her presentation, from the symposium “Muslim women’s equality rights in the justice system: gender, religion and pluralism” held in Toronto in 2005, she claims that “for a century or more, one of the ‘hottest’ areas of debate among the Muslims has been the status of women under *Shari’ah* law” (Mir-Hosseini 2005a:2).

Indeed, numerous contemporary Islamic feminist scholars point out that inequality and discrimination is derived not from the teachings of the Qur'an but from the secondary religious texts, the *tafsir* (Qur'anic exegesis) and the *Ahadith* (the life and praxis of the Prophet Muhammad) (i.e. Engineer 1992:41). As noted by Engineer (2004d:5), "the Prophet introduced *ijtihad* in order for Muslims to solve new problems and issues including women's issues that were likely to arise in future." They believe that modern Islamic authority could renew the position of Islam on the issue of the status of women by reintroducing creative *ijtihad*. As far as *ijtihad* is concerned, Engineer (2004d:12) makes it clear that no one can change principles and values: "these are the most fundamental to religious teachings; *ijtihad* could be done only in reapplication of these values and principles in changed circumstances." Islamic feminists claim that the answer to understanding social change and accepting it as a part of the normal process of societal development can be found in *ijtihad*, that is, in the Qur'an through the method of feminist hermeneutics. As noted by McAuliffe (2002:202), feminist hermeneutics has adopted three approaches,

Revisiting verses of the Qur'an to correct false stories in common circulation, such as the accounts of creation that have shored up claims of male superiority; citing verses that unequivocally enunciate the equality of women and men; and deconstructing verses about the difference between male and female that have been commonly interpreted in ways that justify male domination (Ibid).

Feminist hermeneutics distinguish between the universal or timeless basic principles and the particular and contingent or ephemeral. They emphasise that many verses in the Qur'an declare male and female equality. This project of 'Qur'an-based Islamic feminism', 'feminist hermeneutics', also called 'a developing theology in Islam', although still in its foundational stage, continues to be meticulously elaborated and is fast gaining ground. The term *ijtihad*<sup>64</sup> in Islamic feminist hermeneutics refers to critical reasoning and rethinking, especially in relation to Islamic law. Sharing the same root with the concept *jihad*, *ijtihad* means exertion to the utmost in order to attain something. If there is a decision, it should be implemented; however, if there is no indication of the right answer in Islamic law, it should be sought by *ijtihad* and *qiyas* (analogical reasoning). According to Barlas (2002:84), the method of *ijtihad*

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<sup>64</sup> *Ijtihad* encourages personal exertion to solve new problems where no precise guidance is available in the Qur'an and the Prophet's *Sunnah*.

was rarely promoted, yet, as Lubbe (1989:13) shows there are those who are attempting to reintroduce this practice. More research should be done on this.

## **2.7 'Five life challenges'**

Different theories and models for analysing women's status in society assist us in developing the framework for this research. We conclude that Giele/Smock theory (1977) on six 'life options' is helpful in evaluating women's status and role across societies and is thus used to form a skeleton for the framework. It defines status and identifies the characteristics which indicate whether status is high or low. "Persons have high status when others look up to them, allow them latitude to come and go, and bestow on them rewards (i.e., money, power, and love); low status by contrast deprives a person of deference from others, freedom to make choices, material comfort, and emotional satisfaction" (Giele 1977:2). Along the lines suggested by Giele and Smock, these aspects of life options are further refined by integrating them with Engineer's work on gender justice in Islam to provide a framework for describing and analyzing challenges faced by contemporary women in Muslim societies.

How do the elements of the Giele/Smock and Engineer paradigms correspond with each other? Engineer's analysis on challenges faced by Muslim women are filtered through the individual; Giele/Smock's six 'life options' are focused on the relations between the individual and the surrounding social structure cross-culturally. Linking the two models is a useful device for tracing the interplay of person and setting and of dynamic change brought about by the individual. A similarity between these two models is the family as a crucial factor in the relative life options of the sexes. In addition, both the Engineer and the Giele/Smock model view women's participation in education, employment and cultural expression as an important indicator when defining their status. This is also an important criterion when forming the framework used in this study.

There are four fundamental ways in which Giele/Smock's model is altered in the integrated Giele/Smock/Engineer model as used in this study. First, women's civil rights issues are discussed in an individual category along with political expression rather than under the rubric of family rights as done in the Giele/Smock model. The classification of challenges faced by women begins with these terms. Secondly,

because Giele/Smock's primary research interest in changing roles of women barely touches women's religious participation, I do not form any separate category for it but discuss it under cultural expression (socialisation), which could become an important subject for future study. Thirdly, women's health issues have improved to such an extent over the last three decades, that I have chosen not to allocate a separate category to this issue. Another reason supporting this decision is found in the work of the four selected women authors. None focus, for instance, on the issue of clitoridectomy, which has often been a key topic of interest to Western scholars when dealing with Third World women's health challenges.<sup>65</sup> In short, in this thesis women's health related issues (most importantly, fertility control) are discussed under family issues. Fourthly, in Giele/Smock's model, work and family issues are listed before education, which contradicts Engineer's idea. In the light of Engineer's more recent work, women's education has penetrated work and family options, which thus determines the order in this discussion.

In conclusion, whereas Blumberg presented 'seven life options' and Giele/Smock presented 'six life options', this framework is reduced to 'five life options' or rather 'five life challenges' faced by Muslim women in contemporary societies. The research framework informed by relevant women's, social and religious studies takes account of the following five most pressing challenges faced by Muslim women at grassroots level in contemporary societies:

- Civil rights (political rights – the right to vote and to be elected; the right to inherit; the right to own property; and the right to bear witness). What rights do women possess in law? Can they own property?
- Educational rights (the right to access education in a chosen field and at a chosen level of study). What access do women have to education? How much education can they attain? Is the curriculum accessible to them compared to the situation for men?

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<sup>65</sup> This is not to say that health issues are not important or that they do not require attention. As a registered nurse by profession, I realise the impact of a lack of resources, lack of clean water, the limitations of health clinics and health services on the lives of women in many Third World countries and particularly in the rural areas such as in rural Bangladesh. However, the focus in this study is not on women's mental or physical health per se, but on the area of family rights under which women's health related issues are included as a crucial part.

- Work, profession and mobility rights (the right to work and practise a vocation; the right of movement). How do women fare in the formal labour force? How are their jobs ranked and paid? How mobile are they? Do women have freedom of movement? What leisure do they enjoy?
- Family rights (age of marriage and choice of partner; control over fertility; the right to spousal maintenance; rights in a polygamous union; and divorce and custody rights). What is the age of marriage? Do women choose their partners? Can they divorce them? What is the status of single women and widows? What control do women have over their own fertility?
- Rights to cultural expression (veil and socialisation). What conceptions of women and their position in society are prevalent? To what extent do these reflect or determine reality? What can women do to influence these perceptions and the attendant realities?

Well-documented definitions and descriptions are given of each of these issues. The aim of this chapter is to provide a framework discussing opportunities and challenges connected to Muslim women's life in contemporary societies. Although the word 'challenge' is used, it includes the implication of opportunity rather than only oppression. Thus, the succeeding chapters of this research will provide insights and examples of these 'five life challenges' and how they can be met but first definitions and descriptions are provided.

### **2.7.1 Civil rights**

Often scholars writing about Third World women start by examining debates on human rights. The classic definition of a human right is stated as "a right, which is universal and held by all persons" (Shaheen 2000:14). Although there is no term for an equivalent concept in the Islamic tradition, there is a long-standing debate around the concept. In fact some writers maintain that the old term '*haq*' (with the plural *huquq*) is readily translatable into the English, 'rights'. Moreover, they maintain that Islam was the first religion in the world to empower women by giving them 'rights' in the sense of equal legal status with men (Nader and Qureshi 2007:1; Shaheen

2000:15).<sup>66</sup> As noted by Nader and Qureshi (2007:1) in the twentieth century, after the common acceptance of the principles of European constitutionalism, “the related question of the compatibility of international human-rights principles with Islamic doctrine was raised.” As previously mentioned (see section 2.2) by the end of the twentieth century all Muslim countries had adopted constitutions containing some or all of the rights set forth in international human rights law:

Tunisia was the first Muslim country to promulgate a constitution [1861] and affirming the rights established in the pact; however, the constitution was suspended by the French Protectorate (1881-1956). In Tunisia as in many other Muslim countries, the independence struggle against European domination heightened people’s consciousness of the importance of rights and democratic freedoms. The 1989 Algerian Constitution was noteworthy for its guarantee of equality before the law regardless of gender [Article 28]. Traditional interpretations of Islamic law survived longest as the official law of the land in Saudi Arabia. Article 26 on the Basic Law of Government provides that the state protects human rights in accordance with the Islamic *Shari’ah*. What the *Shari’ah* limits on rights would entail was not defined. One of the areas where the clash between traditional interpretations of Islamic principles and international human-rights norms was most acute was that of women’s rights (Shaheen 2000:15).

Generally ‘civil rights’ have been defined by Marshall (1952) as ‘rights necessary for individual freedom.’ In Engineer’s articles, “The political universe of Islam” (2004g) and “Islam, the Islamic world and gender justice” (2004c), he demonstrates that women’s legal and political rights as subsumed under ‘civil rights’<sup>67</sup> are outrageously abused in contemporary Muslim societies. Muslim ‘*ulama*, religious scholars (*ulema*) and jurists (*fuqaha*) claim that Islam gives women equal rights of inheritance and property ownership, yet this is not always borne out in fact, as will be shown below. The most fundamental decisions on legal and political matters, on the rights that ensure women’s status and rights in family and society, are subjected to the vagaries of male management. Although efforts are made throughout the world to protect women’s rights by means of declarations of human rights and by administering

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<sup>66</sup> The term ‘human rights,’ or *huquq al-insan* in Arabic, and the analogous terms such as *huquq-i insan* in Persian, *insan haklari* in Turkish, and *hak asasi anusia* in Bahasa Indonesia (Indonesian) has only recently come into common use (Nader and Qureshi 2007:1).

<sup>67</sup> See Anon. (1999). Civil rights are the protections and privileges of personal liberty given to all citizens by law. Examples of civil rights and liberties include the right to redress if injury is suffered through the agency of another, the right to privacy, the right to a fair investigation and trial in the event of being arraigned on a criminal charge, and general constitutional rights such as the right to vote, the right to life and the right to freedom of movement (Ibid).

national and international laws,<sup>68</sup> ordinary women face great challenges at grassroots level in patriarchal Muslim societies:

Governments, organizations, and individuals throughout the Muslim world continue to take a variety of opposing positions on human rights. There is a divide between those using 'Islamic' discourses to legitimate human rights and those that interpret sacred text to obtain the opposite meaning. It remains unclear which forces are ascendant, though polling consistently reveals that Muslims do admire and support human rights and democracy (Nader and Qureshi 2007:7).

The obstacles to the assertion of women's civil rights will be dealt with in accordance with the work of Engineer (1999), Giele and Smock (1977) under the following headings: political rights (the right to vote/the right to be elected); the right to inherit; the right to own property; and the right to bear witness.

#### **2.7.1.1 Political rights**

This section focuses on actions and struggles that fuel the current debate on women's political rights (i.e., rights to vote, the right to stand for elections and the right to hold public office). Politics is defined here within a feminist context, to include the range of public and personal activities that women engage with in order to obtain their public and domestic rights (Roy 2006:4). This follows the definitions used by the women political activists. For example, Haleh Afshar, active in feminist Iranian politics, defines politics in *Women and politics in the Third World* (1996:xxi) to include both the formal public domain of politics and the informal and practical strategies and organisations that women throughout the world use to obtain rights, to meet their needs and to improve their situation in life.

The point of discussion is how and why the political experience of women has been neglected in many contemporary Muslim societies.<sup>69</sup> Feminist activists bring into the

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<sup>68</sup> Liberal writers such as the Egyptian Qasim Amin (1865-1908) have demanded women's rights, feminists such as the Egyptian Huda Sha'rawi (1882-1947), and Muslim modernist reformers, such as Mumtaz 'Ali (1860-1935) have written manifestos arguing for women's equality. One attempt to reconcile Islam with full equality for women was offered by al-Tahir al-Haddad, an Islamic reformer, who in 1930 published *Imra 'atuna fi al-shari'ah wa al-mujtama* (Our women in the *Shari'ah* and society) (quoted in Nader and Qureshi 2007:4). Leaders, such as the Turkish Kemal Ataturk and the Tunisian president Habib Bourguiba, have proclaimed that women have the right to be equal. The Turkish Law of Personal Status of 1956 improved women's status by abolishing polygamy and establishing equal rights for men and women in divorce.



discussion a women's perspective by looking beyond a male-dominated discipline of political theory, since it is not only the nature of many women's lives which prevents them from participating, but also the structures of formal politics (Waylen 1996a:12). An important contribution is made by Giele and Smock (1977:16) who claim that "it is not the economic development of modern societies that appears to give women access to high office (politics) so much as their political traditions." Their study on eight countries showed that women hold a few high offices in almost every one of the eight governments, but the pattern of special parliament seats for women was found only in Bangladesh<sup>70</sup> and Egypt where it has been a tradition.

The choice of this ministry obviously reflects the traditional feminine association with social affairs. It should be noted that men continue to hold the important administrative staff positions and determine most of the policy. Nevertheless, the acceptance of women in the highest councils of the state sets a precedent that may inspire other women to greater participation in social and political activities (Giele and Smock 1977:71).

Furthermore, some feminist scholars believe that the lack of women in formal political structures demonstrates the nature of patriarchal society. Women in the patriarchal world have seldom enjoyed equal rights to public political participation, mainly because it is heavily opposed by the orthodox *'ulama*. As noted by Engineer (1992:80), many Muslim theologians are unswerving in their conviction that women should not vote, nor exercise political rights, since they are corrupt and imperfect in reasoning *naqis al-'aql*.<sup>71</sup> On the other hand, scholars, such as Afshar (1996:1), note

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<sup>69</sup> For different approaches to the analysis of women's political activity see "Mobilization without Emancipation?" by Maxine Molyneux (1985); "Bargaining with patriarchy" by Deniz Kandiyoti (1988), "Under Western eyes: feminist scholarship and colonial discourses" by Chandra Talpade Mohanty (1986), and *Third World women and the politics of feminism* by Mohanty et al (1991).

<sup>70</sup> Nevertheless, the participation of women in any form of political activity has been minimal. The sexual division of labour underlying the practice of *pardah* clearly assigns to men management and leadership roles in the public sphere. Women from middle and upper class families and women who are educated have higher rates of participation (Smock and Youssef 1977:118).

<sup>71</sup> Engineer (1992:80) points out that if it is true that women are imperfect in reasoning and religion, then historians who say that the Caliphs used to consult women and attach importance to their opinion were surely in egregious error; and furthermore, Imam Abu Hanifa would not have permitted women in certain circumstances to accept the office of *qadi* (judge), and 'Allamah Tabari would not have permitted this in general, nor would women have counted among the companions of the Prophet who enjoyed a reputation for giving *fatwa* (religious opinions). And one would not have found any women in the history of Islam who achieved great fame for the skill and insight they displayed at Qur'anic exegesis, the science of *Hadith*, jurisprudence and literature. And again, if women are so lacking in insight, how can it be that the first one to believe in the Prophet was a woman, his own wife Khadija; and that the original version of the Qur'an was entrusted to the custody of a woman, Hadrat Hafsa bint 'Umar bin al-Khattab, after it had been compiled. This original version remained in her

that women's political activities have for far too long, been seen as marginal or non-existent. Third World women are involved in activities in both the formal and informal spheres. There are several examples of women in the Islamic world who have achieved high political status. Their position and contributions in a public political forum needs to be recognised, including: Benazir Bhutto of Pakistan, Madior Boye of Senegal, Tansu Ciller of Turkey, Queen Rania of Jordan, Kaqusha Jashari of Kosovo, Megawati Sukarnoputri of Indonesia, and Khaleda Zia and Sheikh Hasina of Bangladesh.<sup>72</sup> Waylen (1996a:12) also notes the phenomenon of a relatively high number of women leaders in the Third World governments, such as Indira Gandhi, Corazon Aquino, and Violetta Chamorro. However, postcolonial feminist Kumari Jayawardena (1986:109), among others, observes that these examples of women who have made a contribution to political events have often been the mothers, wives or daughters of important political leaders (i.e., Khaleda Zia, the widow of assassinated president of Bangladesh). Many women are constrained by their roles in the private sphere, which prevent them from participating in the public sphere on the same terms as men, whereas daughters of influential men, such as Benazir Bhutto (the daughter of prime minister of Pakistan) and Megawati Sukarnoputri (the daughter of Indonesia's first president) gained experience and opportunity necessary for a career in politics (Waylen 1996a:12).<sup>73</sup> Besides levels of education, experience, and confidence, these women are from middle and upper class families in which they have had access to economic resources and could utilise the labour of servants to free themselves from their domestic responsibilities. Linda Richter (1991:530) argues that among the factors which enable women to reach leadership positions are: elite status; high levels of female participation in the movements' struggling for independence; and crucially important, links to politically prominent male relatives, often accompanied by their martyrdom (i.e. their assassination). Furthermore, Richter (1991:535) claims that women leaders suffer important disadvantages over their male counterparts: they do not generally have an institutional base, a regional

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custody from the time of the first to that of the third Caliph Hadrat 'Uthaman. All later compilations of the Qur'an were based on this original version, and copies of it were distributed throughout the Islamic world.

<sup>72</sup> See Anon. (2009d).

<sup>73</sup> See Genovese (1993).

constituency, an administrative track record, or a military niche, often being seen as temporary leaders, making them vulnerable to coup attempts.<sup>74</sup>

The discussion of the need for greater civil rights is done against the background of women's political rights and participation already gained in a variety of Muslim societies. For instance, Turkey granted women the right to vote in 1934, many years before French women received the vote, in which process Turkish feminists played a significant role as shown by Kandiyoti (1989:142). Although Turkey has had a female prime minister, the percentage of women representatives in the national assembly is still small (under 10%). In Egypt, women were granted full political rights in the 1956 constitution, however political participation rates for women have been low (Moghadam 1999:149). In Lebanon women have had the right to vote and to stand for election since 1957, yet the first female member of the parliament (MP) was elected no earlier than 1992. In 1996 three of Lebanon's 128 parliamentary seats were occupied by women. In this regard Abu-Zayd (1998:49) notes: "We have been successful in other professions, but not in politics." Jordanian women won the right to vote and run for office in 1974. In the country's 1989 national elections, all 12 female parliamentary candidates lost because of lack of financial backing, but during the second legislative elections in 1993, two women ran for parliament and one won a seat in the lower house (Moghadam 1999:150).

Muslim women effectively have more rights to participate in civic associations where the accent is on voluntary welfare work than in politics, because welfare work is seen as compatible with women's traditional roles. Yet, even in these social and welfare areas, women formed only nine percent of the ministers in Africa and six percent or less in the rest of the Third World (United Nations 1991:31). While women are on the whole under-represented in formal politics, this does not mean of course that the policies made and implemented in the political process do not have an impact on women. It is important to note that *Shari'ah* is not applied uniformly in this matter

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<sup>74</sup> See Giele and Smock (1977:392). Women have been socialised to consider themselves unsuitable for leadership or have been taught that it is not feminine to desire power. This inferiority of women in spiritual worth, in emotional stability and in intellectual powers although implemented centuries ago is still endured for many men and women alike. Part of this has to do with the socialization and social learning processes, which, in order to effect change, need to be noticed. For example, in Japan there is higher voting rate among young women than men, and yet it has not propelled women toward seeking political office since this is still perceived as inappropriate for women (Ibid:393).

(Engineer 2004d:4). This is confirmed by the following examples in Afghanistan, Malaysia, and Kuwait. In Afghanistan women's rights are challenged even in the social and welfare areas. In the summer of 2005 three Afghan women were killed by radical Muslims because these women had been involved in a welfare programme organised by a Western humanitarian group. Over hundred women demonstrated on the streets of Kabul asking the president, Hamid Karzai, and religious leaders to take steps to prohibit the misuse of Islam as a pretext for killing women and/or committing acts of violence against them.<sup>75</sup> In some Muslim countries women's voting rights are subject to restrictions that stand in stark contrast to men's rights: women have to provide proof of education; they have to vote at separate polling stations; and voting is optional for women but compulsory for men.<sup>76</sup> Furthermore, women in politics may represent men's interests rather than women's (Bulbeck 1998:39).

Whereas Saudi Arabia presents an extreme example of a repressive male dominated society (recently Saudi rulers were forced to hold municipal elections although women were not allowed to vote) (Engineer 2005:2), Malaysia offers different examples of how women's political rights can be challenged at governmental level. Lawmakers in Malaysia's male-dominated lower chamber passed a bill (2005) that centred on men's rights to polygamy. The bill made it easier for a man to take several wives and to divorce, and allowed a husband to claim a share of an existing wife's property if he takes further wives, and to curtail a wife's rights to maintenance and to dispose of her property. This action prompted a revolt in the Senate, where the women senators protested against it. The Malaysian government, however, quelled a rebellion among female lawmakers who wanted to stop new legislation that they believed would seriously undermine women's rights.<sup>77</sup> Women senators were forced to keep quiet. They were allowed to debate and speak their mind, but when it came to a vote, they were quieted. They were ordered to follow and support the ready-made decision. In other words, women lawmakers were part of the law-making process in theory only, while in practice their voice was not

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<sup>75</sup> See Keskiusomalainen (2005).

<sup>76</sup> For example in Lebanon.

<sup>77</sup> See Kent (2005). ("Row over Malaysian family laws" [online]. Available from: <http://www.news.bbc.co.uk/2/hi/asia-pacific/4551532.stm>) [Accessed 29 January 2006].

heard and their rights were gravely abused. It can be concluded, thus, that women's political rights are challenged at all levels of Muslim society, from the grassroots level of housewives to senators and lawmakers at legislative level. Yet, winds of change are blowing.

Waylen (1996a:13) and others (e.g. Charlton et al 1989:13) suggest that in some Third World states, middle-class educated women are well-positioned to play a strategic role in the bureaucracy. In some parts of the Muslim world, women are demanding their political rights and are slowly gaining results. Kuwaiti women had demanded the right to vote for quite some time and finally, in May 2005, Kuwait's parliament passed a law granting women the right to vote and compete in elections for the first time (the law became effective in 2007). This issue is particularly interesting because now, in theory at least, Kuwaiti women can also be appointed to the 15-seat cabinet. Initially, parliament met to discuss a bill proposing that women be allowed to participate in only municipal elections, but in a surprise move, Sheikh Sabah's government asked the house for an urgent vote on granting full political rights to women.<sup>78</sup> The future will show how well this works in practice. In this regard, it is noteworthy that women finally received the vote nationally in Switzerland only in 1971 (Bulbeck 1998:43).

### **2.7.1.2 The right to inherit**

One source of wealth available to the Muslim woman is her inheritance (al-Hibri 1999:112). Engineer (1992:70) notes explicitly that in matters of inheritance a major hurdle for women is that the portion of any inheritance to which a woman may be entitled cannot be more than half of a male heir's portion in the same instance. Islamic jurisprudence is impervious to this inequity by virtue of its position in principle that women's half portion is already a token of great generosity and a major step forward since the right to inherit simply did not exist for women in the pre-Islamic dispensation, and the half portion allotted to women allows them in principle to share some (albeit only half) of the social status of a son. The implication here is that the

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<sup>78</sup> A majority of the all-male parliament passed the law after a marathon session of nine hours with 35 voting in favour and 23 against and 1 abstention in a vote that met fierce resistance from conservatives. See Sadeq (2005). ("Kuwait grants women right to vote" [online]. Available from: <http://www.cnn.com/2005/world/meast/05/16/kuwait.women/index.html>) [Accessed 28 October 2005].

woman's half-share acknowledges her essential humanity which was, by implication at least, not the case before Islam (Ibid:74). This perception is not shared by women, who experience its practical socio-economic implications as a significant disadvantage as it shown below.

Al-Hibri agrees with Engineer but further clarifies the concept by indicating that there is a misconception in the West that Islam gives a female a share in the inheritance equal to half that given to a male. Whereas, the Qur'an (4:11) does specify that "a *sister* inherits half of the amount her *brother* inherits, it also specifies that other females of different degrees of kinship may inherit more than other males" (al-Hibri 1999:112).

Nevertheless, given the Qur'anic specification, it appears that the male sibling inherits double the amount inherited by his sister, but there is one important difference between her inheritance and his. The amount inherited by the sister is a *net* amount added to her wealth. The amount inherited by the brother is a *gross* amount from which he will have to deduct the expenses of supporting the various women, elderly men and children in his family, one of whom may be the sister herself. Even if the sister is wealthy, she is not required to support herself. Her closest male relative has that obligation, which she may waive only if she so chooses consequently, the net increase in the wealth of the brother is often less than that of his sister. These facts illustrate what Muslim scholars have known all along, namely, that inheritance laws in Islam are quite complicated and cannot be reduced to a single slogan (al-Hibri 1999:113).

The inheritance issue is particularly vexatious because theory is at odds with the relevant practice. Engineer (2004d:9) further notes that from a legal viewpoint Islamic jurisprudence assumes a time-based argument as follows: although a woman receives only a half share of a son's portion as a direct beneficiary upon the demise of the testator, she also gains an indirect, long-term benefit in that she is exempt from the obligation that a man has to maintain his wife. Moreover, so the argument goes, a woman can inherit not only as a daughter, but also as a wife and mother. Furthermore, also, when a woman marries she has the right to stipulate whatever amount she desires as *mahr* (the bride price or dowry). However, this argument implies that a man is entitled to compensation for the dowry, and that it must be gained by withholding a half share of women's inheritance. The bona fides of this argument seem dubious in that it signals the intention to justify the basic injustice of a discriminatory practice (i.e., in the final analysis it wears the semblance

of a pretext rather than sound legal, ethical and moral principle) (Engineer 1992:73, 162). On the contrary, however, al-Hibri (2000:59) argues that *mahr* is not a 'bride price' as some have erroneously described it, but a vehicle for ensuring the continued well-being of women entering matrimonial life in a world of patriarchal injustice and inequality; indeed, giving of *mahr* is not much different from the Western custom of giving an engagement ring to signal commitment. Islamic law, however, preserves the prospective wife the right to specify to her prospective husband the type of *mahr* she prefers (cash, property, capital, or nonmaterial such as education) (Ibid).

Further light can be shed on the matter by examining some individual cases of divorced and single women. For example, Engineer (1992:175) notes that in practice women do not inherit as wives and mothers because a woman loses her right of inheritance if her marriage is dissolved. If the husband dies during the period of *iddat* (a specified period during which the woman may not move house)<sup>79</sup>, the divorced wife is entitled to inherit, but not if he dies after that period. According to Engineer (1992:175), "this is to prevent a man, on the verge of death, from finding an easy way to disinherit his wife in favour of his other heirs." Further, Giele and Smock (1977:21) note that although women may lack opportunity to inherit on an equal basis with men, they do have the advantage of being dependent on the kin group for their support. This view is debated by scholars, such as Engineer and al-Hibri.

Engineer (1992:73) makes his argument by pointing out the case of single women who face the same discriminatory practice of a half-share inheritance although they do not have the benefit of the *mahr*, nor can they inherit as wives or mothers. Moreover, although Islamic jurisprudence professes to take care of this problem by suggesting that a father could write a will for his daughter, this seldom happens in real life. Moreover, society still presses women to marry, for example, by discriminating against the unmarried. Therefore, it transpires, as noted by Engineer (2004d:9), that in Muslim society a man is considered to be inherently superior to a woman in that, according to the Islamic legal precept, a woman cannot inherit more

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<sup>79</sup> Upon the husband's death, or divorce, or the termination of the marriage contract through *khul'a* (divorce at the instance of the wife), or the annulment of the marriage in some other manner, the woman has to remain in one house for a specified period of time. This period of confinement to particular premises, or rather the deliberate, self-imposed immobilisation it entails, is called *iddat*.

than half of a man's portion of a deceased estate. Al-Hibri (1999:113) goes even further to show that many Muslim women receive no share of their inheritance at all, not even that 50 percent mentioned.

Some are forced by their own families to turn their inheritance over to their brothers. Worse yet, many brothers take the inheritance and disappear from the lives of their sisters who have no closer male relative obligated to support them or capable of doing so (Ibid).

Such behaviour is more of a modern development, according to al-Hibri (1999:113) who sees a change taking place so that historically, Muslim courts often prosecuted such behaviour and compelled the brother to support the sister. However, today many injustices go unnoticed and the balance of rights and obligations in the Muslim family has been severely disrupted.

### **2.7.1.3 The right to own property**

Al-Hibri (1999:101-112) focuses in her article "Muslim women's rights in the global village: challenges and opportunities" on those issues that she has seen as the most crucial areas of concern for the Muslim community today, including women's financial rights, and right to *mahr*. These difficulties are likewise pointed out by Engineer in his various writings. Under Islamic law a woman is legally entitled to own property in her own right (it can be earned through inheritance, through *mahr*, or through personal enterprise) (Engineer 1992:80). The key principle is that a Muslim woman can own property in her own right whether she is married or single, and no one, not even her husband, may access her funds or properties, or demand any form of financial support from her. This principle is enunciated in both the Qur'an and in *Shari'ah*, yet, in practice it is largely ignored. The result is that Muslim women at grassroots level face major difficulties in exercising proprietary rights as presented by many scholars on women in Islam.

A key challenge a woman faces in the area of property ownership is that, besides the half-share inheritance, she loses even this share to her husband's estate when she marries. Another challenge concerns the *mahr*. As noted, a husband is obliged to support his wife and her children, even if she is rich and he is poor. On the other hand, there is no counter obligation on her part to spend anything from her own resources in this regard. However, if she chooses to, she may place part or all of her



*mahr* at the disposal of her husband for household purposes. The definition of the *mahr* is that it should be paid to a woman and it should be her own, yet in practice a woman's father, or her husband, often lays claim to her *mahr*. Sometimes a woman's family, or her husband, keeps her *mahr* in case of potential divorce, so effectively a man may repossess the *mahr* if he divorces his wife although in principle the *mahr* should only revert to the husband in the exceptional case of the *khul'a* (divorce at the instance of the wife) (Engineer 1992:54). Even on dissolution of the marriage, the woman should become entitled to immediate payment of the dowry (if it has not been paid already) – the full amount if the marriage was consummated before dissolution, and half if it was not. If the amount of the dowry was not agreed at the time of marriage, she is only entitled to receive three articles of clothing. After the death of the divorced wife, her heirs have the right to sue for an agreed but unpaid dowry in a court. However, Engineer (Ibid) notes that if the husband has managed to slip out of this obligation, he usually does so again when the injured party sues for redress later.

Another challenge faced by a Muslim woman concerns her ownership of money earned by her personal enterprise. Salaried employment outside the home has become common and even a necessity for many urban Muslim women (e.g. some sew or cook for remuneration in private homes while living in servant's quarters on the same premises) (Engineer 1992:51). According to Muslim property law women are entitled to keep their wages and are not obliged to spend such income to maintain themselves or their children since it is incumbent on their husbands to do so. Yet increasingly, women are forced to work for remuneration because their husbands do not earn enough to maintain their families. Businesswomen face challenges of their own. For example, many of them are not allowed to charge interest, to have bank loans, or to manage their own businesses in the male dominated society. For instance, as noted by Engineer (2003c:4) "even though Saudi women own forty percent of private wealth and thousands of businesses from retail to heavy industry, they face frustrating legal and cultural constraints and they have to rely on male agents to deal with government offices."

Further, although the Qur'an teaches (4:32)<sup>80</sup> that people are entitled to a just reward for their work, scholars point out that often husbands decide how the income earned by their wives should be spent. In discussing the problem of *qawwam* (maintenance or management of family affairs), Engineer (1992:62) notes that if a wife earns income outside the home and shares the family expenses she should be called *qawwam* and she should take decisions about family expenses with the same authority as her husband. Or moreover, if the wife is the sole breadwinner, she should be *qawwam* instead of the husband (Engineer 2004e:4). This applies whether the husband is unemployed or unable to work because of illness (naturally women are also forced to earn an independent living if they are divorced or if the husband dies). It can be concluded, thus, that women's right to own property is challenged at all levels of Muslim society, from the grassroots level of domestic workers to successful businesswomen.

#### **2.7.1.4 The right to bear witness**

The worth of women's legal testimony has been the subject of intense theological debate in Islamic society, mainly because, as noted by Engineer (1992:63), their testimony is rated intrinsically lower than men's. In fact it is quantified in Muslim law that the testimony of a male witness is deemed to carry sufficient weight to refute that of two women.<sup>81</sup> This perception is not shared by Muslim women, who experience its practical implications at grassroots level as a significant disadvantage. Moreover, they point out that the relevant Qur'anic rule (2:282) recognises women's half-value testimony only in matters of *written financial contracts* and not in matters of spoken testimony or witness (where the Qur'an recognises women's testimony at full value). Furthermore, women's half-value in matters of written financial contracts should be applied only when women are illiterate or uneducated in financial matters. Yet, it is from this verse that Muslim jurists have distilled a general rule. The potential miscarriages of justice that may emanate from applying this principle can be

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<sup>80</sup> See the Qur'an (4:32): '... to men is allotted what they earn, and to women what they earn ...'.

<sup>81</sup> See the Qur'an (2:282). 'When ye deal with each other, in transactions involving future obligations in a fixed period of time, reduce them to writing ... If the party liable is mentally deficient, or weak, or unable himself to dictate, let his guardian dictate faithfully. And get two witnesses, out of your own men, and if there are not two men, then a man and two women, such as ye choose, for witnesses, so that if one of them errs, the other can remind her. The witnesses should not refuse when they are called on ... But take witnesses whenever ye make a commercial contract.'

observed from a few practical examples. Engineer (2006a:3) notes, for instance, that in financial matters a woman's testimony remains fixed at half the value of a man's, even if the man's knowledge and expertise in financial matters pales into insignificance compared to that of his female counterpart. This hurdle is faced particularly by businesswomen.

The same basic principle applies in cases of domestic and sexual violence, murder, adultery, and rape, but with potentially much worse physical results for female victims. The mechanical interpretation of *hudud* laws (used in Islamic social and legal literature for the bounds of acceptable behaviour) judgements in cases such as adultery and rape normally go against female victims, especially when they fall pregnant or lodge a complaint against the rapist because it is taken as a confession of illegitimate sexual intercourse. The testimony of a male witness carries enough weight to refute the half-value testimony of a woman. Engineer (2003b:2) mentions that the hardship inflicted by applying this rule is particularly burdensome in Pakistani and Bangladeshi societies where women are arrested and jailed or even sentenced to death by stoning under such circumstances. It can be concluded, thus, that women's right to bear witness is challenged and particularly her right to gainsay the testimony of a man with any effect (Engineer 1992:66). Consequently, rather than protecting Muslim women, Islamic law can be used to abuse women legally, ethically and morally as long as it rates the worth of women's testimony as half that of men's testimony.

### **2.7.2 Educational rights**

The debate on women's educational rights is neither new nor simple. Around the world, researchers have suggested the overwhelming significance of education for improving the access of women to the paid workforce, to reproductive choices and better health, to awareness of their legal rights, and to a fuller cultural life (Bulbeck 1998:196). The strictures to which women are subject from early childhood in this regard encroach on their fundamental human rights, especially under *the United Nations Convention of the Rights of the Child* which guarantees free primary education of good quality and is the most widely ratified human rights treaty in the

world.<sup>82</sup> Scholars agree that denial or interference with girls' right to education facilitates their exclusion from society and thereby also violates their right to freedom of thought and the right to adopt a religion or change it under the same Convention.<sup>83</sup> As a result, this detracts from women's access to education, severely curtails their autonomy, and significantly contributes to their subordination later in life. Accordingly, for Giele and Engineer, restricted access to education is one of the most fundamental challenges faced by women, and Muslim women in particular, and has a devastating effect on their lives. Giele (1977:3-31) treats the issue under the following questions: What access do women have to education? How much education can they attain? Is the curriculum accessible to them compared to the situation for men? What is the ratio of males to females in the student body and faculties at each level? Finally, what is the use that women make of their education once they have it? (See work-related rights, section 2.7.3).

The problem is complicated and the debate alive concerning women's educational rights. One of the most powerful general indicators of women's educational opportunities is the percentage of the female population who are literate. The study by Giele and Smock (1977:22) shows that the great majority of women in both Bangladesh and Egypt are illiterate, while progress is now being made in Egypt. The lowest ratio of female university students is found in Bangladesh (Ibid:24). "The way a country defines its curriculum for girls is closely related to the adult roles thought appropriate to women" (Giele 1977:24). According to Giele and Smock (1977:51):

Women's access to education has improved through time, but girls remain under a considerable disadvantage. Egyptian education system, for instance, theoretically provides equality of opportunity for Egyptian girls but does not attempt to prepare women for the same roles as men. The educational system therefore reinforces the underlying cultural division in sex roles.

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<sup>82</sup> See United Nations (1990). *Convention on the Rights of the Child*. Adopted Nov. 20, 1989, G A Res. 44/25, U N GAOR, 44<sup>th</sup> Sess., Supp. No 49, at 166, 170 arts. 28, 29 U N Doc. A/44/49 (1989), 28 I.L.M. 1448, 1467 (1989), corrected at 29 I.L.M. 1340 (1990) [hereinafter Convention].

<sup>83</sup> See United Nations (1967). *Convention*, supra note 2, at 168, art. 14, 28 I.L.M. at 1462. See *International Covenant on Civil and Political Rights*. Adopted Dec. 16, 1966, G A Res. 2200 (XXI), U N GAOR, 21<sup>st</sup> Sess., Supp. No. 16, at 52, art. 18, U N Doc. A/6316, 999 U.N.T.S. 171, 6 I.L.M. 368 (1967).

Similarly, Bulbeck (1998:39) argues that “education may confirm women’s traditional roles rather than prepare them for independent lives.” Al-Hibri’s (1999:109) research on Afghani men and women shows that those Afghani people interviewed were fully aware that getting an education is the duty of each Muslim male/female, yet, the Taliban forces managed to impose a minimalist interpretation and a patriarchal educational policy through sheer force. The fundamental question in this debate is “how to justify a greater societal investment in women’s education by a society that precludes the useful application of that education” (Giele and Smock 1977:56). Badran (1991:203) brings a fine insight into the issue of educational development in Egypt showing how in the early nineteenth century, Egyptians did not initially allow their daughters to attend the new state midwifery school (Egyptian slaves were recruited as the first students).<sup>84</sup> Political activist, Haleh Afshar (1991:23) notes that women in Iran on the whole have been far more successful in their education activities than their political ones:

The first girls’ school in Iran was set up by American missionaries. It admitted only Christian girls. The first Iranian, Touba Azhudeh, to open such a school (1907) to Muslim girls belonged to the upper-middle-classes. Her example was followed by two women related to religious leaders. The schools got opposition and their founders were attacked. Despite hostility, the education of women continued and finally, in 1918, the government capitulated and opened ten state schools for girls as well as a women’s training college (Ibid).

It should be noted, however, that educational activities have almost always been complemented with political activity through the publication of journals by educated women activists. Iran was not an exception, as noted by Afshar (1991:24), the first women’s journal, *Danesh*, was published in 1910, followed by *Shokoufeh*, in 1913:

These publications, which begun with educational intentions, adopted liberal position advocating not only education, but also enfranchisement of women and the removal of the veil. The political stance of these publications resulted in the persecution of their editors whose homes were pillaged and also were

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<sup>84</sup> See Badran (1991:203). In 1836, Muhammed ‘Ali appointed a Council for Public Education to look into creating a state system of education for girls but it was found impossible to implement. Later, during the rule of Isma’il, one of his wives sponsored the first state school for girls (1873). Meanwhile, encouraged by the state, Shaikh Ahmad Rifa’i Al Tahtawi and ‘Ali Pasha Mubarak published books in 1869 and 1875 advocating education for women, using Islamic justifications from the Qur’an and *Hadith*. It was not easy, however, to draw women out of the realm controlled by the family. Feminist discourse first emerged in the writings of women of privilege and education who lived in the secluded world of the urban harem. Women gained new exposure through expanded education and widening contacts with the female world. They made comparisons between their own lives and those of women/men of other social and national backgrounds. Through their new education women also gained deeper knowledge of their religion.

exiled from their towns and denounced for being anti-Islamic and sources of corruption. What mattered was the firm perseverance of these women, which played an important part in the eventual removal of the veil in 1938 (Ibid).

In the light of the above historical examples, the case of Dubai provides a more recent illustration of educational development taking place in Muslim countries in contemporary times. Dubai hosted its first ever conference on “Arab women: science and technology, employment for the development of the Arab world” (AWST) at the end of 2009.<sup>85</sup> In India, “more women are tenured at Delhi University than at Harvard” (Bulbeck 1998:43). But in spite of this, as Engineer (2003c:4) points out Muslim women still grapple with educational restrictions. For instance, although there are Saudi women who are university-educated, who have founded women-only banks, and who practise medicine in women-only hospitals (Bulbeck 1998:30), they are limited in this women-only approach. They are not encouraged to study law or engineering, presumably because, according to some Muslim conservatives, Islam calls for sexual segregation in education and thus women should only be allowed to study subjects suitable for females – which tend to be subjects that prepare women for a life oriented towards the home and family (Engineer 2003a:4). Moreover, in some other Muslim countries education for women is almost non-existent – for instance, the fundamentalists in Bangladesh strongly oppose education for girls (Engineer 2003a:1). The high illiteracy rate among Muslim women is shocking (e.g. more than eighty percent of women are illiterate in Mauritania, Sudan and Somalia). Women’s self-esteem is irreparably and inexcusably damaged by the painfully degrading experience of not being able to write even their own names. As indicated above, denied educational rights are at the root of all forms of discrimination against women. (See Van Bueren and Fottrell 2001 [1999]).

It is important to note in this regard that denial of educational and sexual equality are the chief instruments for maintaining the traditional boundaries and definitions of space allocation and sex roles for women in today’s Muslim societies. The general intellectual level in most of the Islamic countries is not high enough to engage and review the traditional views and belief systems to any effect (Engineer 2003a:3; 2004b:1). Engineer (2000a:3) claims that all the changes in the status of women in

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<sup>85</sup> See Engineer (2009).

Iran, for example, have been possible because of increased literacy as well as continuous struggle on the part of women. Engineer (2004e:1) emphasises that Muslim women who are not barred from education are far more aware of their rights than illiterate women. In Kuwait, for instance, where large numbers of women study at universities, they demand the right to vote and to hold political office (Engineer 2000a:2). In Egypt women have managed to gain rights that have significantly changed their status. All this has only been made possible by a high female literacy rate (Engineer 2000a:3). Moreover, education for women also seems to have an impact on male members of the family (Giele and Smock 1977:50). A study of Egyptian youth shows that “the attitudes of boys towards women’s emancipation are strongly influenced by the degree of education that their mothers had attained.” In other words, women’s deprivation increases with their lack of awareness due to illiteracy. Engineer (2000b:1) notes, ‘There being much greater illiteracy among Muslim women in India there is woeful lack of awareness among them about their own Islamic rights.’ The following section discusses some issues of female occupation, that is, the use that women make of their education once they have it.

### **2.7.3 Work-related rights**

One way for Muslim women to accumulate wealth already mentioned is inheritance; another way discussed here is work. This section describes and defines the challenges related to work rights faced by Muslim women in contemporary societies. The following three challenging areas will be discussed and defined: work, profession and mobility rights (the right to work; practise a vocation; and the right of movement). Giele and Engineer both subsume the right of mobility under their definition of women’s work-related rights. Giele describes mobility across cultures not only in terms of work but also in terms of family issues while Engineer describes it under the topics of work and education. There is a notable difference, however, between the definitions of work and mobility respectively proposed by Giele (1977) and Engineer (1992). Giele (1977:3-31) defines the challenge by asking questions such as: How do women fare in the formal labour force? How are their jobs ranked and paid? Giele focuses on how women’s jobs are ranked and paid across societies while Engineer concentrates more on the fundamental issues of a debate concerning women’s primary right to work and practise a vocation in Muslim society. It is true that women’s movements are naturally restricted by family commitments, but other

major constraints are caused by deep-rooted cultural prejudice that inhibits women's freedom to work for gain, practise a profession and move about freely in society. By way of comparison, it is noteworthy that until 1978 a Spanish woman required her husband's consent to work outside the home (Pardell 1997:1).<sup>86</sup> Further, until the 1960s a Spanish woman under the age of 25 required her parents' consent to leave home (Bulbeck 1998:43; Morgan 1996:622).

The issue of female occupation is touched on by many Islamic feminist scholars, such as al-Hibri (1999:112), who claim that there is nothing in the Qur'an which prevents women from working; on the contrary, the Qur'an (4:32) says that whatever she earns is hers and hers alone.<sup>87</sup> Scholars often cite the example of Khadijah, the first wife of the Prophet, who was a businesswoman and she continues to serve as a lofty ideal for Muslim women today. The second aspect pointed out in this debate is the fact that at the time when the Qur'an was revealed the prevailing consciousness about work simply did not exist. In a modern industrial economy women are cast in an increasingly prominent role. They have to take up employment to ensure a comfortable family life. Engineer (1992:46) notes that changing circumstances and greater awareness among women have changed their perception of their rights.

Again, until recently patriarchal laws prohibited women from entering the work field under the guise of protecting women's morality or because of women's perceived physical limitations. New economic realities have set in, however, and now many personal status codes in Muslim countries no longer prohibit women from working (al-Hibri 1999:112).

According to Giele and Smock (1977:17) perhaps the single most revealing statistics on women's status can actually be seen in women's labour-force participation. The eight countries in their study show a low percentage (10%) of women in gainful employment in Bangladesh and Egypt. This figure grows in Mexico (19%), France (38%) and US (44%), being higher in Japan (49%) and highest in Poland (70%) for some groups. These figures are for jobs only in the modern sector, not agricultural sectors. In Egypt, for example, women's labour force participation in rural areas is a good deal higher than in the urban areas. As noted by Giele and Smock (1977:19),

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<sup>86</sup> Franco's dictatorship (1939-1975) had removed many of the democratic rights of women which had been granted to them earlier.

<sup>87</sup> The Qur'an (4:32) ". . . to men is allotted what they earn, and to women what they earn."



Bangladesh and Egypt openly segregate women in certain occupations for reasons based on the *purdah* system. Moreover, there is active disapproval of women's work, except in the highest educational groups who are somewhat liberated from strict ideas about *purdah* (Ibid). Well educated middle and upper class Egyptian women have fewer inhibitions against working than women who come from social classes that have a greater need for a supplementary income (Giele and Smock 1977:58). Also men from middle and upper-class backgrounds seem to have more liberal attitudes toward their wives and sisters' employment (Ibid). Afshar (1991:25) points out that the Iranian Family Protection laws (in 1967 and 1975, before the Iranian revolution in 1979) considerably improved women's employment conditions and crèches and nurseries were made compulsory (for firms employing more than ten mothers of babies or young children), yet many of these legal provisions merely adorned the statute books and lacked the necessary enforcement agencies.

Furthermore, Engineer (1992:13) notes Muslim societies, like Saudi Arabia and Afghanistan, where severe restrictions are imposed on women's freedom of movement (e.g. they are not allowed to venture out alone, to carry their own passports or leave the country without male authorisation). Women who are subject to these restrictions also suffer greatly from other infringements of their human rights. For example, because they lack freedom of movement it is difficult for them to pursue a career that requires attendance at a workplace outside the home. If they are allowed to work, their endeavours are restricted to certain prescribed areas (that do not include law, science and politics). Moreover, it almost goes without saying that any contact with men in the workplace is out of the question. This effectively restricts them to jobs dealing with women and children (Ibid). Although the Qur'an puts no such restriction on women, the jurists do. As noted by Engineer (1992:13), "there is nowhere stated either in the Qur'an or any of the *Hadith* that household work is her sole responsibility." Women, during the time of the Prophet, used to take part in all walks of life, even on the battlefield; they "took active part in combat situations and proved their might" (Engineer 2004e:5). The Prophet Muhammad limited the mobility of women (although they had special status and a special role as the Mothers of all Believers), which the jurists generally used to impose restrictions on all Muslim women (Engineer 1992:84).

#### **2.7.4. Family rights**

Marital rights indicate women's general status in a society (Engineer 1992:98). A challenge faced to some degree by Muslim women across the globe is their relatively inferior position (lack of status) in the family, with particular reference to their marital status. Feminist scholars, such as Aziza al-Hibri (2000:58), note that Muslim women who know their rights in the area of marriage and family may devise a standard marriage contract strictly within the *Shari'ah* framework. A Muslim woman can negotiate her marriage contract adding conditions, such as forbidding her husband from moving her away from her own city/town; requiring him to support her in the pursuit of her education after marriage; or ensuring that her marriage would foster, rather than destroy her financial independence (al-Hibri 2000:58). Unfortunately, the all-male board that have to oversee fulfilment of the contract is often influenced by the husband to overlook non-compliance with the relevant terms and conditions, with the result that on average there is still no just dispensation for women in these matters (Engineer 2000b:2).

Engineer (2001c:2) argues that Islamic family law favours men; women are subject to oppression and discrimination in matters relating to personal and family rights under a male-dominated law. Scholars, however, point out positive developments, for instance, Tunisia's Code du Statut Personnel (adopted in 1956) reformed marriage, divorce, and custody laws in Tunisia. As noted by Moghadam (1999:152), by banning polygamy and repudiation, it reduced the power of husbands, as such, Tunisia's family law has been far in advance of that of Morocco and yet Tunisian feminists, like their counterparts in Morocco, are calling for a more expanded definition of rights. In 1988 Bangladesh changed from being a secular state to a Muslim state. As noted by Bulbeck (1998:73), in that country the Muslim minority is now married under Islamic law, which, however, was recently reformed to allow Muslim women more rights than Hindu women. Bangladeshi feminists are working to remedy this inequality with the introduction of a uniform family code (Ibid). Giele (1977:3-31) probes the challenge on family rights with questions such as: What is the age of marriage? Do women choose their partners? Can they divorce them? What is the status of single women and widows? While Engineer's focus is on the most pressing issues, specifically in the Muslim family context. As these two approaches will be combined, the following five areas faced particularly by Muslim

women in contemporary societies will be defined and discussed in this section: age of marriage and choice of a partner; control over fertility; the right to spousal maintenance; rights in a polygamous union; and divorce and custody rights.

#### **2.7.4.1 Age of marriage and choice of partner**

Women's rights are based on the principles of honour and family reputation that are still the highest level of cultural valuation in Muslim society. In fact, the concept of virginity is pivotal to patriarchal honour. Because procreation and therefore motherhood for a woman are seen as noble callings, marriage is encouraged in Islam, though it is not made compulsory (Engineer 1992:144). Nevertheless, women who remain single and women who remain childless are socially marginalised in Muslim society and they face major difficulties in asserting their rights. Indeed, the position of a single woman in Muslim society is the most precarious of all because any suspicion or mistrust of her moral conduct can stigmatise her and her family for life. Understandably, therefore, girls who study, or who work for a living, are still condemned by many as loose, immoral and in certain cases, promiscuous, in contrast to girls who live in domestic seclusion and are therefore considered virtuous and chaste. This differentiation in the perception of single as opposed to married women poses an enormous challenge to the increasing number of single women in Muslim societies who live in urban areas, educating themselves, practising a profession and therefore often postponing marriage. They may be mocked, cursed, harassed, or even persecuted on a daily basis.

As noted by Engineer (1992:174), the Qur'an gives a woman the right to marry a man of her choice. In Islam marriage is a civil contract in which a formal proposal has to be made by or on behalf of one of the parties to the marriage. Such a proposal must then be accepted by or on behalf of the woman in the presence and hearing of witnesses who must be Muslims (either two males or one male and two females). The proposal and acceptance must occur at the same meeting. According to Engineer (1992:99), the woman's agreement to marriage, approval of her conditions and the presence of two witnesses to the proposal are indispensable conditions for a marriage. Yet, in practice a Muslim woman is not an equal partner in contracting marriage, for example, the need for her approval is often disregarded and she is not allowed to negotiate her marriage. A woman is generally considered

incapable of choosing a life partner, as her mental capacity is considered inferior to that of a man (Ibid:98). Furthermore, it is believed that a young unmarried girl is not experienced enough in matters of marriage and therefore it is best for her to let her elders make the decision for her (Ibid:107). Often her father, another male member of the family, or a guardian (*wali*)<sup>88</sup> gives her away in marriage to a partner with whom he has arranged the union, sometimes without even informing her of the arrangement. Moreover, if she does become aware of it and protests she invites severe retaliation that could even extend to the loss of her life.

As indicated by Engineer (1992:110), underage girls are also subjected to arranged marriages, particularly in rural areas where education levels are low and girls are customarily married off at puberty or earlier. Although Muslim jurisprudence claims that early marriage is culturally determined rather than a religious requirement, child and prepuberty marriages are common practice, which is a source of great hardship to women in some Muslim societies. Engineer (1992:110) notes, however, that the culturally determined sanction of child marriage is offset by the ‘option of puberty’ right, known as *khiyar al-bulugh*, whereby an underage (prepubescent) girl can annul her marriage on achieving puberty if it was contracted without her consent. However, most girls are ignorant of this right, with the result that it is seldom claimed or exercised. Moreover, in Bangladesh, for example, these marriages are hardly ever registered, with the result that when women are abandoned or divorced, they have no legal grounds on which to claim sustenance or relief to which they are entitled (Engineer 2001c:2).

Furthermore, although in an “ever-shrinking global village interfaith marriages have become a daily reality” as Aziza al-Hibri (2000:68) puts it, she is one of the few scholars who touches on the debate of ‘marriage to non-Muslims.’

Because Islam respects and recognizes the other two Abrahamic religions, Muslim interfaith marriages have not presented a problem except in cases where the Muslim party was a female. Muslim jurists agree that a Muslim woman cannot marry a non-Muslim man in a valid Islamic marriage contract. Additionally, new circumstances warrant a re-examination of the traditional juristic permission for the Muslim male to enter into interfaith marriages.

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<sup>88</sup> *Wali* (the protector, guardian or spokesman) can be male or female. Often a trusted woman past her menopause may function as a *wali*.

American custody laws favour women. Many Muslim men have divorced their non-Muslim wives only to lose custody of the children and, hence, the ability to provide their own spiritual direction to them. It thus appears that Muslim men in American society have significant intermarriage problems and now deserve the protective attention of Muslim jurists (al-Hibri 2000:69).

#### **2.7.4.2 Control over fertility**

The issue of 'family planning' is identified by many scholars as a key issue affecting Muslim women's rights in family relations in the twenty-first century. The fact that modern women's desire for education and a career is challenged by society's ancient belief in a divine and noble imperative to generate offspring is pointed out by many scholars, such as al-Hibri (2000). In fact, according to al-Ghazali, the prominent fifteenth-century jurist, contraception is permitted (quoted in al-Hibri 2000:62):

He even suggests that a woman can engage in contraception to preserve her beauty but adds that it is disliked if used to avoid female offspring. This position is based on such Qur'anic verses as Qur'an 16:58 and 81:8-9 (Ibid).

Although the Qur'an does not explicitly preclude the practice of birth control, and even contains several passages that seem to encourage it, the practice of Islam in Bangladesh, for example, has not been conducive to the introduction of family planning (Smock 1977:115). Frequently feminist researchers have found it difficult to distribute questionnaires on family planning or promote reproductive technologies for the Third World women, such as Indian village women, who are struggling to have their daily needs met, access clean water, and who apparently do not make an effort to limit the size of their families (Smock 1977:114). Giele (1977) regards the issue of women's control over their fertility as so important that she discusses it, not under family issues, but under the separate heading of 'Health and fertility'. Giele's discussion (1977:23) is informed by such questions as: What is women's life expectancy? To which illnesses and stresses are they exposed? What control do they have over their own fertility?

According to Giele and Smock (1977:24), "the precise way in which women's status is connected to demographic processes is not well understood," yet their case-studies indicate a strong correlation between the desire for a large family and the traditionalism of women's roles (i.e., in Bangladesh, Egypt and Mexico most women

have more than five children and sons are more highly valued than daughters). They argue that education is the most significant variable affecting fecundity, “related change that causes decline in the birth rate is women’s decreasing dependence on the family for status and support” (1977:25). This is seen in the state of Kerala, India, where women’s increasing literacy is associated with greater opportunities for employment, later age at marriage, and declining birth rate (Ibid).

Well-known Muslim scholar and Islamic liberation theologian, who has also focused on research into HIV-positive issues in South Africa as they relate to Muslim people, Farid Esack (2001b:201),<sup>89</sup> points out that in Islam ‘sexual fidelity is portrayed as a combined duty to husband and God, and while fidelity may also be a duty of the husband, the wife is singled out and her sexuality is joined to the husband’s property.’ In the process, she and her sexuality are further objectified and notions of women as owned commodities underlined. Engineer (2004c:2) illustrates this challenge with an example taken from Saudi Arabia where the population growth exceeds three percent a year. There is an obvious mismatch between the old traditions and modern demands for education and jobs and the social awareness of women’s rights in Islam (Engineer 2004b:1).

### **2.7.4.3 The right to spousal maintenance**

Maintenance of a wife, as well as that of his parents and children, is obligatory for the Muslim husband (Engineer 1992:116).<sup>90</sup> “Even if fully financially independent, she is not required to spend any of her money except as she wishes” (al-Hibri 2000:63). As indicated by Engineer (1992:116), a wife’s maintenance should include: food, clothing, accommodation as well as other things that she may need to live comfortably, such as soap, oil, water and medicine. Both Engineer (1992:116) and al-Hibri (2000:57) add interesting details, which are often overlooked: food does not

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<sup>89</sup> Farid Esack obtained a doctoral degree in Qur’anic Hermeneutics at the University of Birmingham. He has been a regular political columnist for the *Cape Times*, a South African daily newspaper, and a socio-religious columnist for *al-Qalam*, a South African Muslim monthly newspaper. After serving as Commissioner for Gender Equality in the South African government for four years, he was Visiting Professor in Religious Studies at the University of Hamburg and Harvard. Currently, he teaches at the University of Johannesburg.

<sup>90</sup> “A father is responsible for the support of his daughter, regardless of her age, but if the woman marries, that responsibility is transferred to her husband”. Thus, in today’s legal language, the Qur’an engages in affirmative action with respect to women in the area of maintenance (al-Hibri 1999:110).

mean raw but cooked food, which is interesting considering that a wife is not obliged to cook food. Similarly, it is not enough to give her a piece of fabric; she should be given sewn clothes or her husband should bear the sewing charges. After a full day of salaried work and long hours of housework, some Western women may be surprised to note that classical Islamic jurisprudence entitles the woman to maintenance by her husband, so that “the wife is under no duty to do any housework although she may engage in such work on a volunteer basis” (al-Hibri 2000:63). Even more, once the husband gives his wife her maintenance payments for food or clothing, she is free to spend the money as she likes and not necessarily on food or clothing, as long as she does not harm or weaken her health or detract from her appropriate dress (al-Hibri 1999:110).

Furthermore, “as for residence she can demand a separate house to live in and is not obliged to live with her husband’s parents” (Engineer 1999:117), and further, “if he cannot provide a separate house, he is obliged to provide a separate portion of it with separate access to it.” The Qur’an (65:6) states that a pregnant woman and a suckling mother are entitled to additional maintenance. The nursing and welfare of the child and the care of the mother remains the duty of the father. Not only that, but she is entitled to recompense for nursing the child. If she declines this task because she considers the compensation offered inadequate, or for other reasons, then the husband must employ a nurse (Engineer 1992:144; al-Hibri 2000:65). A wife is also entitled to contract a loan for her maintenance, and such a loan must be secured by the husband, provided it is within the maintenance fixed by the court. However, as noted by al-Hibri (1999:115), few Muslim women are aware of these legal entitlements of maintenance, let alone of the means to enforce them. Furthermore, even if women are aware of their rights, they often apply to the courts in vain because the presiding officers are men who support the traditional view that men are inherently superior to women and should be protected against efforts to assert an order that is incompatible with this principle. Moreover, despite all of these facts, the home is viewed as the wife’s realm in many Islamic cultures, a realm where she is responsible for taking care of household duties including raising the children. Al-Hibri (1999:115) writes:

In fact, the Moroccan personal status code states explicitly that one of the wife’s duties is the duty to ‘supervise’ the household and manage it (Moroccan

Code, Royal Decree NO. 343.57.1 (1957). In many families, this means that the wife is required by law to do the housework since she cannot afford house-help (Ibid).

This is contrary to the juristic views mentioned above, as noted by al-Hibri (1999:115), and in many contemporary Muslim societies Muslim women are obliged by social pressure, if not by law, to nurse their children and be the primary caretaker. Furthermore, it is often argued that the superiority of men over women was asserted in the Qur'an (4:34) itself. Al-Hibri argues (2000:64, 65) that "there is no basis in the Qur'an for the patriarchal assumption of superiority." The Qur'an (4:34) states as follows: "Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means." As noted by both Engineer (1992:62) and al-Hibri (2000:63), although, the Qur'anic verse obligates men to take care of their wives with a view to maintaining their families, unfortunately the concept is largely misused to signify that men are superior to women and thus their dominators. Ancient Arabic dictionaries include among the meanings of *qawwam*, those of guiding and advising. These meanings are more consistent with the general Qur'anic view of gender relations than the ones preferred by male jurists (al-Hibri 1999:114). Yet, "this one verse has become the hallmark of patriarchal bias, since it has been interpreted to mean that all men are superior to all women at all times" (al-Hibri 1999:114). The domination has remained although as Engineer (1992:71) notes maintenance has become a particularly vexed subject for Muslim women since men are finding it increasingly hard to meet the Qur'anic requirement that the husband must bear the entire burden of maintaining the wife, even if she owns considerable wealth in her own right.

Maintenance after divorce is another vexing issue for Muslim women today (see section 2.7.4.5). Men are obliged to maintain women from whom they are divorced, and if a woman is pregnant at the time of divorce, the father has to take care of her until the child is born and must pay her to nurse the child. Or, as noted by al-Hibri (2000:65) "if the husband divorces the wife, and she nurses the child after the divorce, jurists agree that she is entitled to monetary compensation for that nursing." Effectively, therefore, there can be no separation until after the birth, and then the father remains responsible for the reasonable maintenance of mother and child (consequently this may lead a woman to have more children in order to economically



tie her husband and discourage divorce). As noted by Moghadam (1999:152), Tunisian women received a new family code passed in 1993, in which a National Fund was created to guarantee alimony and child support to divorced women.

If the former husband fails to provide either alimony or child support, the fund will provide the woman with the equivalent sum of money within two weeks of receipt of a legitimate petition on her behalf. The fund will then attempt to recover the money from the delinquent father (Charrad 1997:308).

Thus, whether married or divorced, a man remains permanently responsible for the maintenance of a woman whom he has married, as well as for children born of the union (Engineer 1999:117). As noted by al-Hibri (1999:111) in the case of divorce the *mahr* offers the woman a clearly defined property or amount of money she could rely upon after the divorce, without need for further negotiations. Many women view this as their security in case of death or divorce. However, al-Hibri (1999:111) points out that patriarchal reality in Muslim countries can be quite different from the Islamic ideal. By way of illustration, a father who has negotiated the amount of *mahr* on behalf of his daughter may have used the money to cover wedding expenses (which are customarily his responsibility). If he does not, the husband may 'borrow' it from the wife after marriage. More commonly, some cultures pressure the wife to 'waive' the deferred part of her *mahr* altogether as a gesture of goodwill towards the husband. Thus, it can be concluded that women enjoy a right to spousal maintenance in theory, yet often in practice at grassroots level women face many severe restrictions in matters of spousal maintenance.

#### **2.7.4.4 Rights in a polygamous union**

A uniform feature of early feminist tendencies in Muslim societies has been their concern with women and polygamy (a marriage with more than one spouse).<sup>91</sup> Throughout recorded history across cultures, men have utilised polygamy to dominate women, but today the custom is only preserved as a legal precept by Islam. There are two aspects commonly presented in this debate: the Westerners' viewpoint; and the Third World feminist and Islamic feminist scholars' view which discloses a broader understanding of its history and practice in their particular societies.

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<sup>91</sup> Polygyny (a man has more than one wife) is the most common form of polygamy.

Al-Hibri (2000:66) uses the term polygamy in the context of Islam and argues that Western feminists have treated polygamy as one of the most controversial Islamic practices. She goes to claim that this state of affairs is actually one of the main reasons why many Muslim women have been alienated from the Western feminist movement (Ibid:68). Nevertheless, she claims that polygamy is one of the main issues affecting Muslim women's rights in the family. She (1999:120) raises the issue of polygamy as a question of major concern for many Muslim women, even in North America. In this regard Engineer (2000b:2) notes: "Polygamy is a serious problem for Muslim women, and it certainly undermines women's rights by stressing the unequal relationship between men and women." For example, Muslim men are entitled to have as many as four wives, but a Muslim woman has to be monogamous (Engineer 1992:173).<sup>92</sup> According to Kandiyoti (1991b:9), on the other hand, the practice of polygamy (often linked to illiteracy and seclusion) is not denounced merely because it so blatantly curtails individual human rights, but because it often creates ignorant mothers, shallow and scheming partners, unstable marital unions, and unproductive members of society.

"The Qur'anic statement on polygamy is more complex than some scholars are willing to admit" (al-Hibri 1999:121). The Qur'anic reasoning actually clearly favours monogamy by showing the two major Qur'anic verses at issue: (4:3) and (4:129).<sup>93</sup> The Qur'an is clear in advocating monogamy as the general rule; insofar as polygamy causes the first wife harm, it is forbidden altogether (al-Hibri 1999:67). Engineer (2004e:3) notes that the Qur'an (4:3) permits polygamy under exceptional conditions. For example, the permission to marry up to four wives is premised upon the possibility that orphaned women without a husband may be oppressed. The significance of this has been overlooked by many scholars (al-Hibri 1999:121). Yet, the Qur'an states in the same chapter that it is highly unlikely that a man can love, and will therefore treat, several wives equally (Engineer 2004e:3). Polygamy is

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<sup>92</sup> See also Shaheen (2000:39). Polygamy is permitted in Islam, although Qur'anic verse (4:3) enjoins: 'Marry women of your choice, two, three or four, but if you fear that you shall not be able to deal justly (with them) then only one.' Moreover, Qur'anic law enjoins strict monogamy on women and binds them to marry a Muslim spouse, while men may marry up to four wives at any one time from among *kitabiah* women 'women of the book', (ie. women professing one of the revealed religions, for example, Christianity or Judaism).

<sup>93</sup> "Ye are never able to be fair and just as between women, even if it is your ardent desire" (The Qur'an 4:129).

therefore naturally inclined to encourage discriminatory situations that disadvantage women. Moreover, when a man wants to take a second wife, he seldom defers to the first wife in taking the decision. This contradicts the Qur'anic teaching (4:3) and justice would be served far better in matrimonial matters by abolishing than by preserving polygamy (Engineer 2004d: 8).

Another critical concern raised by Engineer (1992:105) in dealing with Islamic legalities affecting male-female relationships is that of concubinage, that is, the permissibility of sexual intercourse with slave-girls or women captured in war without marriage. The concern surrounding concubinage is that it is considered lawful by orthodox Muslims. According to the Qur'an (4:25), men are allowed sexual relations with women captured in war or purchased in the market; indeed, a man can possess any number of slave girls (no legal limit for this) and have intercourse with them without his wife's permission or even knowledge (Engineer 1992:105). Haleh Afshar (1991:25) points out the introduction of the Iranian Family Protection laws (1967 and 1975) which curtailed polygamy and the automatic paternal rights of custody of children on divorce. Yet, the Iranian revolution in 1979 changed the situation, so that once more Iranian women had to embark on the long struggle for freedom. As noted by Afshar (1991:25), polygamy and temporary marriages were reinstated, as was the unquestioned right of custody which has been returned to fathers and paternal ancestors and taken away from mothers (note the change taking place in 2006 law as discussed in the section below).

#### **2.7.4.5 Divorce and custody rights**

The issue of divorce, maintenance after divorce, and custody rights is problematic. Scholars point out that Islam provides women with certain rights, and yet, they are greatly challenged. In theory the Qur'an entitles women to claim *talaq-i-tafwid* (delegated right to divorce), yet in practice this right is severely inhibited.<sup>94</sup> The Qur'an (4:35) requires that a man and woman should each appoint arbitrators who would finally decide whether a divorce should take place, but few women at grassroots level are aware that they have this right of representation and defence at their disposal (Engineer 1992:135; 2004h:2). What makes the situation even more

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<sup>94</sup> See also Mayer (1999:112).

complicated is the many forms of divorce in Islam and one form is more commonly used in one society than in another (al-Hibri 2000:70). There are also differences in the way the law is applied in a variety of countries. For instance, the Indian Shah Bano's case (in 1985) demonstrates the complexity of the maintenance issue in multi-cultural and multi-religious perspective. This aroused a debate in India and overseas about the meaning of these interventions (Bulbeck 1998:73; Rudolf and Rudolf 2000:34):

The Supreme Court of India awarded a Muslim divorced woman, Shah Bano, maintenance from her husband beyond the 3 month period of *iddat*. The decision was welcomed by the women's groups, and seen as a step in the direction of a uniform civil code. But the Muslim community in this instance, at a historical moment that saw a rising spiral of Hindu nationalism, interpreted the court's decision in favour of Shah Bano as violating Muslim personal law, which mandates that when the marriage contract is terminated by divorce, the husband's financial obligations cease and are to be taken up by blood relatives or Muslim religious bodies. Muslim protests and electoral reaction were sufficiently strong that government which had originally mellowed the decision, reversed course and passed legislation protecting the Muslim personal law in cases of Muslim divorce.

The Shah Bano's case highlights the fact that in India the civil code is strongly influenced by Muslim leaders, because "if the criminal provisions were inadequate to protect women, they should have been changed rather than introducing a special law" (Parashar 1992:182).

According to Engineer (1992:154), Muslim personal law treats women unfairly regarding not only polygamy (discussed in the previous session), but also arbitrary divorce and maintenance after divorce. Women suffer from the ease with which marriage can be terminated in Muslim society. Consider that in Islam the marriage contract, like any other, is subject to termination by the parties concerned, except that a man may unilaterally divorce his wife with full and immediate effect. Engineer (2004h:2) gives an example of *triple talaq*. Triple divorce in one sitting is the most widely practised form of divorce in some parts of the Muslim world, particularly in India where Sunni Muslims follow the Hanafite School of jurisprudence (Engineer 2000b:2). To bring its effect into perspective Engineer (2001c:3) mentions a study which shows that "seventy-five percent of prostitutes from the Muslim community in Calcutta have been divorced by their husbands arbitrarily." An additional problem is that a man who pronounces the triple divorce in one sitting may do it on impulse

when angry or jealous, and may regret it later. Should a husband desire to remarry his wife after he has irrevocably divorced her, he cannot do so immediately (Engineer 1992:174). First, the ex-wife must marry another man, and the marriage must be consummated. If her new husband divorces her, she is permitted to remarry her former husband (Ibid).

Even though, the present standard marriage contract grants the male the right to an automatic divorce, most Islamic feminist authors dealing with the divorce rights, mention that if properly informed, the prospective bride is entitled to negotiate with the perspective groom a marriage condition that gives her a similar right. Women in some Muslim societies (e.g. India) have the right to draw up a *nikahnama* (marriage contract) in which a woman makes sure that her husband agrees not to practice polygamy or to resort to the triple divorce in one sitting.<sup>95</sup> The document states that she is allowed to institute divorce proceedings and pursue them to their conclusion in her own right and on her own initiative. Unfortunately, often women are not properly informed of these and similar rights. Furthermore, not every woman can successfully negotiate the marriage conditions she desires.

A woman who has not protected herself in the marriage contract can seek judicial divorce on a variety of grounds, including those of domestic violence or lack of support. Judges play a major role in determining the level of violent conduct by the husband that is deemed actionable. These levels vary from one country to another. In Yemen, for example, *karahia* (extreme dislike), without any additional reason, is one of the statutory grounds for judicial divorce or annulment. In Jordan and Kuwait, verbal abuse is a statutory ground for judicial divorce (al-Hibri 2000:70). Additionally, a Muslim woman who has not retained for herself the right to divorce may do so by using *khul*. Under this form of divorce, the wife returns the *mahr* to her husband to end the marriage (al-Hibri 2000:70). This form of divorce is based on an incident that took place during the life of the Prophet. Since then, however, most Muslim countries have required the husband's consent for the *khul* to take effect. The requirement has made this form of divorce quite expensive because many husbands bargain for their consent. Islamic jurisprudence and court practices are often biased in favour of the

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<sup>95</sup> See Anon. (2005b).

male, and therefore, deserve close scrutiny and urgent reform. An additional difficulty for women is awaiting the finalization of a divorce which can be pending in the courts for years (al-Hibri 1999:101). In such a case a divorced woman is concerned about the loss of her reproductive years, thus reducing her chances for remarriage and children so significant in her culture.

Though the “All India Muslim Personal Law Board” has taken a step towards change, the model *nikahnama* has failed to end the *triple talaq* practised in India. The medieval assumption that women have deficient intelligence and should not be entrusted with responsible decisions remains effective today. Muslim men often believe that women should not be entrusted with the responsibility of initiating a divorce and therefore commonly take the initiative in this matter (Engineer 2000b:1). In the late 1990s the Egyptian parliament passed a law, introduced by president Hosni Mubarak, whereby women are entitled to divorce their husbands; yet the *‘ulama* opposed the law vehemently saying that women are emotional and hasty in decision making, and that effectively, therefore, family life would be destabilised if women were given the right to initiate divorce (Ibid).

Engineer (1992:129) voices concern that every time a marriage is terminated, the woman faces the greatest challenge because of maintenance and custody of children. A divorced wife should not be thrown out of her home. In this regard, Engineer (1992:128) cites the Qur’anic prescription (65:2) that even after *‘iddah* (her period of waiting), if there is no reconciliation, she should be released with kindness, and when she is finally divorced, two persons should be taken as witnesses of the event. Additionally, Muslim women who are divorced regardless of their personal wishes are thereby placed at a major disadvantage with respect to the right to custody of their children. Usually, the future of the children is not decided by mutual agreement between the parents, but rather by the father alone. The sad fact is that when Muslim women who are widowed or divorced remarry, the custody of their children automatically goes to the father or to his family members if he is deceased. Engineer (2000a:2) adds that today in Iran if divorce takes place through no fault of the woman and her conduct is beyond reproach, she can claim from her divorcing husband half the property acquired during the term of marriage, or its equivalent. No such provision exists in any other Muslim country (Ibid). Egypt is another Muslim

country where women have been able to win some rights and effect change in their status where marital rights are concerned.

### **2.7.5 Rights to cultural expression**

Significant works on women's cultural expression include: *The culture of Islam: changing aspects of contemporary Muslim life* by Lawrence Rosen (2002); *Women and gender in the Middle East and the Islamic world today*, edited by Sherifa Zuhur (2003); and *Modernizing women: gender and social change in the Middle East* by Valentine Moghadam (2003) [1993]. Scholars, such as Shulamit Reinharz (1992:112), note that "it is senseless to talk about 'women's subordination' in general; even if female subordination is universal, each instance must be understood within its particular cultural context." This is also noted by Giele and Smock (1977:27) who attempt to show how women's status varies according to culture and historical circumstance. Giele (1977:3) presents 'cultural expression' as one of the six areas of challenge to women cross-culturally. She discusses the issue with reference to questions such as: What conceptions of women and their positions in society are prevalent? To what extent do these reflect or determine reality? What can women do to influence these perceptions and the attendant realities? With these questions in mind the following two challenging issues faced particularly by Muslim women in contemporary societies are discussed and defined in this section: veil (*hijab* and *pardah*); and socialisation (active participation in society).

#### **2.7.5.1 The veil (*hijab*)**

The concept of veil is a complex topic with multiple meanings. Even the viewers of the *CBC* television series *Little mosque on the prairie*<sup>96</sup> have realized that translating cultural values (other than language) may prove difficult. The comedy illustrates how second-generation Muslims born and raised in Canada express their Muslim identity in ways different from their parents (i.e., wearing headscarf not adopted by their parents' cultures). The reasons for this vary. For example, when the French tied unveiling to acceptance of French rule (in 1958), "Algerian women begin to veil and re-veil, not as a sign of religious faith so much as an instrument for political action" (Bulbeck 1998:30). According to Lazreg (1994:135), women today still wear the *hijab*

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<sup>96</sup> Anon. (2008a).

as “a rejection of the persisting influence of French colonialism and Western ideas, but more are defining it as a sign of religious readiness, an indication of personal religious commitment.” This casts light on the gunning down of the two Algerian students standing at a bus stop by an Islamic armed group for not wearing the veil in 1994 (Ibid:222); and the situation that arose in Saudi Arabia in 2002 when a girls’ school caught fire. Some girls tried to escape but were pushed back to burn alive simply because they had left their veils behind in the panic.<sup>97</sup> Engineer (2003b:1-3) cites this as an extreme example which illustrates how significant the message of the veil can be. Yet, as noted by Smock (1977:94), the grinding poverty of Bangladesh severely limits the options of all of its inhabitants; consequently, the prevailing poverty of Bangladesh and the resultant living conditions do not make it possible for most women to adopt a strict *purdah* even if they would like to. Scholars offer more light on the debate when discussing the issue of Iran (Helie-Lucas 1990:107) and Malaysia (Nagata 1995:112; Karim 1995:41). These examples reveal that the veil (or any other symbol for that matter) do not carry a single unvarying message at any single time:

The Cairo woman who feels secure in her veil only requires that security because of the meaning of an unveiled woman. The women who resist the veil in Iran only need to do so because the veil has become so strongly associated with compliant and compulsory femininity. Just as Western feminists make political statements when they choose between overalls and shoulder-padded suits, so too do Arab women, often with more dire consequences (Bulbeck 1998:33).

Thus, as noted by Haddad and Findly (1985:294), the veil is a useful cover for many reasons, acquiring in the process several symbolic meanings. The responses they (1985:294) received from Muslim women who were asked the reason for the veil fall into a variety of categories:

*Religious* (an act of obedience to the will of God as a consequence of a profound religious experience which several women referred to as being ‘born again’); *Psychological* (an affirmation of authenticity, a return to the roots and a rejection of western norms ‘a sense of peace’); *Political* (a sign of disenchantment with the prevailing political order); *Revolutionary* (an identification with the Islamic revolutionary forces that affirm the necessity of the Islamization of society); *Economic* (a sign of affluence, of being a lady of leisure); *Cultural* (a public affirmation of allegiance to chastity and modesty); *Demographic* (a sign of being urbanized); *Practical* (a means of reducing the

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<sup>97</sup> See Anon. (2002).



amount to be spent on clothing); or *Domestic* (a way to keep the peace, since the males in the family insist on it) (Haddad and Findly 1985:294).

It can thus be concluded that to Muslim women, a veil may be a metaphor of heritage, ethnic pride, identity and/or a means of protecting their modesty according to cultural requirements, yet to many Western women a veil may symbolise repression and discrimination. Unfortunately this perception is justified in some Muslim societies. For a better understanding we have to look at the debate connected to the theological meaning of the veil. Engineer (2001a:1) notes that there is no concept of *hijab*<sup>98</sup> in the Qur'an in the sense of an injunction to cover the face of a woman. What the Qur'an prescribes should be seen in the light of the practices of women in the pre-Islamic period. There was no veiling system during the early period of Islam. The introduction of the veil seems to be indicative of a significant change of mindset or psychological predisposition. It is important to analyse when, how and why this apparent paradigm shift took place, since it seems justifiable to assume that there is much more to it than meets the eye or that is simply attributable to a Qur'anic injunction.

As noted by Engineer (1992:83), there are four verses in the Qur'an (33:32-33, 53; 24:31) which refer to what is called *hijab*. Each is mentioned in the context of the Prophet's consorts (the wives of the Prophet, the mothers of the believers). One such verse is as follows (33:32-33):

O consorts of the Prophet. Ye are not like any of the other women: if ye do fear (Allah), be not too complaisant of speech, lest one in whose heart is a disease should be moved with desire: but speak ye a speech that is just. And stay quietly in your houses, and make not a dazzling display, like that of the former times of ignorance: and establish regular prayer, and give regular charity; and obey Allah and his messenger.

In another verse the Qur'an asks men to talk to the Prophet's wives from behind the curtain (*hijab*). The verse is (33:53) "...and when ye ask (his ladies) ... ask them from before a screen..." The third such verse (24:31) imposes restrictions on Muslim women in general, as follows:

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<sup>98</sup> The word *hijab* is derived from the Arabic word *hajaba* which means 'to hide from sight or view', 'to conceal'. *Hijab* means to cover the head as well as the body.

And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments... that they should draw their veils over their bosoms and not display their beauty...

The jurists have generally used these three verses to make *hijab* compulsory for all Muslim women (by asserting that the Prophet's consorts had a special position and special responsibilities in the matter of guiding and instructing women who would come into the fold of Islam). Moreover, none of the verses convey the conceptually equivalent meaning of veiling in the sense of *purdah* (i.e., protecting female modesty and privacy by covering the face). In no case can veiling of the face or confining women to the four walls of their homes be upheld as a Qur'anic injunction, but it is the opinion of a section of jurists, at most (Engineer 1992:86).

When restrictions were imposed on women in the past the normative concept was to protect women's chastity, but slowly chastity became identified with *purdah*, the veil itself (Engineer 1992:83). Chastity is the norm while *purdah* (the practice of requiring women to cover their bodies so as to cover their skin and conceal their form) is a contextual means to achieve it. Although women can protect their chastity without observing *purdah*, they have to contend with increasingly restrictive conditions in many places of the Muslim world as *purdah* has become a commonly accepted part of Islamic culture (Ibid:6). Thus, *purdah* has become a challenge limiting women's cultural expression in some Muslim societies. In Iran, for example, the penalty for even a slight violation of the prescriptive Islamic dress code is twelve months in prison and possible flogging. Under the Taliban in Afghanistan, women had to observe *purdah* strictly when they were in public and still today many feel safer when wearing it.

When referring to the veil some theologians talk of 'pure Islamic identity' which, according to Engineer (2004d:7), is a theological myth. Although some women choose to wear the veil in secular countries (e.g. France) as a mark of their cultural and religious identity, it is not necessarily seen as culturally desirable by the national (e.g. the French) identity. In other words, what is considered modest in one culture may not be recognised as such in another. In 2006 the French government banned the wearing of any religious symbols in government schools, including *hijab* by young girls. The reason given for this injunction, as Engineer (2006a:3) points out,

was that the concept of modesty as expressed in the customary wearing of items of apparel such as the headscarf is culturally specific, and therefore cannot be affected or displayed as if it were religiously or culturally neutral, or as if it represented a universally accepted concept.<sup>99</sup> As noted by Engineer (2004f:1), when there is large scale immigration within a specific country, the native people (in this case the French) resent the influx and racial tensions intensify (especially when economic adversity prevails and available jobs are limited). Though the underlying causes may be economic or political, the conflict expresses itself through religious and cultural channels. Such expression does a great deal of damage and spreads misunderstandings. As Muslim women enter Europe from various social and cultural contexts, they are Muslim by religious persuasion, but sociologically integrated with their new sociocultural context, with the result that their overall identity is inevitably influenced (Engineer 1987:8).

#### **2.7.5.2 Socialisation**

Cultural factors (i.e., perceptions and attendant realities relating to women's role and position in society) are likely to have religious dimensions in Muslim society (dictated by divine injunction). Besides dress requirements, Muslim women's modesty is also safeguarded by a wide-ranging standard for behaviour in social interaction and greatly varies from society to society. Women have the right to drive in all Arab countries except Saudi Arabia. They may not travel alone; a Saudi woman cannot go out without being accompanied by *mahram*, a male relative (Engineer 1992:90). Even her voice has sometimes been declared '*aurah* (attraction) which should not be heard by a stranger (Ibid). A Jordanian woman may not obtain a passport without the written consent of her husband or nearest male relative. As noted by Moghadam (1999:151) "if she is married to a non-Jordanian, her children cannot claim Jordanian citizenship, even if they are born and always reside in Jordan." Moroccan women, on the other hand, are legally allowed to appear in a public place, although cultural factors and expectations may negate such freedom. In 1997 in Morocco the obligation of women to obtain marital authorization in order to go into business was

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<sup>99</sup> Engineer ([csss@mtnl.net.in](mailto:csss@mtnl.net.in)), 13 February 2006. RE: CSSS news. e-Mail to A J Tuppurainen ([rikuanne@canada.com](mailto:rikuanne@canada.com)). According to Engineer, 'In fact *hijab* was only a symbol, behind it the French Central Government saw Islam as a threat. In all European countries, Muslims are recent immigrants and are perceived as a double threat – as migrant and as Muslim. All migrants make natives uncomfortable and more so if they belong to a religion or culture perceived to be hostile.'

abolished, as was the obligation for married women to obtain marital authorization before receiving a passport (Ibid:152). Engineer (2004e:1) points out that of all Muslim societies the treatment of Taliban women is the most egregious example of challenged cultural expression. As *pardah* separates the two genders from each other in all aspects of Taliban society, it excludes women from participation in many of the cultural activities in which men are involved. Thus, in the name of Islam the role and function of women has been restricted and confined exclusively to the private (domestic) sphere. According to Engineer (2004e:1), the essential implication in all these matters seems to be ownership. As women assert their rights and struggle to find a place of honour in society, the male-dominated society reacts more sharply and becomes more culturally restrictive. Engineer (2004e:1) further remarks: "It is struggle all the way for women: struggle against orthodoxy, struggle against certain oppressive cultural norms and struggle against honour killing" (for the sake of the family reputation a woman who has brought shame to the family, for instance, by removing her veil or by crossing the domestic sphere can be killed). Although things are changing in many Muslim societies, there is still much resistance to change (Engineer 2004d:6).

In the twenty-first century, the availability of education for women, the spread of literacy and the expansion of employment opportunities for women fuelled the desire of Muslim women for greater empowerment in social and religious life, namely, in the practice and interpretation of their faith in public. Although their participation has grown remarkably in the recent years, women are asking for more. Natana J DeLong-Bas (2006:1) claims in her article "Women, Islam and the twenty-first century" that Muslim women are active in Qur'an study circles, mosque-based activities, community services sponsored by religious organizations, and Islamic education, as both students and teachers:

There are a rising number of female Qur'an reciters, Islamic lawyers, and professors of Islamic studies throughout the world. Women are increasingly present in highly visible positions of religious prominence, although, to date, few have significant positions in the religious establishment and none have achieved the highest positions, such as grand mufti or ayatollah.

Indonesia is home to thousands of institutions, including Islamic boarding schools, where women can specialize in Islamic studies today (DeLong-Bas 2006:2):

The products of these schools include expert Qur'an reciters, like Hajjah Maria 'Ulfah, the first woman to win the International Competition in Qur'anic Recitation in Kuala Lumpur, Malaysia (1980), as well as female imams, intellectuals, and activists with expertise in Islamic studies and Islamic law and interpretation (*Shari'ah* and *fiqh*). Interpretation and re-interpretation of Qur'anic texts is a critical aspect of social activism because of the powerful role religion plays in Indonesian society.

Engineer's view is clearly more negative on the issue of public worship compared to that of some of the authors previously mentioned. This can be explained by his experience, location, and focus on the women issues on the Indian subcontinent. Smock (1977:89) notes that "Islam on the one hand confers many more legal rights on women than does Hinduism while, on the other hand, it often treats women as having less inherent worth. This contradiction has its roots in the character of pre-Islamic Arabic society and the attempts of Muhammad to reform it." Engineer sees (2004e:2) public worship as an area in which women are severely restricted in India, implying that they are denied their well-defined Islamic rights. If women are allowed to attend prayers at the local mosque, they are usually sequestered in separate quarters from men. Nevertheless, there are rich studies on women's mosques in China that provide some contrast to the contexts of complete restrictions on women in the Indian subcontinent. The winds of change blowing in Islamic societies are also noted by Engineer (2005:2) when he refers to the public mixed-gender *Jumu'ah*<sup>100</sup> prayers led by Amina Wadud. Cultural prejudices are not easy to overcome; yet Wadud's example shows that women can influence the deeply rooted perceptions and the attendant realities in Muslim society.

## 2.8 Conclusion

The aim of this chapter was to demonstrate how theory has shaped the approach of this enquiry. Two steps were taken. Firstly, the relevant sources were reviewed on categorising women's status in society. Secondly, the Giele/Smock/Engineer framework was developed. The commonalities and differences among the views of the three scholars were regarded as enriching. The most pressing challenges to Muslim women, the 'five life challenges' (namely civil rights, educational rights, work-

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<sup>100</sup> The Friday prayer (*Jumu'ah*) is a congregational prayer that Muslims hold on Fridays immediately after midday. It replaces the *Dhuhr* prayer performed on other days of the week and is obligatory for all Muslim males but not females.

related rights, family rights, and rights to cultural expression) were then identified and described. This framework is used in subsequent chapters to explore and evaluate the writings of the four selected women authors.

It emerged that the status of women changes over time and situation and there are great variations among and within societies. Thus, examples given show that the status and rights of Muslim women in contemporary societies are neither uniform nor static. Furthermore, the denial of educational rights is one of the chief instruments whereby the traditional boundaries and definitions of space and sex roles for women in today's Muslim societies are maintained. In Muslim societies where the educational level among women has been raised, women have greater access to and understanding of the outside world beyond domestic life than in countries where educational levels are low. In the Third World countries where educational levels among women are high, women have more freedom of movement, are better able to participate in political rights (i.e. vote) and better equipped to make family decisions than women in countries suffering with a high illiteracy level. If women's educational rights are limited, often their right to movement is also limited by deep-rooted cultural prejudice that inhibits their freedom to work for gain and practise a profession. It was noted that in some parts of the Muslim world considerable progress has taken place in women's participation in religious practice, mainly among women themselves through various women's religious organizations. Although women have been appointed to influential governmental and legislative positions, yet their numbers are still limited in the most important policy decision-making positions. Further, women are still severely challenged in the area of family rights particularly with regard to divorce and custody rights in many Muslim countries, if not in theory yet in practice.

In the light of this framework, I commence with an analysis of the writings of the four (Ahmed, Fernea, Mernissi and Wadud) prominent authors. Chapter three presents both a biographical sketch of the authors as well as an overview of their work.

## CHAPTER THREE

### AUTHORS' BIOGRAPHICAL DETAILS AND WORK

#### 3.1 Introduction

I have chosen to use Giele and Elder's (1998) 'life course' research to present the authors' biographical details because it is well recognised and it focuses aptly on the ordinary events of daily life. It differs from the concept of the 'life cycle' in allowing for many diverse events and roles that do not necessarily proceed in a given sequence but which constitute the sum total of the person's actual experience over time (Giele and Elder 1998:12). The analysis of life stories is a commonly used methodology as noted by Chilla Bulbeck (1997:9), "life historians aim for an understanding of the meaning people ascribe to their lives, their understanding of the world and wider social relations," such as their experiences of family, education and work. Sociologists Janet Giele and Glen Elder<sup>101</sup> state in their edited work, *Methods of life course research: qualitative and quantitative approaches* (1998:viii) that "any point in the life span must be viewed dynamically as the consequence of past experience and future expectations." Some lives entail misery and some joy; most lives have their ups and downs (Giele and Elder 1998:206). One's source of satisfaction or dissatisfaction and the means of coping with the latter afford an important perspective for examining the 'life course'. The study of the life course provides the opportunity to understand how different women cope with the challenges of life. When using 'life course' research, four central paradigms are pointed out by Giele and Elder (1998:viii) namely: location in time and place (historical and geographical location and cultural background), linked lives (all levels of social interaction), human agency (individual goal orientation and personal control), and timing of lives (strategic adaptation and chronological order). This model is flexible with a capacity to encompass different types of individual, social and cultural variation. For these

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<sup>101</sup> Glen H Elder Jr is Howard W Odum distinguished Professor of Sociology and Research Professor of Psychology at the University of North Carolina at Chapel Hill, where he co-directs the Carolina Consortium on Human Development and manages a research program on life course studies. His works (edited and co-edited) include *Children in time and place* (together with Modell and Parke, 1993), *Developmental science* (together with Cairns and Costello, 1996), "The life course and human development," in *Handbook of child psychology: theoretical models of human development* (1998), and *Children of the Great Depression* (1999).

reasons it suits the purpose of this study as the four selected authors represent different countries, age groups and social and cultural contexts.

In the light of that, this chapter provides an overview of the authors' biographical details together with a discussion of selected literature from their work. The presentation is arranged alphabetically according to the authors' last names so that no author is given undue prominence. Furthermore, my viewpoint is that a thorough and comprehensive analysis of the selected authors' writings requires an evaluation of their life situations and the historical conditions that inform their consciousness, actions and work. In other words, the biographical background of the four authors demarcates their special areas of interest, their self-expression, their work, exposure to and involvement with the historical development of Islam with reference to its general and especially its intellectual tradition, their exposure to Western ideas and their relationship to Islamic feminism and women's movements – all considered within the context of the research at issue and its particular academic focus.

### **3.2. Leila Ahmed**

Leila Ahmed, an Egyptian-American professor of Women's Studies in Religion at Harvard Divinity School, is one of the first Muslim women on the faculty of a major American divinity school.<sup>102</sup> As is the case with other scholarly writings generally, her work consists of three categories of published material, namely journal articles, books and essays. Her articles are published in Western academic journals<sup>103</sup> and her books are published by Western academic presses; her works are thus largely directed at a Western readership as well as academically interested Muslims (Armajani 2004:5). Her biographical background is mainly contained in her autobiography, *A border passage: from Cairo to America – a woman's journey* (1999a) along with the interviews she has given around the discussions raised by that book which is a critical evaluation of her life in three locations: the Middle East, Europe, and North America. It reminds the reader that Ahmed has emigrated to the West and is currently facilitating change outside Muslim society. Also her articles "The heard word: passing the message of Islam, woman to woman" (1999b) and

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<sup>102</sup> See Tippet (2006).

<sup>103</sup> She has published numerous articles in journals, such as *Feminist Issues*, *Feminist Studies*, *Signs*, *Women's Studies International Forum* and *The International Journal of Women's Studies*.



“Feminism and feminist movements in the Middle East, a preliminary exploration: Turkey, Egypt, Algeria, People’s Democratic Republic of Yemen” (1983)<sup>104</sup> sheds valuable light on her life. The analysis of these primary sources partly reveals how historical, social, and political conditions shaped her life. Her writings are thus covered in the following three frame lines: the early years; schooling and further education; and marriage, divorce, and migration to America.

Ahmad Laila Nadine Abdulaziz, as she was officially named (known in English literature as Leila Ahmed), was born in 1940 in Cairo, Egypt. In assessing her perception of herself and her world, her birth date means that she grew up in Nasser’s Egypt when rapid social change was the order of the day. In her autobiography which took over six years to write, she states that her intention was to write of her memories, not of history or politics, yet she could not understand her own experiences without these.<sup>105</sup> She has become a strong critic of nationalism in Egypt and the Middle East. For instance, she devotes an entire chapter “On becoming an Arab” (1999a) in her autobiography to the question of Arab nationalism and the political factors and efforts which went into constructing an Arab identity for Egypt. According to her research, the idea that Egyptians were ‘Arab’ was virtually unheard of well into the 20<sup>th</sup> century (Ahmed 1999a:247, 265). Although Egypt was not a British colony it was under Britain’s comprehensive tutelage until the 1952 revolution, which ultimately brought Gamal Abdel Nasser to power. Politics permeated her family’s household; Ahmed’s father was a wholehearted supporter of women’s rights and an admirer of Gandhi (Ibid:34, 71). Ahmed’s father, also Egyptian born (in 1889), was a high-ranking government engineer (Ahmed 1999a:93). Her mother, who was twenty years his junior, was from an upper-class Turkish family, but her paternal home was a Turco-Egyptian harem (Zatoun) in Alexandria (Ahmed 1999b:13; 1999a:68). Ahmed’s texts reveal that the marriage of her parents in the late 1920s was prearranged according to Arabic tradition (e.g. they never saw each other before the marriage), nonetheless it was a happy one (Ahmed 1999a:45, 68, 71, 95). She was the youngest of the children born from the union.

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<sup>104</sup> In the collection of articles presented to RB Serjeant on the occasion of his retirement from the Sir Thomas Adams Chair of Arabic at the University of Cambridge.

<sup>105</sup> See Anon. (2009a). (“An interview with Leila Ahmed” [online]. Available from: [http://www.us.penguinroup.com/static/rguides/us/border\\_Ahmed](http://www.us.penguinroup.com/static/rguides/us/border_Ahmed)) [Accessed 23 October 2009].

The relationship with her mother was cold and reserved (Ahmed 1999a:54, 55, 68). She spent most of her time with her nanny when the older siblings were playing together, which made her feel that her childhood was lonely (Ibid:52, 55, 64, 83). She was educated in Cairo and had an essentially European education. Ahmed (1999a:122; 1999b:13) writes that a religious education for Egyptian upper-class girls like herself was almost non-existent – the Qur’anic verses were not memorised, nor was written Arabic, or the traditional stories exemplifying Islamic heroism seriously encouraged or propagated. Her grandmother, however, taught her the *Fatiha*, the opening verse of the Qur’an and a few other short *suras*. Ahmed shared this condition (mixed identity) with many other upper-class Muslim girls at the time. This was seen in her life, for example, when both she and her siblings developed a decided preference for the English language, chiefly because the adults around them, except her father, could not understand the language. She ignored Arabic films and music and she read the English classics instead, setting her sights on Cambridge at an early age (Ahmed 1999a:23, 143). In her article “The heard word: passing the message of Islam, woman to woman,” Ahmed (1999b:13) writes that with her mother she lived in the time, space and culture of upper-class women – a subculture rather – which was strongly shaped by leisure time and dreaming. Although her mother was literate, she spent most of her time at home watching television and lighting cigarettes, but she never had any professional life (Ahmed 1999a:21, 73, 94). Her mother represented a female model that did not appeal to her; instead she wanted to become an active person who was trained academically, like her father (Ibid:74). This conflicting interests of a mixed identity acquired by Ahmed as a result of her exposure to British colonialism and to Arabic culture was compounded by her exposure to her mother’s advocacy of the cause of women in Islam as well as the influence of her father, an official who represented the textual, masculine orientation of mainstream Islamism (Ahmed 1999b:13). This realization would later form the basis of her first acclaimed book, *Women and gender in Islam: historical roots of a modern debate* (1992), a seminal work on Islamic history, Muslim feminism, and the historical role of women in Islam. Her article “Arab culture and writing women’s bodies” in *Feminist Issues* (1989a) is an analytical study of the history and practices of oral culture in Arab women’s lives which opens new perspectives in the light of which women’s place in Muslim culture can be discussed.

Sufism has an important place in Ahmed's writings, such as in "Feminism and cross-cultural inquiry: the terms of the discourse in Islam" (1989:145) in which she focuses on the story of a Sufi woman, Rabia (b. 717) and in "Early Islam and the position of women: the problem of interpretation" (1991). In this, one of the first scholarly collections to stress Middle Eastern women's history, she highlights both Sufism and the Qarmati movement, which emphasises that there has never been only one set of Muslim women. Thus, diversity of culture and religious tradition should always be acknowledged in any discussions of Muslim women (Ahmed 1991:65, 71).

As mentioned, although Ahmed was raised in a Muslim family, Western thinking was not new to her, nor was feminism. The linkages or articulations between Muslim beliefs and the influence of other faiths in Ahmed's life need to be understood to understand her work. In her book, *A border passage: from Cairo to America—a woman's journey* (Ahmed 1999a:52, 98), she notes that her great-grandmother was a Christian (Eastern Orthodox) slave from Russian Georgia and her nanny (with whom she spent most of her childhood and adolescence) was a deeply religious Yugoslavian-Croatian Catholic. Ahmed (1999a:63) writes that her nanny taught her about belief in one God, "God was the same," she said, "whatever religion you were, whether Muslim, Christian or Jewish." Her best childhood friends were a Palestinian Christian (Jean Said) and an Egyptian Jewess (Joyce Alteras) (Ibid:10). These people made a lifelong impression on Ahmed, who became an intermediary, connecting and mediating between Western and Middle Eastern cultures. Although the Western and traditional Islamic ideas of womanhood have not been an easy match in her life, the influences of other faiths and multicultural upbringing may have helped her to grow in tolerance.

Education has always played an important part in her life. At the age of fifteen Ahmed knew she wanted to be a writer (Ahmed 1999a:74). After gaining a Bachelor of Arts degree with English as a major (1958-61) she began to take steps to further her studies at Cambridge University. This initiative was seriously delayed, however, because her father, an engineer and ecologist, unintentionally exposed his family to years of official harassment by opposing one of Nasser's most ambitious projects, the Aswan High Dam (Ahmed 1999a:17, 74). In fact, his opposition led to his dismissal from his employment. Furthermore, his bank account was frozen and the

government refused to issue a passport to Ahmed (Ibid:21) whose dreams of Cambridge were therefore kept in abeyance for a number of years. When she finally received her passport to go to England, her father was ill with chronic pneumonia, and he died soon after her departure. Her mother died a few years later (Ibid:30). Ahmed undertook research at Cambridge University (1966-1971) under supervision of R B Serjeant and Thomas A Arberry (well-known for his English translation of the Qur'an) (Ahmed 1983:280; 1999a:208). She graduated in 1971 from Girton College with a PhD entitled *E W Lane and British ideas of the Middle East in the nineteenth century* (Ahmed [1978] 1983:281). In her dissertation, which was published in 1978, she analysed the work of the British orientalist, Edward Lane (resident in Cairo) who, as early as 1843, pointed out that a rapid westernising drift was in progress in Cairo. Her doctoral study (in Literature) took her into the discipline of history with the emphasis on Islam.

During her years at Cambridge she formed a close friendship with Alan<sup>106</sup>, an American PhD student who was four years her senior (Ahmed 1999a:208, 209). They married and Alan converted to Islam and changed his name to Ismael (Ibid:219, 220). Ahmed (1999a:208) notes that the "marriage did not last long, probably most of all because of the stresses that overtook their young lives, which they did not know how to handle." Divorce for her meant loneliness, particularly since she had grown up in a society where social relationships were of great importance. At about the same time the stresses of cultural confusion caused by her mixed identity as an Arab in the West began to burden her sensibilities (Ibid:91, 234, 238). Ahmed speaks of her experience in Europe as one (marked with racism and anti-Muslim prejudice) that was often fraught with tension and confusion as she attempted to reconcile her Muslim Egyptian identity with Western values. Ahmed (1999a:230, 271) writes that she was able to overcome depression and loneliness by burying herself in her work.

Her life took a new turn when she managed to secure a teaching post in al-Ain with the Department of Comparative Literature at the University of the United Arab Emirates (she was an adviser to the Ministry of Education and an associate

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<sup>106</sup> Ahmed's text does not give his surname.

professor, as well as chair of the Department of Foreign Languages at the University of the United Arab Emirates). Soon after her arrival in the United Arab Emirates, she was invited to serve on a committee to oversee the development and reform of education throughout the nation. Ahmed (1999a:273) states that in those days there were no more than three or four people in the entire country with PhDs. It was this fact that made it possible to appoint a woman to this high-level post. Although she had taught previously at the University of Ain Shams (1962-1963) and al-Azhar University Women's College (1963-1965) in Cairo, it was during her time in the United Arab Emirates that her noteworthy academic career as an historian got under way (Ahmed 1983:281). Her position in this strictly segregated society afforded her the rare opportunity to meet with local women to hear directly from them how they felt about women's issues (such as education), with the result that she gained a sharpened feminist profile (Ahmed 1999a:274, 288).

Reinharz (1992:6) notes differences in the definition of feminism among those of different class, race and generation (i.e. differences around specific issues, between academic feminists and activist feminists etc.). Sometimes people who do not wish to be called 'feminist' are labelled anyhow; conversely, some who want to be acknowledged as feminist are not. Ahmed is an example of the former. Nowhere does Ahmed promote herself a feminist, yet, her work advances feminist goals and thus she has acquired the title. With this remark, a connection is made between Ahmed and Huda Sha'rawi<sup>107</sup>, the founder of the Egyptian Islamic feminist movement, who died in 1947 (when Ahmed was only seven years old) and whose example paved the way for a new generation of Egyptian women. Although Ahmed does not particularly emphasise this tie (other than her close friendship with Huda's great-granddaughter, Nini Sha'rawi) she analyses Sha'rawi's writings in many of her works, such as "Between two worlds: the formation of a turn-of-the-century Egyptian feminist" in *Life/lines: theorizing women's autobiography* (1988b). Sha'rawi's feminist principles have been a seminal influence in feminist thinking, such as her aim to raise women's general level of intellectual accomplishment and morale, for instance by demanding free access to schools and higher education. In the essay, "Early

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<sup>107</sup> Huda Sha'rawi (1879-1947) is known as one of the greatest feminists of the Arabic world. Being forced into an early marriage at the age of thirteen, she decided to devote her energy to transforming her society to secure a more just place for women.

feminist movements in Turkey and Egypt” (1984), she, together with many other Muslim scholars, emphasises that initially men were the advocates of feminist notions and most strongly urged the importance of educating women and raising their status in Egypt and Turkey. She argues that a transformation of society must entail the advancement of the whole nation, regardless of gender. Further, Ahmed’s essay “Between two worlds: the formation of a turn-of-the-century Egyptian feminist” (1988b), published with a collection of essays on women’s autobiographies in *Life/Lines: theorizing women’s autobiography*, edited by Bella Brodzki and Celeste Schenck (1988b) analyses the indigenous (native) contributions of women to the establishment of an Egyptian feminism. She points out, for example, the assertion by Huda Sha’rawi that indigenous thought has engendered in women a strong sense of self-worth and a desire to resist social injustice, although they may not have the political means to mount a successful campaign to achieve their ends. Ahmed is concerned here with the rather complex issue of explaining what being female means to Arab women; or more exactly, how women negotiate their sense of self in relation to the gender structures imposed by the Islamic culture.

Ahmed is perhaps most widely known for her work on the Islamic view of women and their historical and social status in the Muslim world. She began to form the idea of looking into the history of Muslim women. She became highly interested in change throughout Islamic history, starting from pre-Islamic times (Ahmed 1999a:290). She researched such topics as the wives of Mohammad and women’s contribution to classical society, as seen in her text, “Early Islam and the position of women: the problem of interpretation” (1991). However, Ahmed soon extended her historical ideas from pre-Islamic Arabian women to the practical issues of contemporary women in Muslim societies. Her work, *Women and gender in Islam: historical roots of a modern debate* (1992), is a fine example of her pursuit of this interest and is a text often referred to by feminist scholars.

Ahmed began to form the idea of going to America (like her siblings who had settled in America after living in Europe: England, Switzerland and Germany) after realising that further advancement in her profession could only be achieved by taking this step, which would presumably allow her to read and research freely and to acquire the tools and methods of research that women there were developing and using

(Ahmed 1999a:290, 293). In her first article, “Western ethnocentrism and perceptions of the harem” (1982:521) since her arrival to America, Ahmed analyses the relationship between Muslim women and Western feminism claiming that “Americans by and large know nothing at all about the Islamic world, despite America’s heavy embroilment in the area and despite the fact that Muslims constitute something like one quarter of the world’s population.” That was written nearly three decades ago and Ahmed has lived in America since 1979. She is a ‘world-traveller’ who did not return to her native land (see section 1.4.5). In the United States she found her place in academia. In fact, her book, *Women and gender in Islam: historical roots of a modern debate* (1992) is used as a standard textbook in many classes where women’s studies are taught, presenting a comprehensive overview of the historical evolution of the position of Middle Eastern women. In it Ahmed (1992:12) argues that the oppressive practices to which women in the Middle East are subjected are due to the prevalence of patriarchal interpretations of Islam rather than Islam itself, a view that is supported by many Islamic feminists. For instance, Haleh Afshar (1996:140) comments on her text as well worth reading for a thorough historic overview of women in Islam providing an “excellent overarching historical perspective of both the secular and the Islamist movements of Middle Eastern women, as well as providing a millennial historical view of their political engagements.”

Ahmed’s book *A border passage: from Cairo to America* (1999a) has been described as “A richly insightful account of the inner conflicts of a generation coming of age during and after the collapse of European imperialism” (in Crossette 1999:6). Through her personal, sometimes melancholic and negative, experiences as an adolescent, Ahmed brings up issues relating to Muslim women’s personal identity, for example how it is affected by immigration and colonialism. She processes pain through writing. She had lost both her parents, married and divorced, before she began to form the defining ideas of her religious identity as a Muslim woman. Ahmed believes she can exert a greater influence on Muslim society from abroad, partly because of freedom of thought and speech. She points out that professional Muslim women and feminists living and working in the Middle East have to contend with numerous disadvantages. Ahmed (1983:165) writes: “I believe only one woman to date – Fatima Mernissi has succeeded, while based in the Middle East, in surveying, considering, analysing and debating the implications of a feminist perspective from a

position that is cool and culturally assured, undistracted and unworried by issues of cultural rivalry.”

As a fellow at the National Humanities Centre, Research Triangle Park in North Carolina, Ahmed (1983:281) has lectured at various universities in the United States. From 1980 she taught at Amherst University of Massachusetts, where she was director of the Near Eastern Studies Program from 1991 to 1992, and director of the Women’s Studies Program from 1992 to 1995 (Ahmed 1999a:293). In addition, in 1992 she was a distinguished visiting professor at the American University in Cairo, Egypt. In 1997 she was elected to a life membership at Clare Hall, University of Cambridge, UK (Ahmed 2003:1). She received a distinguished faculty fellowship award for the 1996-97 academic year. In 1999 she was appointed to the Women’s Studies in Religion professorship at Harvard Divinity School.<sup>108</sup> According to sources at Harvard University Ahmed is currently engaged on a project aimed at fostering inclusion of diverse voices in the debate among Muslim Americans on women’s issues, naturally including gender and sexuality.<sup>109</sup>

### **3.3 Elizabeth Fernea**

Elizabeth Warnock Fernea presents some of the first collections of material on women in Muslim societies. She is the author, co-author or editor of thirteen books. An analysis of Fernea’s biographical details should start with an explanation of her name, since in Middle Eastern Muslim literature she is not known by her official name as Elizabeth Warnock Fernea, but simply as B J (or Beeja). On arriving in the tribal village of El Nahra during the late 1950s, she introduced herself to women as Elizabeth, which they found unpronounceable because of its unfamiliar combination of syllables (Fernea 1969:28). ‘I have another name’, Fernea (1969:29) stated, knowing that diminutives were often used there: ‘It is B J’. The women made this Beeja saying, ‘She is called Beeja’; thus, Fernea was named. Fernea’s career development is rather remarkable. It goes from the personal journals of the uneducated, newly-wed adolescent to motherly records of the everyday life of

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<sup>108</sup> See Shanahan ([kay\\_shanahan@harvard.edu](mailto:kay_shanahan@harvard.edu)), 4 November 2002. *RE: Professor Leila Ahmed. e-Mail to A J Tuppurainen ([rikuanne@canada.com](mailto:rikuanne@canada.com))*.

<sup>109</sup> Ibid.



children in an unfamiliar Middle Eastern culture. It then proceeds to descriptions of village life in El Nahra and Bab Agnaou Rue as presented in the ethnographic chronicles of, *A view of the Nile: the story of an American family* (1970) and *A street in Marrakech* (1975). At this stage her work has made her one of the best-known American ethnographers on Middle Eastern women's studies.

Fernea, a North American white woman, was born in Milwaukee, Wisconsin in 1927 to immigrant parents.<sup>110</sup> Her mother was a Polish Catholic and her father a Scottish Presbyterian minister's son.<sup>111</sup> Religious dialogue was common in Fernea's family where her mother's Catholic faith took precedence over her father's Protestant faith in that Fernea herself chose the Catholic faith (Fernea 1998c:xv). Fernea's mother was a high school teacher and her father a mining engineer, who was sent to Canada by his employer during the early years of the Depression (Fernea and Fernea 1997:xv). Growing up in the wilds of the country was quite an experience for the whole family. In an interview with Rebecca Manski (2005), Fernea stressed that her father refused to house his family in the American compound (a set-up which he found undemocratic), but chose instead to live with the ordinary folk in town. This forced Fernea to make friends among the local Canadians, which was not without problems, because the children in the immediate neighbourhood where Fernea lived disliked Americans and she soon discovered how it felt to be an outsider. In an interview with Fatza Hassan (2001) of *Al-Ahram Weekly*, Fernea tells how she remembers watching children passing below her window shouting: 'It is not that we hate you. It is just that you are American.' Although, it took a long time for Fernea to understand the implications of what she had heard, it helped her a great deal later, planting in her the seed of tolerance.

In an interview with Fatza Hassan (2001), Fernea reveals that her parents believed that women have rights that place them on an equal footing with men. Her mother, for example, made a deal with her husband to live in Canada if the family went back to the United States for the holidays, a condition which both parents respected. One

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<sup>110</sup> As mentioned in chapter one, she passed away on Dec 2, 2008, at the age of 81.

<sup>111</sup> Anon. (2006a). ("African women bibliographic database" [online]. Available from: <http://www.africabib.org.htm>) [Accessed 14 June 2006].

of the great benefits of living in Canada was that Fernea learned Latin and French, which became a solid foundation for her language studies when she later lived in the Middle East. Later the family moved back to the United States, where Fernea continued her education. She was a senior at Jefferson High School, in Portland, Oregon in 1945 and had a scholarship to Reed College in Portland, Oregon (a liberal arts college) from where she graduated with a Bachelor of Arts degree in 1949 (Fernea 1998c:xi). In this regard, it is significant to note that this is the only degree that Fernea obtained.<sup>112</sup> She met her future husband, Robert Fernea (born 1932) at Reed College, from where he went on to the University of Chicago for his graduate studies (Fernea 1998c:xii). Instead of furthering her own academic career at this point, Fernea worked to help her husband to obtain his degree. She (1970:ii) also engaged in public relations work for Mt Holyoke College and the University of Chicago, and worked as a reporter for the *Christian Science Monitor*, the publication of *The Christian Science Movement*.

With Fernea's background and the example of her mother in mind, it is clear why she did not hesitate in 1956 to follow her new husband, a social anthropologist, to the Middle East (Hassan 2001). As a newly wed she was going to live in El Nahra, Iraq among the conservative Shi'a sect, where no-one spoke English and where no Western woman had ever lived before (Fernea 1969:3). After arriving in this strange land with her elementary Arabic skills (hastily studied at Georgetown University before departure), Fernea realised how little she knew and yet how much she could learn (Ibid:7). Encouraged by her husband, she started to write down her observations about women's lives in this tribal settlement in southern Iraq. It is remarkable that Fernea's first book, *Guests of the Sheik: an ethnography of an Iraqi village* was published as early as 1969 (that is, six years before Fatima Mernissi's influential *Beyond the veil: male-female dynamics in a modern Muslim society*). Thus, it can be concluded that Fernea's adventure in Middle Eastern Studies began almost by accident (without any anthropological training), just by following her husband. With the latter as her tutor and teacher, she persistently engaged in academic inquiry. Interestingly, in her interview with Fatza Hassan (2001), Fernea

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<sup>112</sup> Adams, D ([d.adams@mail.utexas.edu](mailto:d.adams@mail.utexas.edu)), 3 April 2006. RE: Professor Elizabeth Fernea. e-Mail to A J Tuppurainen ([rikuanne@canada.com](mailto:rikuanne@canada.com)).

compares her first impressions and emotions in Iraq with those she had as a child when moving to Canada, where the American compound had a fence around it – only for Americans – but her father refused to live there. In the same way, in the Iraqi village, Fernea refused to stay in her little American-cocoon, but rather went to live among the local families, sharing the local women’s everyday joys and struggles. She was a great believer in the people as her father had been (Manski 2005). With a positive attitude, Fernea adapted to the unusual circumstances. Instead of complaining about the lack of comfort, she turned her energies to doing some anthropological research on her own and ultimately published her first book. The seemingly sensational title of this first work, *Guests of the Sheik: an invitation to visit a harem* aroused reviewers’ interest, only to disappoint them with its serious content. It was only when her publisher renamed the book: *Guests of the Sheik: an ethnography of an Iraqi village* (1969) that Fernea’s work, the first English-language book about Middle Eastern women written by a female academic, drew serious notice (Manski 2005) and has been in print ever since. It is also cited in the Penguin’s *500 great books by women: a reader’s guide* (Bauermeister et al 1994). *Newsweek*<sup>113</sup> magazine listed it as one of ten best books to read about the Middle East since the September 11<sup>th</sup> tragedy.

When Fernea first started her work in the 1960s, women were not encouraged to study women, especially not in the Middle East. Women’s activities were part of the private domestic domain and not considered public or important. In her interview with Manski (2005) Fernea observed that her work broke new ground in the field. Little literature in English existed on the topic when Fernea entered the Middle Eastern women’s world (previously inaccessible to Western academia). Fernea (1998c:xvi; 1970:262) writes that her stay in Iraq was followed by six years in Egypt (1959 to 1965), where all three of her children were born: Laura Ann (her oldest born in 1960), followed by David and Laila, thus named to commemorate her Egyptian origins. Fernea has always placed family at the centre in her life in ways that some American feminists would not appreciate. While her husband was teaching anthropology at the American University in Cairo, her days were filled with child care, but her notebooks were filled with her observations on the lives of ordinary Muslim

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<sup>113</sup> See Anon. (2000).

women in Egyptian society, which was not dictated by personal preference so much as circumstances (Ibid:75). In her interview with Manski (2005) Fernea remarks that she could not teach because there was a rule among the American faculty that a wife could not teach if her husband was teaching. This rule, ostensibly to curb nepotism at the University of Texas was declared unconstitutional in 1973 and Fernea was able to start teaching there two years later. Her teaching career has been centred for twenty-five years at the University of Texas in Austin as the following unbroken series of appointments illustrate (based on information provided by the university)<sup>114</sup>. Fernea's first appointment (from 1975 to 1981) was at the University of Texas as instructor in the Departments of Middle Eastern Studies, Sociology and English, and at the Centre for Middle Eastern Studies. In the evenings she worked with Basima Qattan Bezirgan, co-translating the first ever collection of Middle Eastern women's writings into English which became the *Middle Eastern Muslim women speak*, edited by Fernea and Bezirgan (1977), the classic favourite among Fernea's books. It comprises an analysis of struggles of women in twelve different Islamic countries. Despite their different backgrounds and experiences, the women who are the focal figures in the book work out their own solutions within the context of local practice established between the opposite poles of Qur'anic injunction and family and tribal custom. The editors argue convincingly that women change the supposedly static conditions prevailing in their societies. Muslim women develop their own cultural values and their own definitions of status and prestige according to their settings: urban, rural or nomadic. No-one can change society by building an external model; instead people's values and attitudes have to be changed from the inside by means of education, securing legal rights, participating in politics and actively joining the labour force. From 1981 to 1986 Fernea lectured at the Centre for Middle Eastern Studies where she presented courses in the English department titled Women's Studies (a provocative course that she dubbed Middle Eastern Women's Feminism). From 1989 to 1999 she was appointed senior lecturer in the Departments of English and Middle Eastern Studies. Fernea was one of the founders of the Women's Studies Program and a former president of the Middle East Studies Association. She retired from her teaching position in 1999 and was appointed professor emeritus of English and Middle Eastern studies.

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<sup>114</sup> Adams, D ([d.adams@mail.utexas.edu](mailto:d.adams@mail.utexas.edu)), 3 April 2006. RE: Professor Elizabeth Fernea. e-Mail to A J Tuppurainen ([rikuanne@canada.com](mailto:rikuanne@canada.com)).

Fernea's books include *The Arab world: forty years of change* (1997)<sup>115</sup> (co-authored with her husband Robert Fernea), a well-wrought account of her forty-year-long research career. Fernea's advantage is that her research is not restricted to only one Muslim society. Rather, her personal anthropological research is based on three Muslim societies in three different countries, Iraq, Egypt and Morocco, where she has lived with her family. Moreover, she has travelled extensively in various countries doing research among women; for instance she has done research in Uzbekistan, Kuwait, Turkey, Saudi Arabia and Israel. Fernea's personal ethnographic-biographical writings describe both the 'visible' and 'invisible' Islam. She emphasizes her role as a non-Muslim ethnographer, one who is both inside and outside the culture. She must be credited for her capacity to remain an observer without being drawn into unjustifiable generalizations about Muslim women while analysing the dynamics of women and Muslim society in the process of social change.

Her research for *Women and the family in the Middle East: new voices of change* (1985) was conducted with the assistance of a grant from the National Endowment for the Humanities to make a classroom film and a study guide for teachers on social change in the Arab world from women's perspectives. Fernea's article, "The veiled revolution" (1993) and her article, "Muslim Middle East" (1991) provide outstanding information on often overlooked issues concerning the status of children and family relationships in Muslim societies. In addition, her edited work *Children in the Muslim Middle East* (1995a) (translated into Arabic) provides scholarly information on the topic discussed, particularly its collection on 'Children and Health'. In one way or another, Fernea describes social change – evolution within the bounds of Islamic tradition – in all her books. She analyses cultural, religious, sociological, political and ideological changes that she has personally witnessed over forty years, as well as the dreams, struggles, methods and strategies of women who actively participated in bringing about these changes.

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<sup>115</sup> *The Arab world: forty years of change* (1997) is an updated and expanded version of Elizabeth and Robert Fernea's earlier book *The Arab world: personal encounters* (1985).

Besides the books and articles, Fernea, a veteran activist in promoting Arab views to an American audience, has produced documentaries supporting her text material, including *A veiled revolution: women and religion in Egypt* (1982a), *Saints and spirits* (1982b), *The Arab world* (1982c), and *Living with the past: historic Cairo* (2001). Her films have been selected for showing at the Margaret Mead Film Festival; American Museum of Natural History, New York; the Royal Anthropological Institute's International Ethnographic Film Festival in England; the National Gallery, Washington, DC; Utrecht University, Holland; the Stockholm, Sweden Ethnographic Museum; and the London Film Theatre. One film, *Some women of Marrakech* (1988), was shown as part of the Public Broadcasting Service Odyssey series, and several of her films were finalists in the American Film Festival. Of all her films *The struggle for peace: Israelis and Palestinians* (1992) has drawn most criticism. Funded in part by the National Endowment for the Humanities, its chairman, William J. Bennett labelled her work 'propaganda' and a 'political tract' that should never have received federal money. Nevertheless, despite a reputation for controversy Fernea's documentaries have attracted consistent support.

It is not her educational level or her academic degrees (or lack of them), but her remarkable self-discipline, her independent, self-directed research, her published writings and her university appointments, which have made her known as a woman who had something to offer in Middle Eastern Studies. Although she had been living, travelling, filming and lecturing for forty years around the globe, she never pretended to be anything other than what she was, an American middle-class white Christian. Her work, *In search of Islamic feminism: one woman's global journey* (1998c) brought her life full circle from graduating from Jefferson High School in Portland in 1945 right up to the new millennium, investigating the integration of Islam in her hometown of Portland, Oregon.

### **3.4 Fatima Mernissi**

Moroccan social scientist, Fatima Mernissi, is an internationally recognized sociologist and writer. Many agree that the new age of the study of Middle Eastern women was pioneered by her. She has an excellent command of French, Arabic, and English and her books are published in twenty-six countries and translated into several languages including German, Dutch, and Japanese. Her writings are aimed

at several audiences: one primarily female and Muslim; the other primarily Western and academic (Armajani 2004:4). She has numerous women doing research for her on issues touching Muslim women's lives. A series of books on women and the law have been published in North Africa (Morocco, Algeria and Tunisia) under her editorial supervision. Besides publishing books, articles and documentary videos, she is also given to promoting dialogue: bringing men and women together in public discussions and collaborative projects to confront some of the most compelling issues in their own communities. She is said to be "one of the most eloquent voices of feminism in the Muslim world."<sup>116</sup> *The Sunday Times Book Review* (quoted in Mernissi 1996c:ii) takes the view that "the women of Islam have been speaking out for fourteen centuries, but none has been more eloquent than Fatima Mernissi."

Fatima Mernissi (1994b:1, 6), also known as Fatema Mernissi, Fatima El Mernissi and Fatima Mirsani, was born in 1940<sup>117</sup> in one of the last harems of Fez, Morocco, as her parents' first child (a sister and brother followed) and was named after the daughter of the Prophet. Mernissi's hometown (1992:61; 1994b:21) was one of the centres of the nationalist movement against French colonial rule and her home was a well-maintained harem, strictly guarded by a gatekeeper so that the women could not escape from it. Mernissi (1994b:128) gives examples from her life in the well-protected privacy of the harem. For instance when the women went to the cinema, the whole harem would sit in two rows, having bought tickets for four in order to leave the rows in front and behind unoccupied. Mernissi (1992:61; 1994b:3, 153) writes that from childhood she thought that behind every boundary something terrifying was hiding. Yet her childhood was happy. She lived in a house that had an enormous traditional courtyard floored with marble, one of the highest terraces in town and ten cousins of the same age who were constantly running around, laughing and playing. Mernissi (1994b:6) writes that her paternal grandmother, Lalla Mani, occupied the salon of the harem where she (Mernissi) had to visit twice a day, once in the morning to kiss her hand and a second time in the evening to do the same. This twice-a-day habit became so ingrained that even today for an Arab woman like her, having her hand kissed by a Western man arouses confusion since she was

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<sup>116</sup> See Mernissi (1996b:265) a reference to *Development and Change*, a publication of the *Institute of Social Studies*.

<sup>117</sup> Mernissi was born the same year as Leila Ahmed, and the year after Asghar Ali Engineer.

taught to kiss the hand of a man or of an elderly woman, beginning with her father and her uncles. The key writings which provide insight into some of these events and perceptions of Mernissi's life are *Scheherazade goes west: different cultures, different harems* (2001) and *The harem within* (1994b) also called *Dreams of trespass: tales of a harem girlhood* (1994a).

Her maternal grandmother, Yasmina, was one of nine wives sharing her husband with eight co-wives, who also lived in a harem on a farm one hundred kilometres to the west of her home (Mernissi 1994b:24, 34). Her grandmother Yasmina was not rich, nor was she the first wife and she did not enjoy the level of respect vouchsafed to some of the other wives, but instead was assigned a number of housekeeping duties. Mernissi (1987a:48; 1994b:36) relates that her grandmother was kidnapped on the Chauouia plain, and was then sold in Fez where she later bore Mernissi's mother as a concubine to a member of the politically and financially powerful landowning urban bourgeoisie (the main buyer of female slaves for decades after the French occupation of 1912). Some of her co-wives who had been slaves had come from foreign lands such as the Sudan, but others had been stolen from their parents in Morocco (Mernissi 1994b:36). Fortunately, her grandmother's fate did not fall upon her mother. Her father took only one wife, partly because Mernissi's mother was against polygamy, but more particularly because the nationalists disapproved of polygamy. Mernissi (1992:78; 1994b:3) states that at the age of three she was sent to the Qur'anic school where all the learning happened under strict supervision and the teacher's long menacing whip. Mernissi was constantly berated, yelled at and beaten whenever she made a mistake while trying to memorise the Qur'an - so much so, that she came to view religion as something to be feared (Mernissi 1994b:3). Later, as a teenager she found some of the religious lessons difficult to accept, as in the case of the misogynist *Ahadith* which equate women's position to that of dogs and donkeys. It was her maternal grandmother who opened the door to a poetic religion and inspired her love of the Islamic texts.

In her interview with Nong Darol Mahmada (2003), Mernissi remarks that because of the political situation in Morocco she was involved in a national upheaval of thought, which raised questions in her young mind, such as the restrictions imposed on girls. Mernissi (1994b:8) posed such questions to her mother who agreed that some of her



questions were valid but cautioned that they were out of bounds and best left alone. Mernissi developed an ambivalent relation with religion. Consequently, this would influence her work, which evinces feminist views characterised by a strong emphasis on the reinterpretation of classical Islamic texts from a woman's perspective. Her first feminist actions were 'a couple of protests' in the early 1960s along with some other young students as recorded by Kramarae and Treichler (1985:140). Growing up in a traditional middle-class (not an upper-class like Ahmed) Muslim family, Mernissi was forced to veil at the age of four by her father, yet her mother and grandmother fought against this rule. Mernissi (1994b:9, 89, 106) writes that her young mother rejected male superiority as nonsense and anti-Muslim: "I have suffered enough of this head covering business, Allah made us all equal, covering your head and hiding will not help, hiding does not solve a woman's problems." With that she snatched off the scarf and Mernissi has not worn it since. It can be seen that this determination to enforce the rights of women (feminist thought although it was not called that) was planted in Mernissi's heart during these early years and subsequently developed and influenced her work.

Education plays a crucial role in Mernissi's life. Of the four selected authors she alone fluently reads and writes Arabic, French and English and is the only one who has both an Islamic and a modern secular education. On hearing that the religious authorities supported women's right to go to school, her mother asked her father to transfer Mernissi from the Qur'anic school to the 'nationalist' open institution of learning for girls (Mernissi 1994b:207). Her father called an official family meeting, which accepted the proposal and transferred not only her but all ten her cousins too. The effect of the change of school was electrifying, an enormous step in a traditional family that deeply affected life in the harem as these young people passed into the outside world through open gates for the first time on their own. This radical change pitched Mernissi headlong into a new culture. Mernissi (1994b:211) writes that with change in the air, her mother asked to attend literacy classes, yet her request was turned down by the family council. Although she had been the instigator of change, it was too late for her to benefit from it. Thus, being thwarted, she decided to do her best to ensure that her daughters would have a life different from hers – a life full of opportunities, education and travel. Mernissi (1994b:211) notes that her mother dreamed that her daughter would "transform this world by creating a planet without

walls and without frontiers, where the gatekeepers have off every day of the year.” Interestingly, Mernissi’s (1993:218) book, *The forgotten Queens of Islam* reveals that the change from the Qur’anic school to the ‘nationalist’ institution was not an easy transition but demanded its own sacrifice (e.g. forgetting Arabic songs and culture with the coming of the Western songs of Elvis Presley and Marilyn Monroe). Nevertheless, secular education without doubt widened her understanding and tolerance and prepared her for her international career.

In 1960, at the age of nineteen, Mernissi had finished secondary school and left Fez for the Mohammad V University in Rabat. The independent Moroccan state had underwritten her university and living expenses, which made it possible for her to study Political Science (Mernissi 2001:4). In her interview with Nong Darol Mahmada (2003) Mernissi relates how the nationalists opened schools for the traditionally secluded women, which miraculously allowed her to escape illiteracy: “If I was born two years earlier, I would not have obtained an education, but I was born at the right time.”<sup>118</sup> While in Rabat, Mernissi became friends with Kemal<sup>119</sup>, a fellow Moroccan student who happened to be from her neighbourhood in Fez. Mernissi (2001:8) writes that this relationship carried on throughout their student years and has continued for over four decades since they became adults and started teaching at the same University of Mohamed V. After obtaining a master’s degree in politics from Mohammad V University in Rabat, Morocco, Mernissi studied political science at the University of Paris, the Sorbonne and Brandeis University, Massachusetts, US, where she earned a doctorate in 1973 (Mernissi 1996c:ii). Her publications began in 1975 with her dissertation entitled *Beyond the veil: male-female dynamics in a modern Muslim society* [1975] (revised edition was published in Britain in 1985 and in the US in 1987a), which became a textbook and a key reference in the West for the subject of women and Islam. In her defining work, now a feminist classic, Mernissi (1987a:176) predicted, “The Muslim image of woman as a source of power is likely to make Muslim women set higher and broader goals than just equality with men.” This prediction has patently been fulfilled over the past thirty years, and so has her forecast that “women’s liberation in an Arab context is likely to take a faster and

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<sup>118</sup> See Mahmada (2003).

<sup>119</sup> Mernissi’s text does not give his surname.

more radical path than in Western countries” (Mernissi 1987a:177). Fernea (1977:926) has criticised Mernissi’s research as reported in *Beyond the veil*, arguing that instead of only fourteen in-depth interviews with Moroccan urban women and 402 letters written to a Moroccan religious counselling service, Mernissi should have used broader research data to support her position. Also Moghadam (2003) [1993:130] criticises Mernissi’s work by saying: “Although Mernissi underscores the revolutionary impact of the education of women in Muslim societies, she fails to consider the phenomenon of the educated Islamist women.” Moghadam’s observation, however, is not quite accurate. Mernissi’s essay, “Professional women in the Arab world: the example of Morocco” (1987b) refutes Moghadam’s claim by identifying some key mechanisms to insure the optimal use of educated women’s potential. Mernissi (1987b:50) does point out that young educated women are rejecting the subordinate status of their mothers and are benefiting from a free education at state universities, not to be nurses and secretaries, but to be doctors and lawyers, judges, and scientists.

After completing her doctorate Mernissi returned to Morocco where she taught methodology, family sociology and psycho-sociology at Mohammad V University in Rabat, Morocco from 1974 to 1980 (Mernissi 1988a:vi, 1996c:ii). She also lectured in sociology at the Institute of Social Research and King Muhammad al-Khamis University in the same city. Currently she is a professor of Sociology at the same university where she graduated and holds a research appointment at the University Institute for Scientific Research (*Institut Universitaire de Recherche Scientifique*) in the same city.<sup>120</sup> As an Islamic feminist, Mernissi is concerned with women’s role in Islam, analysing the historical development of Islamic thought and its modern manifestation. The central theme in her article, “Democracy as moral disintegration: the contradiction between religious belief and citizenship as a manifestation of the ahistoricity of the Arab identity” in the volume (edited by Toubia) *Women of the Arab world: the coming challenge* (1988a) is change. In it Mernissi asserts that women have the right to express their views and urge change. She calls for a comprehensive and scientific reappraisal of Muslim women’s history. She believes with many other Islamic feminists that retrieval and construction of their own history

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<sup>120</sup> See Rassam (2006).

is a necessary precondition for the dismantling of the frame of reference from which attacks are launched against them. As a sociologist, Mernissi has done fieldwork mainly in Morocco. Her work, *Doing daily battle: interviews with Moroccan women* (1988b) is a very readable transcript of eleven interviews of a total of 100 concerning Moroccan women's daily life, the painful reality of their lives as they struggle against poverty, illiteracy, and sexual oppression (she interviewed, among others, peasant women, women labourers, clairvoyants and maidservants) (Rassam 2006:1). Mernissi shows from this research that the greatest change is attended by the greatest struggle. When the book was published in the 1980s the greatest challenge facing Moroccan women was the barriers they had to overcome to gain access to public places, employment, and education. This work is outdated now in the Moroccan context, but it is still available as useful resource material for other Muslim societies which have to contend with similar difficulties.

Her influential works include *Islam and democracy: fear of the modern world* (1992) in which the theme is a departure from her other books in that its principal concern is with individual as well as collective fears. She concludes from her research that Muslim women are tired of being afraid and of obeying and believing without reason, without thinking for themselves, with the understandable result, on reflection, that they embrace modernity as a God-given opportunity to construct a new paradigm that is acceptable within Islamic tradition. The most significant feature of *The forgotten Queens of Islam* (1993) is not its documentation of influential women throughout Islamic history, but its relevance to the present situation of Muslim women and the fact that they have always been, and still are agents of change. *The harem within* (1994b) is a factually accurate account of harem life in the 1940s, and it is uniquely valuable as a primary source. Interestingly, it appears from this source (poems, lullabies and short stories about harem women) that although women's lives in harems are harmonious and peaceful, they find their situation stultifying. Thus, in the 1940s these Muslim women hoped and wished for equal rights just as they do today, despite making considerable strides in the interim towards equality in education and employment. They remain dissatisfied, however, because ironically, they are better equipped by their intellectual and occupational advancement to recognise and seek redress in areas where they are still disadvantaged.

The central issue of her short book (42 pages) *Can we women head a Muslim state?* (1991a) is human rights. 'Can a woman be a leader of Muslims?' was a question Mernissi (1991c:1) once tried out in her local grocery store and received the following reply: "Those who entrust their affairs to a woman will never know prosperity." According to her, this *Hadith* denigrates women (Ibid). Appalled by this and a range of similar traditions which Mernissi decided to dismantle, she constantly raises questions about sexual equality and asserts that it is incumbent on women to fight for better communities. Through a detailed investigation of the nature of the succession to Muhammad, she casts doubt on the validity of some of the *Hadith* and therefore the subordination of women that she sees in Islam, but not necessarily in the Qur'an. The booklet presents Qur'anic verses that support her view. It is interesting that *Can we women head a Muslim state?* (1991a) was published in Pakistan only three years after that country installed its first woman prime minister.<sup>121</sup> Moreover, the text is still directly relevant. On contacting the relevant publishing house in Pakistan more than a decade after the book was published, I found that the book is still available and as popular as ever.

Mernissi is well known as a Muslim feminist in North Africa, one of the best known Arab-Muslim feminists and a prominent activist in the Islamic world. She is a recognised public figure in her own country and abroad, especially in France, where she is well known in feminist circles (Rassam 2006:1). Many scholars in Middle Eastern Women's Studies agree that she pioneered the new age of the study of Muslim women. Her work and merit have made her one of the leading Muslim feminists and sociologists of the world, which is truly remarkable when one considers that she belongs to the first generation of educated girls in Morocco, and that very few Moroccan women of Mernissi's generation had access to any schooling at all, and still fewer to an advanced education (Mernissi 1987b:48). It has been estimated that on the eve of independence in 1955 there were only 40 university graduates in Morocco, all men, and only six girls who had graduated from secondary school (Abouzeid 1989:xix). She is a founding member of the Moroccan Organisation for

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<sup>121</sup> Benazir Bhutto (1953-2007) was the first woman elected to lead a Muslim state, having twice been prime minister of Pakistan (1988-1990; 1993-1996). She was assassinated in Dec 27, 2007, two weeks before the scheduled Pakistani general election of 2008 where she was a leading opposition candidate.

Human Rights. Martin Kramer (2006) notes that at times some Moroccans have tried to silence her voice - the voice of this educated, unveiled woman who agitates in the street in the name of the Charter of the United Nations against the *Shari'ah*. Mernissi (1992:154) has experienced threats and has been labelled a Western agent, traitor, and enemy of the Islamic community, yet there are Moroccans who ask Mernissi to assume an active role in politics. Although she has declined so far, she continues to influence politics and works for the political freedom of women through her writings. One of Mernissi's most famous and conspicuous works *The veil and the male elite: a feminist interpretation of women's rights in Islam* (1991b) [1987]<sup>122</sup>, is a feminist interpretation of women's rights in Islam, in which she dares to question what may never be questioned: the reliability of a sound tradition or saying attributed to the Prophet. The book was banned in Morocco after its publication in France (1987). Mernissi revised the book later and it was translated into English, and is now known as *Women and Islam: an historical and theological enquiry* (1991c). As noted by Afshar (1996:140), besides comprising a historical study of the role of the wives of Muhammad, the book provides an in-depth analysis of the meaning and imposition of the veil in terms of both the Prophet's life and the subsequent interpretations placed on the injunction on the relatives of the Prophet regarding modest dress.

Although Mernissi continues to live in and influence Moroccan society, she is an internationally recognised speaker and lecturer. A few years ago she visited ten Western cities for the promotion of her book, *Dreams of trespass: tales of a harem girlhood* (1994a) and was interviewed by more than a hundred Western journalists (Mernissi 2001:2). She has worked for numerous international institutions as a consultant, such as the United Nations Economic Commission for Africa and the United Nations Educational, Scientific and Cultural Organization (UNESCO) on projects dealing with the impact of socio-economic development on women and the family in Africa and the Arab countries. In addition, she has carried out research on women and development for the International Labour Organization (ILO) and has participated in various national, pan-Arab and international meetings on women,

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<sup>122</sup> Original published in French and translated into eight languages. Translated into English by Mary Jo Lakeland.

development and Arab sociology (Mernissi 1988b:vi). She was awarded the Prince of Asturias Award for Letters in 2003.<sup>123</sup>

Over the years, from the publication of her first book in 1975 to her most recent writings, Mernissi's thematic interest has become increasingly centred on Islamic feminism. In her most recent book, *Scheherazade goes west: different cultures, different harems* (2001), Mernissi corrects Western misconceptions about Muslim women and the message of Islam. She pursues this theme further in her article, "The rise of women as key players in the Arab Gulf communication strategies" (2005) which presents 'Digital Scheherazade' and is crucial reading for every serious student of religion and women's studies (see section 5.3.3.2).

### **3.5 Amina Wadud**

Amina Wadud (also known as Amina Wadud-Muhsin), was born in 1954 in Bethesda, Maryland as Mary Teasley to an African-American family. As the youngest of the four selected authors, she is a relatively new voice in the dialogue on women's rights in Islam. Her academic writings are systematic, well-organised and accessible. Her publications include two books and a few essays. She has given several interviews and some of the debates that she has participated in are found on-line. In an interview with Bartlett (2005), Wadud, a convert to Islam, tells that she is a descendant of an African slave woman. She grew up in a poor family, one of eight children (five brothers) (Wadud 2006a:4, 217, 257). Her father was a Methodist minister who was oppressed in the context of racist America. Wadud was raised with the concept of moral justice; her father closely followed and personally participated in Martin Luther King Jr's struggle for justice, which has clearly influenced her work. Her father was a kind man, whereas her mother was violent at times. Wadud (2006a:257) remarks that her father never beat his wife or his daughters (he only disciplined his sons after due explanation of his expectations), and none of her

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<sup>123</sup> See Anon. (2003b). Mernissi was selected from twenty nominees by the judges for the Prince of Asturias (Award for Letters). The awards by Prince of Asturias Foundation, a non-profit organisation that promotes the sciences, technology, concord, arts and letters, were established in 1980 and are presented in Asturias, Spain before an invited audience from social, political and cultural disciplines in Europe, Japan and the Americas. Mernissi was praised for 'having developed a literary work in several genres that, with a profoundness of thought and aesthetic qualities, tackles essential issues of our time.'

brothers has ever beaten a woman. Yet her mother (who suffered from undiagnosed depression) would hit Wadud, her sisters, brothers and father in anger. Her father acted as a protector and provider, against which her mother rebelled until he died, whereafter she reformed and accepted responsibility for her behaviour (Ibid:257). Wahud writes in her autobiography, *Inside the gender jihad: women's reform in Islam* (2006a:9), that although she found her mother's behaviour difficult to understand during her childhood, as she matured she realised that her mother was the glue that kept her family together. Her childhood was shaped by paradoxical influences, sometimes counterproductive and sometimes constructive. In her interview with Bartlett (2005) Wadud states that when she was in middle school, a school counsellor arranged for her to attend a public school in Massachusetts, where she excelled academically and was later accepted into the University of Pennsylvania. She was the first person in her family to attend college. Education is a critical feature that Wadud has in common with Mernissi, and both later focused their writings on women's right to education. Mernissi escaped illiteracy and Wadud escaped a low level of education.

Wadud's conversion to Islam was the consequence of a religious quest that dominated her life as an undergraduate at the University of Pennsylvania, rather than the result of her upbringing, which was characterised by positive childhood experiences of Christianity. Wadud (2006a:9, 58) writes, "When a local Muslim group tried to increase the number of females within their ranks they took to the streets to invite young female students to their meetings I happened to be among them." As an African-American she wore long skirts and covered her hair (in African styles and wraps). For this reason, she thinks that she had probably been mistaken for an Islamic believer although at that stage she was not familiar with Islam. She was offered little information, but was told that she could take *shahadah* (the witness or declaration of faith and first pillar of Islam), which she pronounced in 1972 on Thanksgiving Day, at the age of twenty (Ibid:9, 58, 221). As a sign of her conversion, Mary Teasley changed her first name to Amina after the mother of the Prophet Muhammad (Amina bint Wahb) and her surname to Wadud, meaning 'loving' (Wadud 2006a:2, 257). In this way she focused, with hope and idealism, on gaining greater access to Allah as *al-Wadud* (the Loving God of Justice).



One of her key thoughts and expectations when converting to Islam was that it would offer her an escape from the overwhelming double oppression she experienced as an African-American woman (Wadud 2006a:59). Her hope was that Islam would help her struggle as an African-American to survive in the American context. In her autobiography Wadud (2006a:61, 220, 222) makes it clear that she even tried to hide her origin as an African-American by wearing the *hijab*. In her article, "American Muslim identity: race and ethnicity in progressive Islam," Wadud (2003:275) redefines the concept of African-American Muslims by pointing out that the first Muslims, the 'indigenous Muslims' in America, were slaves taken primarily from West Africa. Thus, as an African-American distinguished from 'immigrant Muslims', she describes herself as an 'indigenous Muslim'. She (2003:285) writes that the term refers to Muslim converts (although the word 'convert' clearly cannot extend to their descendants), while 'immigrant Muslim' designates Muslims who immigrated to the country, but clearly not their descendants. Furthermore, she analyses the challenges faced by American Muslim women after the September 11<sup>th</sup> tragedy (Ibid). Her dialogue is between the two Muslim communities of the United States: the immigrant Muslim community (people of the Middle East and Asia) and the African-American Muslim community.

Less than two years after entering Islam, Wadud moved to Libya for two years, where she encountered even more gender struggles with regard to Islamic identity and practice (Wadud 2006a:3). Consequently, in her recent work, *Inside the gender jihad: women's reform in Islam* (Wadud 2006a:xv), she states that it was in Libya where she began to seek out ideas and behaviours that addressed women's marginalisation in the historical development of the Islamic intellectual legacy. It was also there where she began to build up her Muslim women's network in the context of Muslim organisations. In her work, *Inside the gender jihad: women's reform in Islam*, Wadud (2006a:59) notes that as a young, poor, black female entering Islam, she had many romantic images and notions of Muslim women's honour, which she accepted without reservation. She held an ideal of perfect Islam as both a utopian aspiration and a potential reality, thinking that Islam would prioritise women's interests, offering them care, protection and financial support; but these high expectations were formed without the knowledge of Muslim women's experiences globally. She has been married several times and is the mother of five children who

bear Muslim names (Wadud 1992a:viii). When requesting her first divorce, she was forced to care for her eldest two children, first on welfare and then from a meagre income as a substitute teacher in the Philadelphia public schools and later in an Islamic private school (Wadud 2006a:60). She was enabled by academic grants and scholarships to begin her specific gender oriented research on Islam. Coincidentally, since this all took place during the important second-wave feminist movement in the West, Wadud became involved in issues affecting women's well-being in Muslim society.

Although Wadud was living abroad by the time she began serious academic work as a graduate student on issues of Islam and gender, most of her learning and research was done in the United States. Her actual involvement with Islamic studies started with her PhD (1989), awarded by the University of Michigan, which included an opportunity for intensive advanced Arabic studies in Egypt at the American University in Cairo, where she attended classes at Cairo University and Al-Azhar University (Wadud 2006a:57). Her studies for this degree were supervised by Alton Becker. After completing her doctorate, she was employed at the International Islamic University of Malaysia, in the Department of Islamic Revealed Knowledge (1989 to 1992). While there, she began her relationship with a women's association that eventually became known as *Sisters in Islam* (Wadud 1992a:vii; 2006a:63, 87). In Malaysia she met Chandra Muzaffar who gave some editorial suggestions concerning her dissertation; her book, *Qur'an and woman* (1999) [1992a] was based on her doctoral thesis. It was this publication which brought her into the public eye (Wadud 1992a:vii). It was first published in Kuala Lumpur, Malaysia (1992), and then translated into Indonesian (1994) and Turkish (1997). During her trip to South Africa in 1994, her book was rated number one on a best-seller list in *al-Qalam*, a Muslim newspaper. The United States edition of *Qur'an and woman: rereading the sacred text from a woman's perspective* was published in 1999. Although *Qur'an and woman* (1999) [1992a] is a short book (just over a hundred pages), it continues to be influential and controversial more than a decade after it was first published. It has become the central rallying point in her advocacy for change. It has not only been widely prescribed in Western universities for courses offered under the rubrics of 'Gender and Islam' and 'Islam and modernity', but it has also been widely used on the internet by women's study groups.

In addition, her work has gained wide recognition among Islamic theologians. She demonstrates a deep desire for religious understanding. This motivated her to write the book and to develop a new method of analysis and interpretation of the sacred text. Her work claims that although the Qur'anic message is universal, the commentaries reflect the limited capacity of the human mind to comprehend it. Her work lists attitudes and practices related to Muslim women, which are not in essence derived from the doctrine, but have diverse sociological, economic, and political origins. Unless the status of women is doctrinally spelled out in a new vocabulary of meaning, which stays faithful to the original Islamic text and yet acknowledges the contemporary pressures and challenges, no real change is likely to come about in Muslim attitudes. Therefore, according to Wadud (1992b:125), in order to "retain its meaning, interpretation must be formally offered for every context to which the Qur'anic guidance has spread." Although Wadud (1999:63) [1992a] strongly emphasises the importance of grammatical analysis, as well as the chronological developments in the Qur'an and her work shows that she does well contextualising, some scholars question her way of using textual criticism and show some concern that she does not engage closely and demonstrably enough with the Arabic text. One of these criticisms comes from Asma Barlas (2002:195) who compares some exegetes' interpretations including Wadud's, and finds that in some cases Wadud's interpretation is less appropriate reading than some of the others'. Another group of scholars are those who state that Wadud's command of Arabic is inadequate. Their view is influenced not so much by her language skills, but by their disagreement with the content of her message, such as a woman, pointed out by Fatah (2005:2), who identified herself as a professor of Arabic Language at a Toronto University who attacked Wadud on her lecture in Noor Center in Toronto (2005) by claiming that "Wadud did not understand Arabic and that she had misread the Qur'an." Chapter five will give examples of those under whom Wadud has studied, such as Fazlur Rahman (d. 1988), whose influence has given the critical thrust to the development of Wadud's Arabic learning and Islamic ideology, as well as to her theory and thoughts on Islam.

In 1992, Wadud joined the Virginia Commonwealth University (VCU), a southern state-run academic institution in Richmond, US. She adjusted to teaching general classes in religious studies with one or two opportunities for teaching courses directly

related to her own area of specialisation – Islamic studies. Her particular sub-disciplines were gender and Qur’anic studies. In 1997 to 1998 she took up the position of Research Associate and Visiting Lecturer in the Women’s Studies in Religion programme at Harvard Divinity School (Wadud 2006a:xv). She also gave numerous presentations to the American Academy of Religion (AAR) (e.g. ‘Teaching Afro-Centric Islamic Studies in the White Male Christian South’ in 1994; ‘Women, Religious Studies and Backlash’ in 1998; and ‘Identity, Scholarship and Teaching: Studying Cross-Culturally and Ethnically’ in 2001) (Ibid:65). More opportunities arose to develop courses in Islamic studies, and Wadud was asked by the School of World Studies to create an Islamic Studies minor in the fall of 2005. Wadud (2006a:74) notes how several instances of complete burnout eventually led to her rejection of all invitations that did not address the narrow specifics of her expertise and experience.

Wadud has faced numerous challenges in her academic and personal life since her teaching career began at Virginia Commonwealth University. Her first setback was the schism that occurred between her and some Muslim theologians after the publication of her book, *Qur’an and woman* (1999) [1992a]. However, in March 2005 she became the subject of much greater controversy and Muslim juristic discourse after leading a Friday prayer (*jumu’ah*) for a mixed-gender congregation of over 100 men and women in the Episcopal cathedral in New York. Opinion among Muslims is divided on women’s inherent competence to be *imam* for a congregation of men, and some even question whether women have the inherent capacity to lead the prayers for a congregation of women. Consequently, there has been much objection from Muslims around the world to Wadud’s *imamate*, with the result that she has been ostracised, calumniated, and even persecuted (Wadud 2006a:ix, 228). She is repeatedly threatened by conservative Muslims. There have been some attempts in Virginia by members of the Muslim community to have Wadud dismissed from her position at Virginia Commonwealth University. Some even claim that she is guilty of apostasy, which is punishable by death under Islamic law. Being a member of the Muslim community for just over a quarter of a century had not prepared Wadud to face the schisms that arose between her and members of the international Muslim community. By now she has learned that disagreement with the religious leadership of the day was considered to be an assault on the very foundations of Islam. Wadud had to contend with the dilemma that her contemporary understanding and

interpretation of Islamic religious practice was at odds with the conventional restrictions imposed by Islam on women's participation in Islamic religious practice. Her book, *Inside the gender jihad: women's reform in Islam* (2006a) has also raised public debate and interest. More openly than ever, Wadud (2006a:10) tells about women's *jihad* (a struggle to establish gender justice in Muslim thought and praxis) with the lessons drawn from her own experiences as a woman, wife, mother, and scholar of Islam. Her text explores the array of issues facing Muslim women today, including social status, education, sexuality, and leadership. Her book contributes greatly to the debate on women and Islam by bringing up both a revolutionary and urgent vision for changing the status of women within Islam.

Wadud's life experiences as a believing Muslim woman, Muslim academic, professor of Islamic studies, and activist are closely connected with Islamic reforms (e.g. women's rights in the case of divorce and religious participation). It should be remembered that Wadud is a divorced woman without a male supporter. She realised that by leading the public Friday prayer (in New York) she was placing not only herself but also her children at the centre of attention. In her interview with Bartlett (2005), Wadud states that when she discussed this matter with her 15-year-old daughter, her daughter said, "Even if there are consequences, think of all the good it will do for other people." However, it is significant that Wadud's public action did not start in New York, but in South Africa when she responded in 1994 to an invitation to address Muslims gathered for the *jumu'ah*, collective prayer at the Claremont Main Road mosque in Cape Town (Wadud 2006a:162). Wadud gave this address as a *khutbah* (sermon), which too was largely unheard of in the Muslim world at that time. Wadud (2006a:163, 166, 171) writes that she was initially invited to South Africa to participate in a conference on 'Islam and Civil Society in South Africa' held at the University of South Africa jointly with the United States Institute of Peace (where she met two of the most progressive South African Muslim male thinkers, Farid Esack and Ebrahim Moosa). The conference audience asked her about the idea of woman as *imamah* or *khatibah*, which, according to Wadud was the first time she had ever given this matter consideration and she had little or no strategic thought as to its impact or rationale. Until that particular Friday night in 1994 she did not know that flyers had already been circulated announcing that she would deliver the pre-*khutbah* talk at the obligatory *jumu'ah*, collective prayer at the

Claremont Main Road mosque (Ibid:167, 172). The event was historically significant as women came down from their assigned quarters upstairs and were accommodated in quarters next to the men on the main mosque level, and Wadud took her place at the front of the congregation.<sup>124</sup> The year 1994 marked two important historical developments in South Africa: the end of a long struggle to abolish apartheid, and the presence of Islam which had persisted for three hundred years. This – equal access to mosques for all Muslims, black and white, women and men alike – is indeed precisely where Wadud is leading in North America, where she feels she has been treated as a second-class citizen because she was African-American, and a woman to boot. In spite of criticism, however, Wadud has continued to lead mixed-gender Friday prayer services. For instance, on October 28, 2005, following her talk at the International Congress on Islamic Feminism in Barcelona, Spain, she was invited to lead a congregation of about thirty people. She is an invited speaker, teacher and consultant within the United States and abroad (Jordan, South and Southern Africa, Nigeria, Kenya, Pakistan, Indonesia, Canada, Denmark, Norway, Belgium, Netherlands, United Kingdom, Sarajevo, Malaysia, France, Italy and Germany). Wadud is currently visiting scholar at the Starr King School of the Ministry, Berkeley California. She achieved the rank of Full Professor of Islamic Studies at Virginia Commonwealth University (VCU) in 2007, but retired from it in 2008.

### **3.6 Conclusion**

This chapter has two beneficial outcomes. First, it promotes understanding of the critical influence of life situations (e.g. countries of origin, class, and education) and of historical conditions on the authors' consciousness, actions, and thus their work. It demonstrates how each author has formulated her ideas through different historical, empirical and educational pathways, but not without being subjected to critical assessments and struggles. It enables us to 'step into the four authors' shoes' to understand their respective ideological positions, which stem from their past and present, as they write about women in Islam. The chapter defines the authors' respective positions regarding Islam, feminism, and Western influences. Second, it

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<sup>124</sup> In South Africa some mosques do not permit women to enter while others encourage entry regardless of race, age, gender, class or physical handicap.

helps us to value the great variety of work by the authors. The writings of Leila Ahmed, Elizabeth Fernea, Fatima Mernissi, and Amina Wadud comprise over seven thousand pages, apart from the audiovisual material.<sup>125</sup> Before analysing their writings in greater detail, some general remarks should be made. The writings include a variety of forms, such as: anthropological and sociological analysis of the everyday life of Muslim women; previously unpublished Muslim women's stories, poems, songs and narratives; empirical statistics of women living in Muslim countries; analytical comparisons between women in a variety of Muslim societies; historical-biographical essays; and exegetical debates on the interpretation of the Qur'an. This chapter on biographical details of the authors and their work is a necessary resource as the discussion moves to chapter four which presents an analysis of the writings of the four authors according to the framework established in chapter two. In other words, this chapter is the backdrop that makes such an analysis possible. Chapter four will comprise an analysis of the four authors' work by showing how they respond to each of the challenges defined within the Giele/Smock/Engineer framework.

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<sup>125</sup> The writings of the four selected authors consist of over seven thousand pages (Fernea 4040 pages, Ahmed 751 pages, Wadud 473 pages and Mernissi 2235 pages). It should be noted that numerous new works have been published since the calculations, which (being updated with the newest writings) is one of the major challenges of this research.

## CHAPTER FOUR

### ANALYSIS OF THE FOUR AUTHORS' WORK

#### 4.1 Introduction

The outline of this section follows the Giele/Smock/Engineer framework. The literature analysis provided in this chapter will be used to show what each of the authors has to say about each issue raised in the framework. It will answer questions, such as: 'Does the work of the selected authors confirm the wider framework?' and 'Do they address the same problem areas?' and 'Where do they put the emphases?'

#### 4.2 Civil rights

The first category of challenges faced by Muslim women is classified as civil rights. Giele's work deals with women's cross-cultural status; in particular, she deals with issues such as: What rights do women possess in law? Can they own property? Although, Giele does not present challenges faced specifically by Muslim women, Smock does. She uses Giele's model to indicate challenges faced specifically by the Muslim women of Bangladesh and Egypt. Engineer who is dealing specifically with women's civil rights particularly in Southern Asia (Bangladesh, India, and Pakistan) finds serious abuses in this regard. The following analysis will have the object of determining and explaining what the four authors respectively say about challenges presented by civil rights issues, including political rights, the right to inherit, the right to own property and the right to bear witness.

##### 4.2.1 Political rights

Wadud hardly touches the topic of women's political rights; her interest is focused on women's inheritance and property rights and women's right to bear witness. Although the authors' writings vary regarding the urgency and amount of written material on the subject, they do agree that the issue of Third World women's political rights has often been negatively stereotyped by the Western observers. Ahmed, for instance, says in her interview with Krista Tippett (2006) that whenever she is approached by journalists, they ask her to explain why Islam oppresses women, but



she has never yet has been asked, “Why is it that Islam has produced seven women prime ministers or heads of state and Europe only two or three?”

Of the four authors, Mernissi is most interested in Muslim women’s predicament with regard to political rights. This preoccupation is reflected in all her writings, which are particularly focused on topics such as democracy, fundamentalism or women’s human rights. The reason for this prominent interest, compared to the other authors under review, is probably her training in political science and her direct experience – again unlike the other three authors – of life as an active member of Muslim society at grassroots level where she is directly exposed to the daily political injustice perpetrated against Muslim women. Mernissi (1993:43) points out facts about the debate on women’s political rights and maintains that these rights will remain a vexed issue as long as the concerns of women at grassroots level are neglected. Third World women who are poor and excluded from institutional support are at a distinct disadvantage in discussions concerning legal or public policy reform even though they are not entirely excluded from such discussions. There are often large numbers of women employed in state bureaucracies, but few are found at the top of the state hierarchies in all types of political system (Waylen 1992:12). As noted by Waylen (1992:10):

It is now well documented that men and women participate differently in all forms of formal politics in both the First and Third Worlds: in both getting issues on the political agendas and in policy making and implementation. One of the explanations for this pattern of participation is that ... many Third World women are constrained by their roles in the private sphere, which prevent them from participating in the public sphere on the same terms as men and gaining experience (Ibid:12).

The fact that many Third World societies lack strong grassroots bases for women’s political participation is also noted by Fernea (1998c:149). Women who do participate are usually the younger generation of educated upper-middle to upper-class women who are considered the most appropriate and ready for political activity (Ibid). Mernissi (1998c:95, 110) argues that unfortunately those who try to defend women’s political rights in supposedly open discussions are frequently accused by some Muslim fundamentalists of being westernised. Furthermore, scholars such as Giele (1977:16), Jayawardena (1986:109) and Waylen (1996a:12) point out that one of the core issues that appears to give women access to higher office in the political

arena is the political traditions of that particular society (i.e. upper-class women with political leaders in the family - often a father or a husband). Mernissi (1996c), Ahmed (1992) and Fernea (1998c) examine the struggles and opportunities of these female leaders in top positions who have fought for political rights for women and who have gained some results. Ahmed (1992:75, 176), for instance, points out the historical figures, such as A'isha (who ventured into the political arena of Mecca) and Huda Sha'rawi (an organisational and political leader of the feminist movement in Egypt). Mernissi (1996c:93) notes the efforts made by both A'isha, the wife of the Prophet and Fatima, the daughter of the Prophet, among many others. The interviews presented by Fernea in her book, *In search of Islamic feminism: one woman's global journey* (1998c:122), cast light on this debate of women's political rights with contemporary examples in a variety of Muslim countries, such as Morocco (Ibid:72). Authors' examples illustrate that although the issue of promoting women's political rights is not new, it is still being debated with no final resolution in sight. Besides discussing the mainstream female political leaders of the past, Ahmed (1992:202, 210) refers to Doria Shafik<sup>126</sup> in order to document how contemporary women face some daunting challenges in the political arena. Shafik led a demonstration in 1951 at the Egyptian parliament for women's political rights. Partly because of her political efforts, parliament adopted a new constitution whereby women were given the right to vote, but unlike men, subject to limiting conditions. Shafik, however, was not satisfied with the outcome and criticised it. Consequently, she was thrown into prison which eventually culminated in her mental breakdown and finally in suicide (Ibid:210). Ahmed's aim in Shafik's example goes beyond the historical outline of political rights to demonstrate that indeed the old strictures can be removed, although where it has been done it has often not been without a price.

In addition, the case of Benazir Bhutto, who became a political leader in her father's steps, is often brought up in this context by Islamic feminists. Mernissi (1996c:79, 87; 2001:23) notes that regardless of the triumph of the late Benazir Bhutto in the 1988 elections and her appointment as Prime Minister of Pakistan, there were many people in powerful positions in her country (i.e. Zia al-Haq) who argued that a

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<sup>126</sup> Doria Shafik (1914-1976) was a member of an old upper-bourgeois Egyptian family and a founder of the Bint al Nil Union in Egypt.

woman cannot accede to the office of head of state in a Muslim nation. Furthermore, women themselves are also divided by their political orientation. As noted by Hensman (1996:59) most women's groups in Pakistan, "while contesting extreme violations of human rights resulting from Islamic fundamentalism, were reluctant to challenge the Islamic character of the state because this would have been equivalent to questioning the basis of the nation itself." When examining policy formulation and its outcomes, the gendered nature of the state becomes an important focus as it was pointed out when forming the framework in chapter two (see section 2.3 'state theory'). This topic was discussed by Kandiyoti (1991b:2) and particularly by Rai (1996:33) who noted the difference between 'weak' and 'strong' states. This is recognised by Mernissi whose work emphasises that although the *Hadith* warns against entrusting a woman with leadership, Islam gives equal rights – 'we as women have full political rights and can lead a nation' (Mernissi 1991a:1). Interestingly, the well-known title of Mernissi's book, *Can we women head a Muslim state?* (1991a) is used by Engineer as a chapter title "Can a woman become a head of state?" (1992:76) in his book, *The rights of women in Islam*, with similar arguments.

Mernissi uses the term 'political memory' to show why the view on women's political rights changes between rich and poor, educated and uneducated and men and women. "What is the 'normal' place the tradition reserves for women in the 'political memory'?" she asks, if it is not the one that the Qur'an presents (Mernissi 1996c:79-80). Further, she states (ibid):

How can 'political memory' be extracted from fifteen centuries of an Islam which includes within it several different cultures? And what memory are we going to take as constitutive of Muslim identity – that of the leaders of the Empire or of those contesting that leadership?

Mernissi (1996c:81) brings up one of the paradoxes of this 'political memory', namely "the pre-eminence of women on the political stage in the first decades and the decline of their position under the Umayyads and the Abbasids." By pointing out the case of Umm Salma, Mernissi (1996c:81) refers to the famous verse 25 of Sura 48 (The Victory), which acknowledges "women's status as implied equal partners with men in the process of revelation." With this reference and other examples she gives an idea of the presence of women in the arena of politics and the nature of their

relationship with political power claiming that “none of those opposed to the election of Benazir Bhutto in Pakistan recalled the political power exercised by women in the early days of Islam” (Mernissi 1996c:87).

Fernea views the discourse on women’s political rights from an everyday life position rather than from a leadership position. Thus, her view on the debate follows the lines of Georgina Waylen (1996a:17) who states that “often women involved in ‘the politics of everyday life’ do not see their activities as political.” Fernea’s (1998c:148-149) contribution to the debate is that she points out the variations of the situation from country to country and state to state – from full political rights to limited rights. Some Muslims believe that the Qur’an specifically forbids women from participating publicly in political life; others claim that women are too emotional and thus lack the capacity to reason and make intelligent political decisions; yet others believe that women should be allowed to vote, but not necessarily to participate in politics or hold office. For example, in Saudi Arabia women have no right to vote<sup>127</sup> or run for public office, whereas in Pakistan, Turkey, Jordan and Indonesia women have the right, at least in theory. Kuwaiti<sup>128</sup> women won the right to vote and ran for office in 2005. A *CBC*<sup>129</sup> news release on June 30, 2006 broadcast to the world that Kuwaiti women voted in parliamentary elections for the first time, but they won no seats. According to official results of the 249 candidates competing for 50 parliamentary seats, 27 were women. Despite their new rights, women had to go to dispersed polling stations. Some women candidates also said they continued to face discrimination during the campaign.

In summary, from the writings of the authors it can be concluded that there is an imbalance between ideal and practice. Although the Qur’an promises equality and dignity for men and women alike, this is not always borne out in Islamic praxis,

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<sup>127</sup> Saudi women got to vote in 2009. Azerbaijan has had women’s suffrage since 1918, but some Islamic states did not have women’s suffrage until the last ten years. Today, aside from Brunei (where neither men nor women can vote), all Muslim-majority nations allow women to vote (Lebanon requires proof of education for women to vote).

<sup>128</sup> A *BBC* news release on May 2005 intimated that although women have the right to vote in Kuwait, this legal provision was not implemented in the recent election but will be implemented in the next one.

<sup>129</sup> See Haddadin (2006).

particularly in the area of political rights. Some of the reasons for this are simply that women do not have strong grassroots resources, network or experience in the field.

#### **4.2.2 The right to inherit and to own property**

In the Giele/Smock/Engineer model the right to inherit and the right to own property are dealt with separately. Here, however, they are treated as one topic because the four authors discuss them as closely related topics. Moreover, this helps to avoid fragmentation and repetition.

Engineer notes that Muslim women are significantly disadvantaged in the area of inheritance. The major hurdles for women, regarding the right to inherit is that the portion of any inheritance to which a woman may be entitled cannot be more than half of a male heir's portion in the same instance. Although a woman can gain economic benefits, such as *mahr* (dowry), full maintenance as a wife, as well as additionally inherit as a wife and mother, yet by examining individual cases of divorced and single women, Engineer points out that theory is at odds with the relevant practice. Furthermore, regarding the right to own property, Engineer notes that even though a woman is legally entitled to own property in her own right under Islamic law, in practice this principle is largely ignored, with the result that Muslim women at grassroots level face major difficulties in exercising proprietary rights.

When examining the writings of the selected four authors, they are not unanimous in their views regarding property rights. Thus, they will be discussed separately in this instance. According to Wadud (2006a:21) the more years she has lived as a Muslim, the more inequality she has discovered between the sexes, including the area of inheritance and property ownership. We should not mistakenly assume that Muslim women living in the West, like Wadud, are without challenges. Some of Wadud's work is more idealistic than others; some is more complex, abstract and analytical than others, yet it all reflects her engagement with the process of social justice in all aspects of society, in all aspects of life and in Muslim practice, reflecting the passion evoked by her own painful experiences of poverty and racial discrimination. Wadud's view on women's inheritance and property ownership is coloured by her multilayered experience. In her discussion on inheritance rights Wadud reflects on her own experiences. She grew up in a poor, Christian, African-American family and was left

without any significant inheritance from her parents. Later, as a Muslim convert she was twice divorced and raised her children as a single mother since both husbands left her nothing as they walked away. Finally, there is her personal encounter with Muslim women, particularly single mothers who have experienced similar challenges. All these encounters, regardless of whether the women were Christian or Muslim, have had a negative influence on Wadud's perception of women's inheritance and property rights. In addition, Wadud (1999:87) [1992a] points out the dilemma that the religious laws are immutable in the sense that their relevance is not dependent on their context (e.g. beneficiaries' life situations). The equitable apportionment of an inheritance requires due consideration and acknowledgement of all concerned and of all combinations and benefits, but this is not happening. For example, if in a family of a son and two daughters a widowed mother is cared for and supported by one of her daughters, why does the son receive a larger share? Thus, religious law and practice automatically favour male members of the family. Consequently, the problem is not so much that a woman inherits only half of what her brother does, but rather that patriarchal thinking "asserts full justice to men who then limit it to women" (Wadud 1999:87; 2006a:49).

Fernea (1998c:196, 294, 313; 2000:2) shows that women's inheritance and property ownership rights are strongly influenced and driven by the religious writings and practices of the past. In Kuwait, for instance, women still need a son in order to receive their portion of the family inheritance because according to current Kuwaiti law only a son can protect his mother and her property (Fernea 1998c:196). In other words, in practice a wife has access to her portion of inheritance only through her son. In this regard, Fernea notes, however, that not all women in all Muslim societies experience such constraints with regard to inheritance and property ownership rights. She points out that upper-class women are better off with regard to their right to inherit and own property than lower-class women, simply because patriarchal control is less onerous for educated upper-class women than for lower-class uneducated women.

Mernissi does not discuss the topic at any great length, and the little she says is cast in a much more positive light than was reflected in Wadud's position. The reason for this is probably that Mernissi does not document any challenging personal

experiences relating to inheritance or property ownership and therefore lacks some of the immediacy and intensity of Wadud's account. Ahmed (1992:63) points out economic independence as one of the most crucial areas with respect to personal autonomy. Ahmed also does not see inheritance and property as a particularly vexed issue for contemporary women; rather she records (1992:291), even more than Mernissi, positive experiences since, for example, she owned substantial property to the extent that she was financially independent after divorcing her husband and could carry on with her travels and her relocation to America. In fact, both her grandmother and her mother had managed and owned property as members of an upper-class Egyptian family (Ahmed 1999a:71). Nevertheless, she points out some of the challenges other Muslim women in her extended family have experienced. The major difference between Wadud and Ahmed's views on inheritance and property issues is found in their presentation of the material. Ahmed points out that Muslim women do not only own property, but are also economically active, clearly undermining the Western stereotype of Muslim women without resources. By contrast, Wadud emphasises the problem of reciprocity between privileges and responsibilities. Muslim men have the responsibility of supporting women financially and are therefore granted a double share of inheritance. However, the real dilemma, according to Wadud (1999:70-71), is that many men interpret this as an indication that men are naturally entitled to take precedence over women by virtue of their superior endowments of strength and reason.

#### **4.2.3 The right to bear witness**

Once again, the four authors are not unanimous in their views concerning this issue. This concern features prominently in the work of Wadud (1999:85) who asserts that women are greatly challenged by the rule that one male is equivalent to two females. She argues that it is not a mathematical formula that can be applied in a courtroom situation; four female witnesses cannot substitute for two male witnesses. In addition, Wadud points out that there is inequality between poor women and rich/educated women. Thus, although the right to bear witness is a challenge seen in every social class, the poor and uneducated females are most affected. Wadud (2006a:52) holds that the heart of the matter is overlooked: women in many Muslim societies do not have equal participation in government policy making. This work is reserved for males and, on balance, men are placed in a dominant position, for

example, by protecting themselves against attestations by women in courtrooms. This challenge is not adequately noted, even in the leading discourse of progressive Islamic transformation movements (Ibid:153, 154, 190). Wadud (2006a:52) concludes that the limited value of a woman's witness is strange, anomalous and anachronistic in contemporary Muslim societies since more and more women are increasingly better educated and play effective roles in various recognised organisations, including those which focus on women's issues. Engineer (2003c:2) agrees with Wadud's urgency on the issue by pointing out that women's right to bear witness is greatly challenged in the countries he studied and particularly her right to falsify male testimony. This is seen primarily where domestic and sexual violence and murder are concerned.

Ferneau only makes passing reference to the topic at issue, citing the classical example that in a case of rape one man is sufficient, but at least two women are required to attest to the guilt of the perpetrator. A female victim's own testimony carries no weight in such a case. This example demonstrates that the lack of the right to bear witness is a greater challenge than it may seem at first glance; women not only lack this particular civil right but by extension their human rights are also weakened. Ahmed adds another dimension to this debate, which emerged in Iran during the leadership of the Ayatollah Khomeini when unequal and inferior status was forcibly imposed on women and Iranian law therefore did not admit a woman's evidence in court unless it was corroborated by a man. Women who demanded to be heard in a court of law without the support of a male were simply assumed to be lying and were liable to punishment for slander (Ahmed 1992:232).

In summary, although the authors agree on the crucial challenges to women's civil right issues (including women's political rights, property rights and the right to bear witness), they vary on the severity of the challenge. Although Mernissi views the lack of civil and political rights as a towering challenge faced by women in contemporary Muslim societies, she does not particularly point out the issue of women's right to bear witness. This particular topic was not even brought up in her (1991b; or 1987a:93) analysis of the 400 letters (a sample of the thousands sent to a counselling service financed and run by the government) dealing with the most pressing problems faced by women in Moroccan society. The majority of these



letters dealt with problems relating to the family. Nor is it a topic covered in her recent writings. In contrast Wadud's work greatly focuses on women's inheritance and property rights and women's right to witness and particularly notes the inequality between poor women and rich/educated women on their right to bear witness. Nonetheless, Mernissi points out that there is nothing more Islamic than a woman claiming her rights to equal, just and fair treatment before the court (Mernissi 1991a:22, 42) and thus, sees woman's right to bear witness as an equality issue, which needs to be dealt with along with other civil rights.

### **4.3 Educational rights**

The second group of challenges is classified in terms of the Giele/Smock/Engineer framework as educational rights. Restricted access to education is considered among the most fundamental challenges faced by women generally, and by Muslim women in particular, because deprivation in this quarter has a devastating effect on women's lives. The question for Giele is: What access do women have to education? And again: How much education is within their grasp? And further: To what extent do they have access to the curriculum, compared to men? She points out that the strictures imposed on women from early childhood encroach on their fundamental human rights. Engineer's concern in this regard is with the current radical effect of restricted access to education on Muslim women, particularly since it is certain that women who are not barred from education are far more aware of their rights than illiterate women.

Mernissi's voice rises above the rest in this instance as she represents Moroccan women (most of her generation had illiterate mothers) who benefited greatly from the marked improvement in economic conditions and in the quality and range of education on offer in Moroccan society during the 1960s. Mernissi characterises the infringement/abuse of women's educational rights as a socio-economic dilemma mainly because of the rural setting that typifies Muslim societies, which are therefore prone to economic problems caused, for example, by overpopulation. There is an inverse proportion between the quality and accessibility of education and fertility. Mernissi (1996c:xii) documents that women's illiteracy in many Muslim states is among the highest in the world (e.g. more than eighty percent of women are illiterate in Mauritania, Sudan and Somalia; two-thirds of women in Morocco are illiterate; and

so is half the female population of Algeria, Libya, Tunisia and Egypt). Yet in the 1990s the percentage of women teaching in universities or equivalent institutions in Egypt was higher than in either France or Canada, and the percentage of female students enrolled in engineering courses in Turkey and Syria was twice as high as in the United Kingdom or the Netherlands (Mernissi 2001:23). Consequently, the challenge of education affects the lives of common folk most dramatically, and more particularly uneducated, illiterate women. Mernissi is deeply concerned about the educational problem, which affects women the worst because of official neglect. However, the worst aspect of the problem is that it is not perceived as such and politicians who claim to espouse the cause of Islam are the worst culprits in this regard. They forget that a hallmark of Islam is supposed to be solidarity within the group and the sharing of resources and opportunities (Mernissi 1996c:xiii).

Ahmed's contribution to the debate is a historical point of view in the context of her own testimony as an Egyptian. When Ahmed (1999a:137) was a young pupil in the 1950s and 1960s, Egyptian society went through an educational paradigm shift which basically amounted to an adoption of European models of education. Many supporters of women's educational rights claimed that women have a right to pursue knowledge, yet the educational opportunity gained by advocating this cause was effectively beneficial only to the upper class because the advocacy did not extend to all classes of Egyptian society. Besides, the cause of most women was undermined by a continued insistence in some quarters that a woman's task remained the raising of children and counselling of spouses (Ahmed 1992:159). Nevertheless, the Egyptian openness to women's educational rights had an immediate impact on the academic world in the country. The most dramatic increase in women's participation in education occurred in higher education when upper-class women advanced their education at tertiary level (Ibid:210). In spite of these positive developments the state of Egypt (as well as many other Muslim states) has fallen far short of its objective of honouring women's educational rights in practice (e.g. by eliminating illiteracy), particularly in rural areas. Ahmed emphasises that in her view, as a Muslim woman, her full educational rights could only be asserted by living in the West. This is supported by the studies of Audrey Smock and Nadia Youssef (1977:41) who illustrate that around the year 1940 when Ahmed was born there were only a small percent of literate Egyptian women (just over 6% of all women), and of this small

group only 0.9% had an intermediate or high school certificate.<sup>130</sup> By the year 1952 (when Ahmed is at the age of 12), on the eve of the Nasserite revolution, just over 4 000 Egyptian women had received university degrees. Fifteen years after the rate of illiteracy for Egyptian women was still 67.8%, which figure rose to 90.7% in the rural areas (Ibid:51). Thus, if in practice it was difficult for an urban upper-class woman to claim her full educational rights (tertiary studies leading to an academic career), it is clear that it would be much harder for women from the middle or lower classes. The paradox here is that Islam allows women to be educated, and yet women are confronted by formidable obstacles to education in many Muslim countries.

Fernea brings a socio-anthropological perspective to this debate in that, as indicated in the biographical details (see section 3.3), she accords high priority to her concern for Muslim children. Fernea (1995a:27, 105) notes a high correlation between female education and child mortality. In many poor countries and regions infant mortality declines as the education of women improves, while conversely, where the education of women is neglected, even in rich countries (e.g. some of the Gulf states), infant mortality increases with declining standards of education for women. Basic education and literacy not only reduces child mortality, they also raise women's self-respect and improve their social mobility. Fernea's edited work, *Children in the Muslim Middle East* (1995a:90, 91) includes Judy Brink's research among Egyptian village women. The latter indicates that educated women (compared to uneducated women) train their children to be self-motivated achievers who think for themselves and do not rely on family members. A statistical comparison of educated with uneducated women shows that close to 100% of educated mothers believe that their daughters should be educated, whereas only 57% of uneducated women held this conviction (Brink 1995:87). Fernea holds that denying women's educational rights today undermines women's rights tomorrow; moreover, the various benefits of education do not touch only children and women, but society as a whole.

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<sup>130</sup> The first Egyptian women to pursue a higher education attended foreign universities, primarily in France and England. Women were accepted in the Faculty of Medicine in 1928, Law in 1929, Commerce in 1936, and Engineering and Agronomy in 1945. (See Smock and Youssef 1977:42).

Wadud explores the challenge of education from the perspective of an African-American woman who is a single head of a household, analysing several causes of the challenge (e.g. socio-religious and socio-economic). An example of a socio-religious challenge is Wadud's (1989:163) conclusion that some Muslim leaders are afraid that well-educated women will become intellectually more independent and therefore less likely to submit passively to arbitrary male dominance in their Muslim societies. For example, some see Wadud's educational achievement as a threat to male scholarship. A socio-economic challenge occurs, for example, when economic constraints affect education, and women suffer the worst consequences because of social discrimination against them. It follows in such instances that the consequences are particularly onerous for single mothers, who have to cope with household finances as well as child care (Wadud 2006a:143, 150). With this observation Wadud notes that the educational challenge is related to Islamic patriarchal fundamentalism which reacts in fear of losing the patriarchal Islamic dispensation. Traditionalists are also unwilling to grapple with the socio-economic challenge of relieving the hardship suffered by women in this dispensation, which is especially hard on poor, lower-class women who cannot gain access to education, as they should in principle. This critique of traditionalism is a constant feature of Wadud's writing.

In conclusion, the authors agree that whereas many of the old strictures have remained in place in the area of civil rights, significant progress has been made with women's education in a number of Muslim societies (e.g. Egypt and Morocco); yet one of the paradoxes analysed in educational area is its diversity in Muslim societies. Although there are many Muslim women who have been educated, and are gaining an even higher level of education at universities in their societies and abroad, Mernissi and Ahmed document that it is particularly upper-class and upper-middle class women who are the primary beneficiaries of these improved educational opportunities. Lower-class women and women in rural areas are still suffering the particularly severe consequences to which they are prone as a result of educational neglect. Moreover, the authors' work and experience clearly demonstrate that the topic of women's educational rights is not just economic, but relates to both social and cultural issues that should be immediately addressed since they will bear critically on women's rights in the generation to come.

#### **4.4 Work-related rights**

The third group of challenges is classified in terms of the Giele/Smock/Engineer framework as work-related rights, including the concepts of women's right to work and to practise a vocation, as well as women's right of movement. Giele describes mobility across cultures not only in terms of work, but also in terms of family issues, while Engineer describes it under the topics of work and education. The notable difference between the definitions of work and mobility proposed by Giele and Engineer respectively is that Giele focuses on challenges emanating from how women's jobs are ranked across societies (How do women fare in the formal labour force? How are their jobs ranked and paid?). Similar ideas are raised by Mernissi in her article, "Professional women in the Arab world: the example of Morocco": Do women participate in professional life in the Arab world today? And if they do, how does this participation take place, what are its modalities? Do we find women in all spheres of professional activities or are they concentrated in some fields only? What factors encourage women to enter certain professional fields? Within each field are women evenly distributed at various levels and grades, or do we find them blocked at the lower echelons only? Engineer points out the severe restrictions in matters of women's gainful employment in Muslim societies as well as their legal standing in matters of contract, evidence and status as employees.

Ahmed identifies two main areas with regard to women's right to work. On the positive side she notes that the number of Muslim women going to work has increased dramatically in recent decades. Women have entered all arenas of white-collar and professional work, including aeronautics, engineering, big business and politics, even becoming members of parliament (Ahmed 1992:208). On the other hand, Ahmed points out the old attitudes and presuppositions (conceptual framework of the tradition developed by men) which many women, like herself, have found to be effective barriers to the assertion of their rights to gainful employment. Mernissi agrees with Ahmed, in fact, one of her self-imposed tasks is to show how sexual segregation is still prevalent in Muslim societies. An underlying concern with 'space' seems pervasive in Mernissi's work on women's work-related rights. Although more women are joining the work force they are just beginning to hold positions where they can control the passing of family laws (e.g. divorce laws, covering maintenance, polygamous unions etc.). Further, there are notably fewer women in the politically

powerful ministries (e.g. justice, foreign affairs and police) than in the socio-cultural areas (e.g. education, health, children and youth) which are considered more suitable for women. Moreover, according to Mernissi (1996c:64), the concept of women's work is still wholly unacceptable to many men, particularly those from poorer strata. The latter regard women's access to education as a particularly vexed issue; work outside the home is experienced by men as an emotional mutilation, because their very sexual identity, their sense of themselves as males, requires that they be the sole economic providers for the family in general and the wife in particular. Mernissi (1996c:xii) claims that even though Muslim women of the poor classes have always worked informally and invisibly inside the home, they have to contend more than any other group of working women with discriminatory remuneration for their work and little or no social benefits (e.g. social security and retirement funding). Besides underpayment and lack of benefits (e.g. irregular pay, tenuous work agreements and work permits), women struggle with long working hours. In addition, many female workers suffer the hardship of inhumane working conditions (e.g. unhealthy and unhygienic conditions – health-related challenges like tuberculosis epidemics among factory workers), and few women have any health security benefits (e.g. medical insurance). Furthermore, the 'phenomenon of female child labour' is a crucial problem in many Muslim societies, young girls (less than age twelve) tend to work in the home, out of the public arena often without any insurance, underpaid or unpaid (Fernea and Fernea 1997:209). Furthermore, Fernea (1995a:239) argues that, although the employment of children is prohibited, for instance by the Egyptian labour code, official statistics demonstrate that many young children in Egypt are engaged in a number of economic activities other than agriculture (in which the labour code is not applied).

Having lived and researched in many Muslim societies, Fernea approaches work-related issues from a socio-anthropological perspective, which has helped her to observe differences among Muslim societies regarding women's rights. She points out in this regard that in many Arab countries (e.g. Saudi Arabia) women are deprived of their right to work and earn a living; in other countries (e.g. Libya) married women's right to do remunerative work, though qualified, is at least recognised in principle since it can be included as a condition in their marriage contracts. In yet other Muslim societies (e.g. Egypt) a woman's right to work is no

longer contingent on the husband's approval (Fernea 1998c:xi; 2000:5). In theory Kuwaiti women have been given the right to work and are assured of equal pay for equal work (even in terms of promotion and opportunities for promotion), but in practice this is not always implemented. One of the main reasons for this diversity among Muslim societies as noted by Fernea is their different skills levels and, therefore, economic activity. The transformation of the Middle Eastern economy from a rural/agricultural dispensation to urban/industrial has meant that in those developing societies (the middle level of developmental societies) most families need two incomes to survive (a feature of all classes). As a result women have more readily gained access to the labour market, which has not, however, brought equality to them in work-related rights. In reality in developing societies women are challenged by the lack of benefits and role equality more than women in agrarian (undeveloped) and/or urban (highly developed) societies (Fernea 2000:6).

A theory, Fernea is referring to in this context, namely the 'curvilinear idea', is a commonly used theory among scholars. The 'curvilinear idea' found its first modern expression in the work of the sociologist, Gerhard Lenski (1966), who proposed it to explain why inequality between social classes is greater in agrarian societies than in simple hunting-and-gathering societies or advanced industrial nations. Lenski proposed a theoretical model in which inequality was highest in the agrarian societies. Blumberg and Winch (1972) were the first to extend the curvilinear hypothesis to power differences within families. This theory was further tested by Giele (1977). Both Lenski's graph and Giele's graph are theoretical curves. One aspect of Giele on testing the theory is to ask what dynamics underlie the curve; and further, why is it that a dip in women's status occurs at intermediate stages of societal complexity? In Giele's view what emerges from various accounts of women's position in the already mentioned eight societies (see chapter 2) is a 'curvilinear relationship' between societal complexity and sex equality.

In the simplest societies men's and women's freedom of choice – their life options – are more nearly equal than in somewhat more complex societies. In fact it seems to be the intermediate level of societal complexity that is most deleterious to the status of women. When societies pass through this middle stage to become even more complex, the position of women seems to improve again (Giele 1977:9).

Giele (1977:9-12) continues to discuss the effects of modernization on women's status which is necessary to examine how sex roles in the division of labour and family type vary from one time and from one society to another. Giele's (1977:13) theoretical expectation is that women's status was relatively high prior to the establishment of an agricultural system and patriarchal control. In both the agrarian and early modern society it is the middle level of structural complexity that pose the greatest barriers to women's freedom, which is most evident from the eight countries of study in Bangladesh, Mexico, rural Japan, and parts of rural Egypt (Giele and Smock 1977:27). Catherine Hakim (2004:82) speaks about a 'patriarchal index' when surveying women's position in society. She uses a five-point-scale to measure people's answers to two statements posed. The first is as follows: "Even when women work, the man should still be the main breadwinner in the family."

This item is an indicator of acceptance of patriarchy in the family, in that it insists on men's main breadwinner role even when women have paid employment. It suggests that a wife's earnings should have only a minor impact on male dominance in the family (Hakim 2004:82).

The second question posed is: "In times of high unemployment, married women should stay at home." "This item is an indicator of acceptance of patriarchy in public life – specially in the labour market and, by implication, other public spheres such as politics" (Ibid). The questions are surprisingly applicable to the Third World setting in women's work-related rights although the study was made to evaluate patriarchy in the Western industrial societies.<sup>131</sup> Unemployment is one of the main challenges faced by women at the middle level of economic-development societies. This is the case in Morocco, for example, but not in economically advanced Kuwait, where women's greatest challenge pertains to divorce (the same response was given by men and women interviewed in Kuwait) along with the purposeless life of many young people, culminating in the increasing use of drugs and alcohol (Fernea 1998c:123, 169, 193). Although Kuwaiti women's greatest challenge is not directly related to their right to work, it is indirectly related since Kuwaiti working women are blamed for the irresponsibility of the youth which is attributed to the transference of their child care responsibilities to day-care centres and nannies during their daily hours of routine employment. Ahmed (1992:190) does not just point out the problem

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<sup>131</sup> A 1996 eurobarometer survey found that one-third of men and women in Britain and Spain agreed that 'when jobs are scarce' men should have priority over women for the available jobs (Hakim 2004:84).



of unemployment, but rather the debate around the perception that women are taking jobs away from men. Consequently, women may be allowed to work when there is enough work for both, but when work is limited, particularly for the educated, gender becomes a palpable problem and women will suffer. Thus, a challenge women face is unequal distribution of work and the fact that assertion of their rights is allowed only if it is not considered to be a threat to the traditionally entrenched principle of male dominance or patriarchy. By bringing feminist issues to the surface Ahmed poses a challenge to patriarchy.

Mernissi (1996b:256) analyses the many socially deleterious side-effects of unemployment such as female prostitution. For example, in her article, "Virginity and patriarchy" (1982a:190), which is re-published in her book, *Women's rebellion & Islamic memory* (1996c:44), Mernissi explains the problem that the worst of it is "that it is young girls who are blamed for their weaknesses rather than the adult men who take advantage of unemployment and poverty in this way." This concern is not clearly enunciated by other authors.

Wadud points out the challenge faced by Muslim working women in American society. One would have thought that since gender-based discrimination has been outlawed in that society, women's work-related rights would need no further protection, but the paradox analysed here is that Muslim women living in a Western society are actually challenged by the religious as well as the secular authority of male leadership. This means that in practice women are expected to fulfil their domestic role, and yet enter the labour market and compete to an extent that is sufficient to secure their increasingly necessary financial contribution to support their families (Wadud 2006a:50, 141). Therefore, even though women are taking responsibility for increased wage earning outside the home, their exclusive obligation as homemakers, caretakers, wives and mothers has remained unchanged. Wadud's work is rooted in her own experience, which is that of a woman who has to contend with the multiple roles of parenting in the modern nuclear family yet, at the same time, earn sufficient wages without the benefit of an extended support network. She notes that she shares this experience with many women today who are heads of single households with no financial support other than their own income (more about this later in 4.5.3 and 4.5.5).

In addition, Wadud (2006a:56) points out the problem of the low status accorded to Muslim women in the workplace, with particular reference to the academic context where they are treated with condescension regardless of their contribution. Wadud attests in this regard to her personal experience at a secular university in America, noting that Muslim women therefore should take up the challenge of promoting academic freedom. In view of her experience and observation Wadud believes (2006a:66-67) that her work-related rights have been clearly compromised, not only because of her race (African-American) and sex, but more particularly because she is a Muslim lecturer wearing a veil at a secular university. The purport of this statement is that Wadud's view is existential (considering how she gained it) and racial-feminist, considering her conclusion, which issues a challenge to male leadership which, although swiftly disappearing in urban areas, is still present in entrenched attitudes exemplified in unjust treatment of women in the workplace, as well as systematic deprivation and ill-treatment in other (e.g. informal) areas. Even admission into a profession (e.g. academic position) does not exempt women from discriminatory treatment.

In summary, the authors highlight different aspects of the problem of women's work-related rights, based on studies they have done, or on their personal experience. Ahmed's and Wadud's views are more related to their personal experience in the area of work-related challenges than that of Fernea or Mernissi. Ahmed's discourse centres on the inequality of women in the workplace as a result of age-old entrenched attitudes and prejudices that militate against women's rights regardless of education and experience. Wadud emphasises leadership in the light of first-hand experience of a Muslim woman's situation as an academic at a secular university in the US. The views of Mernissi and Fernea are closer to each other; both regard this problem as a socio-economic issue. Whereas Fernea examines the diversity of Muslim societies from a socio-anthropological point of view using the 'curvilinear idea' by Lenski (1966) and 'curvilinear relationship' by Giele (1977), Mernissi looks at the problem clearly from a socio-economic point of view. In fact, women are the worst paid and most exploited workers in the Muslim world (cf. Mernissi 1996c:74). Collectively rather than focusing on the difficulties of getting women to work, the authors point to the growing 'phenomenon of cheap female labour', the cheapest and the most easily exploitable form of labour in many contemporary Muslim societies

(i.e., Fernea 1998c:169-183; 2000:6). Muslim societies have modernised, yet ultimately they still function under patriarchal leadership, which routinely underrates women's gainful employment and therefore compromises their work-related rights. The result is that when unemployment increases, women suffer first. Moreover, women are unlikely to occupy positions of power and therefore cannot elevate their status in work markets without difficulty.

#### **4.5 Family rights**

The fourth group of challenges faced by Muslim women as classified in terms of the Giele/Smock/Engineer framework is family rights, under which the following are subsumed: the age of marriage and choice of a partner; control over fertility; the right to spousal maintenance; rights in a polygamous union; and divorce and custody rights. In this classification a great emphasis is put on Giele's work describing the challenges faced by women across societies (i.e., What is the age of marriage? Do women choose their partners? Can they divorce them?). Engineer sheds further light on the family-rights issue by focusing on the most pressing issues specifically in the Muslim family context in Pakistan, Bangladesh and India. He goes to point out how Islamic family law favours men. Due to women's relatively inferior position and a lack of status in the family, women are subject to oppression and discrimination in matters relating to personal and family rights under a male-dominated law (Engineer 1992:100-118).

##### **4.5.1 Age of marriage and choice of partner**

Although Mernissi does not disclose her marital status to her readers or whether she has children, she is clearly interested in family issues and pays notable attention to single women's issues. She claims that the subject of single women is relatively new in Muslim society – the idea of an adolescent woman, menstruating and unmarried was completely new in the late 1980s and even in the 1990s (Mernissi 1996c:11). Still today, some Muslims link them with social disorder (*fitna*). As a sociologist, Mernissi focuses on the dynamics of Islam in the modern Muslim family in which she is interested in new family law and its achievement in various societies. In many Muslim societies it is mandatory to gain women's consent to marriage; a male guardian can no longer oblige a woman to marry against her will. Similarly, the reformed family laws have made the challenge concerning the age of marriage less

onerous in principle, although in practice the problem remains unabated for some women because the exemption of many institutions from the control of religious law (e.g. business corporations) does not extend to the family whose structure is considered divine and thus unchangeable (Mernissi 1987a:11, 18). Thus age of marriage and choice of a partner too are ultimately regulated by the principle of patriarchal honour which is built around the idea of virginity and reproduction from an early age.

In this regard Fernea presents a comparative survey of the situation in a variety of Muslim societies, pointing out a significant development that has taken place in the last forty years (Fernea 1969:165; 1995a:470; 1998c:310), namely, “engagements are lasting longer, and the choice of marriage partner is becoming a matter of negotiation between children and parents, rather than between parents alone”. However, many marriages are still arranged, particularly in societies where the patriarchal custom and tradition remains entrenched. Wadud hardly touches on the rights and status of Muslim women who do not marry; the topics of marriage age and choice of partner; or control over fertility. Instead, as it can be expected, she focuses on spousal maintenance (see 4.5.3), and on divorce and custody rights (see 4.5.5), which she closely ties with the challenges of single-parent households such as her own. Ahmed’s work sheds valuable light on how single Muslim women (never married or divorced) experience the challenges of their situation. She presents her own experience in different stages on her life. While in Egypt, it was often conveyed to her (sometimes subtly; sometimes explicitly) that her mere existence as an independent professional woman with no male protector was an outrage, a personal affront to Muslims and an abomination in the sight of Allah (Ahmed 1982:532; 1999a:201). Although she was in her adulthood, was divorced, had outlived her male family members, and was a highly educated self-supporting career academic, she was at the mercy of reproachful efforts to instil a sense of guilt in her about living alone (1999a:201). In Ahmed’s view women are unfairly judged and challenged merely for being single. This challenge is particularly prevalent today, as evidenced by studies showing that women study further (post school) and get married later. Ahmed notes in discussing the psychological effects of patriarchal customs and traditions of Muslim societies that many women experience emotional stress, fear

and depression as a result of overstepping the bounds of traditional perceptions of femininity.

As Ahmed notes, she experienced freedom in choosing her partner, yet in her extended family the generation before her did not have the same freedom. Her mother and her mother's four sisters had to marry men they had never met (three out of the five marriages were successful). As commented by Barbara Crossett, United National Bureau Chief of the *Times*, "Ahmed writes beautifully and with deep understanding of her mother and the other women of her extended family" (Crossett 1999:1). However, on further analysis, Ahmed's work clearly reveals that she nurtured a lifelong desire to escape the marital lot that befell her mother. She concludes (1992:129) that this could only be done by becoming either a man or a Westerner and educated in both instances (clearly the reason for her to obtain higher education). Thus, Ahmed's (1999a:104, 113, 209) example shows her desire to break down the age-old family traditions. This was possible for a number of reasons: she was an upper-class woman; her vision was supported by her father (whom she outlived before getting married to a Christian man, who converted to Islam); and she lived during the time of feminism and a strong Western influence in Egyptian society. But most of all, it was possible because she removed herself from the patriarchal influence of Egyptian society, which she experienced as an oppressive community that undermined her aspirations, and went to study in England, finally emigrating to the United States. Thus, the challenge Ahmed overcame was possible because of her emigration (we can only speculate about how her story would have ended had she remained in Egypt). This cannot be seen as a general means of redressing women's rights, however, since not everyone has the means (property in Ahmed's case) to support such a relocation.

Fernea's view on the issue is coloured by her Western education and thought. As a Westerner, at first she did not appreciate the gravity of the challenge and the far-reaching consequences of its impact on the lives of Muslim women. In her interviews, short stories and translated poems Fernea (1995a:10) documents the fear and mental torture that women fall prey to, simply because they are not married. She points out that the core of the dilemma is that until recently the family, not the individual, was the defining unit of social life in the Middle East (Fernea and Fernea

1997:207). In this guarded family unit, which is a symbol of, and regulated by the principle of patriarchal honour, the position of single, unmarried women is the most precarious of all (e.g. a man's lost honour can be regained, but a girl's is lost irretrievably). Thus, women are clearly subject to severe discriminatory social strictures if they do not conform to the mould of traditional behaviour. In all fairness, in her book *In search of Islamic feminism: one woman's global journey* (1998c) Fernea cites examples of mainly upper-class educated women who, in her estimation, have managed to lead successful, satisfying lives as single women in Muslim societies.

In summary, the authors demonstrate the dynamics of Islam in the modern Muslim family. This generation of authors are clearly of the view that age of marriage and the choice of a marriage partner is no longer the weighty challenge that it was in the time of their mothers and grandmothers – the previous generation. These decisions are becoming matters of negotiation between children and parents, rather than between parents alone. Instead, the growing phenomenon of single women (never married or divorced) as well as single mother led family units and the challenges they face in contemporary times are the areas of focus of the selected authors.

#### **4.5.2 Control over fertility**

Women's control over their own fertility is a complex issue debated in modern Muslim societies. Giele regards the issue as so important that she discusses it, not under family issues, but under the separate heading: 'Health and fertility'. Her discussion is informed by such questions as: What is women's mortality? To what illnesses and stresses are they exposed? What control do they have over their own fertility? Although not emphasised as much as by Giele, Engineer also marks control over fertility as a challenge faced by contemporary women. The following discussion examines how the selected authors view the issue.

The topic surfaces frequently in the work of Mernissi, who points out that the views of men and women on the matter of sex roles, the marital couple and contraception in Muslim families, are radically different. Fertility control is faced by both married and unmarried women. Mernissi (1992:165) points out that where early marriage used to be the rule, today the Arab world is seeing a delay in the age of marriage that has

come as a total surprise. It follows that 'since this trend was neither anticipated nor codified, there has been an increase in out-of-wedlock births' (Ibid). Rural women in particular suffer the hardship of poor health, medical and gynaecological neglect, but also of being unable to control and plan their pregnancies. Mernissi (1996c:xiii, 49, 53) notes that due to the lack of health clinics in rural areas, almost ninety percent of women give birth at home with all the obvious risks of complications (cause of high child mortality as well as maternal mortality rates). The risk of dying of causes related to pregnancy and childbirth is forty times higher in the developing than in the developed world, and even 150 times higher in some of the poorest countries (Ibid:51). In addition, Mernissi (1996c:51) points out that, in many cases, Muslim societies only adopt family planning and mother-and-child health care programmes under international pressure in the form of conventions (e.g. instituted by the United Nations) that have to be ratified if a state wishes to receive funding, where that funding is linked to population control. Therefore, the positive development seen in population planning programmes is not necessarily attributable to initiatives coming from Islamic societies themselves, but to external influence, which means that traditional sentiment against the control of fertility in Muslim communities remains intact.

When Ahmed raises the topic of fertility control, she always links it with the fight against illiteracy. Ahmed quotes several writings of the upper-class Egyptian feminist physician and political activist, Nawal El Saadawi, demonstrating openness when speaking of physical and sexual matters.<sup>132</sup> Ahmed's main contribution to this debate is her observation that although some Muslim countries (e.g. Egypt) have taken steps to promote women's health and to control population growth (by promoting birth control and opening family planning clinics), they have not been too successful (i.e., the estimates suggest that in the 1990s no more than five to eight percent of Egyptian couples used prophylactics). Although this negative development has yet to be adequately studied, Ahmed (1992:212) points out some possible reasons: many Muslim men and women still believe that birth control is contrary to Islamic precepts;

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<sup>132</sup> Nawal El Saadawi's work *The hidden face of Eve* (1980) is a graphic exposure of the appalling abuses of women and girls (i.e. clitoridectomy). She was a director within the Ministry of Health Education but was removed from that position. Her books have been banned in Egypt. After the publication of her book, *The hidden face of Eve* (1980), she was arrested and imprisoned in 1981, along with 1 035 other leading Egyptian intellectuals (Emberley 1993:55).

in the absence of any national system of social security, and limited female inheritance and property rights, children comprise the best form of old-age insurance; and given the current legal situation which makes divorce easy for men, some women believe that the more children they have, the less likely the man will be to opt for divorce because of the financial burden implied by the legal obligation imposed on men to support their children.

Fernea discusses the issue at great length under the rubric: 'Women and Health', which reflects her interest but also the importance of the issue. Fernea (1998c:52) points out that many Moroccan women would use methods of controlling fertility if they could. But because of the lack of health clinics and fertility control services, women in the rural areas are forced to use traditional abortion methods (such as cramp-inducing herbal mixtures, drugs, tobacco leaves and amulets) or use self-taught health practitioners to terminate the pregnancy by other means. This obviously expose them to psychological and physical health risks. In addition, raising fertility rates adversely affects not only women's physical and emotional health, but also their mobility, educational attainment and labour force participation. The most revealing observation in Fernea's work, however, is the following: throughout her personal ethnographic-biographical accounts of her travels around the Muslim world, Fernea documents that women's health challenges (fertility control) manifest differently in different Muslim societies depending not only on the society's family laws but also its economic capacities. For example, family law is decisive for Kuwait and economic capacity for Turkey. The challenge faced by Kuwaiti women is a complete absence of family planning while in Turkey it is the absence of support, including health clinics (Fernea 1998c:184, 219). The absence of family planning in Kuwait is attributable to that society's family laws (custom and tradition) while Turkey's problem is attributable to economic constraints. However, the situation is more complicated than that. In Turkey the law is fairly lenient but entrenched tradition still takes its toll. Although in Kuwait the family laws restrict fertility control, the government encourages a higher birth rate through economic incentives. For example, "with every baby that is born the father gets a raise in pay, so does the mother" (Ibid:184).



In summary, both Fernea and Mernissi see the challenge as a family law and economic issue. Mernissi contends that women's experience of fertility control is a function of economic prosperity in general, but also of how economic resources are apportioned by those in authority, which in Muslim countries means the male leadership. However, as noted by Ahmed, even though family planning clinics are available to control population growth, Muslim couples are, to some extent, disinclined to make use of them.

#### **4.5.3 The right to spousal maintenance**

So far, Wadud has remained quiet on the discussion of women's family rights, but she does take a keen interest in women's rights to spousal maintenance which she considers to be seriously abused in the case of Muslim women in the United States. About her personal experience, Wadud (2006a:59) says that Islam did not bring answers to her inquiry concerning issues of inequality, such as "care, protection, financial support, and adoration." It was, in part, because of her contact with many other Muslim women in the US in similar circumstances, that has inspired her to take up these issues in her writing.

Wadud does not believe that men are necessarily better equipped than women to deal with household finances and that in many cases women would perform better in this area if they had the right to do so. Muslim women living in the West try to balance the old tradition (Islamic teaching on maintenance) against modern developments (e.g. governmental social support). For Wadud this meant finding the balance between the old tradition and North American laws and policies regarding child support. Lacking maintenance from her ex-husband, Wadud with her two children survived on welfare as her sole source of income after her first divorce (Wadud 2006a:60). She notes that a single mother is eligible for governmental support from welfare and social service funds; yet, often she is discouraged (by her Muslim family or religious community) to accept such support. Wadud tries to identify why women are not defined as full, autonomous or independent agents in the family, but are seen only as a facility to guarantee and preserve wholeness and well-being, by pointing out the Qur'anic view on the subject. Wadud (2006a:41) claims that women's rights in the matter of spousal maintenance include a material dimension in the form of physical protection and material sustenance, as well as spiritual, moral,

intellectual and psychological dimensions. This moral and physical protection of women is often neglected, for example, when husbands take the liberty to beat their wives. Wadud (2006a:192) presents a new feminist hermeneutic interpretation of the classic verse (4:34) whereby it is argued that by virtue of their inherent male superiority men are entitled to beat their wives for disobedience. This topic of violence against wives is treated in depth by Wadud. It is also an essential topic in the writings of Aziza al-Hibri. In "Muslim women's rights in the global village: challenges and opportunities" (1999:121), al-Hibri claims that it is the Qur'an (4:34) that is most often quoted to justify violence against women. However, she believes that this verse did not authorize wife abuse, but only introduced a transitory stage for change (from the Jahiliyyah society where men were violent and many beat their wives), while preserving the Qur'anic view of ideal marital relations (al-Hibri 1999:122). On the contrary, the Prophet himself repeatedly denounced spousal abuse, and the Qur'an (2:231) enjoins spouses to "live together in kindness or leave each other charitably."

While Wadud's point of view is theological and activist, Mernissi deals with the challenge of spousal maintenance purely from a social worker's point of view in that her main concern is that a wife is legally entitled to financial support (e.g. food, clothing, medical care, housing and treatment on a par with other wives in a polygamous union). For Mernissi maintenance is an economic rather than a religious matter. Providing maintenance definitely is a fundamental step in strengthening women's socio-economic status. Although this would not erase existing inequalities (e.g. the sexist values) in a society, it would help women at least to feel more valued and thus equal than would be the case without maintenance support.

Ahmed does not discuss the topic of spousal maintenance at any great length. In her book, *Women and gender in Islam: historical roots of a modern debate* (1992), the subject is not even listed as a topic in its 20-page index. The reason for Ahmed's relative neglect of this issue is probably that as an upper-class Egyptian who was not exposed to negative experiences in this area, she has not been sensitised to it. Fernea sees maintenance in the light of her main concern, which is with families and children. In all schools of Islamic law it is held that the maintenance of children is the responsibility of the father or his extended family. However, Fernea contends that

contemporary women are largely deprived of spousal maintenance, particularly after a divorce, because there is no formal remedy to ensure that men honour their paternal maintenance responsibility according to traditional Islamic law. For instance, according to Fernea (1998c:219), in the newest settlements in Turkey, there are divorced women who live in shacks with the animals (in worse conditions than in many rural villages) because men are allowed to ignore their obligations to their divorced wives and children. The situation is worse in rural areas where there are no administrative facilities where women's complaints can be handled.

In summary, the authors (excluding Ahmed) agree that contemporary women are challenged with regard to spousal maintenance rights. Fernea makes the significant point that if spousal maintenance is withheld, children are usually also deprived. Besides regarding it as an economic issue, as Mernissi does, Wadud discusses the dilemma from a divorced woman's point of view. Moreover, she points out that there is a mounting problem of domestic violence in many North-American Muslim families.

#### **4.5.4 Rights in a polygamous union**

The four authors hold that although in practice the number of polygamous households is small, the possibility that a husband might take another wife is always present. Ahmed (1992:index) categorises the issue of polygamy under the rubric, "Oppression of Women", along with other issues such as psychological and physical abuse and slavery. She also deals with the ethical aspects (moral pain) of polygamy, and her study sheds new light on polygamy's undeniable effects not only on marital harmony, but also on the children's personalities. Ahmed's concern with polygamy (1991:62; 1999a:68, 114; 1999b:13) has roots in her personal experience since her mother's paternal home was a Turco-Egyptian harem where women often experienced psychic pain and misery. She notes (1992:175) that, although Egypt has played a pioneering role in addressing women's marital-rights, the struggle to institute legal reforms in the area of family law, and in particular to restrict polygamy, has met with virtually no success. In Egypt the relevant legislation has been amended to impose practical constraints on men without removing their right to marry more than one wife. In Tunisia, Turkey, Syria and Kuwait polygamy has even been declared illegal. However, even though the husband has to notify his wife of his

intention to marry another woman and must inform his wife-to-be of his present marital status, these constraints are often ignored, mainly because the legal strictures imposed by the revised family laws (reforms of *Shari'ah* by virtue of extraneous Islamic legal opinion) are not supported by the Qur'an (Ibid). Ahmed (1992:108) regards polygamy as a flagrant violation of the principles of sexual equality and a degradation of women's self-concept. In reality, it has oppressive implications for both sexes, one of the most harmful effects being that polygamy allows elderly men to marry women one or two generations younger. By utterly denying women's rights, the practice of polygamy is a clear indicator of inequality between men and women in the contemporary Muslim world.

Mernissi's treatment of women's rights in polygamous unions is exceptionally personal and of particular interest to this analysis since it shares a first-hand experience of harem life. In Mernissi's case (1987a:48), her grandmother was kidnapped on the Chaouia plain and sold in Fez where she, as a concubine, bore her mother. This history constitutes a distinct influence that guides Mernissi's research and writing, showing that the belief that polygamy is not a challenge faced by contemporary women is false. Many of Mernissi's (2001:147) university colleagues, for example, complain about jealous wives and girlfriends slicing their tyres to force recognition of their dissatisfaction about the men having or taking another wife. Her research reflects a perspective on polygamy's damaging psychological effects on women in both the lower socio-economic and the educated class. Mernissi points out that women's rights are not only challenged in the context of polygamous unions but by the very existence of polygamy as an institution. In support she cites the incident that occurred in Morocco, in 1992, when a women's association (*L'Union d'Action Feminine*) collected one million signatures against polygamy and divorce but were rewarded for their pains with the declaration of a *fatwa* against them by the fundamentalist press, thus striking a determined blow against women's right to participate in law-making processes (Mernissi 1994b:38). According to Mernissi (1994b:38), a government that allows polygamy largely deprives the families in its constituency (men, women and children) of their right to happiness and emotional security. The revised Moroccan law of 2003 does not outlaw polygamy, but it determines that husbands would have to treat second wives and their children on an equal footing with the first. In Mernissi's view, however, this provision does not

release women from their plight with regard to marital relations because as long as polygamy is institutionalised by Islamic family law, women will have to contend with a position of domestic inferiority.

Fernea (1998c:236) likewise contends that unless polygamy is forbidden in the Arab world, equality between partners in Muslim marriages will remain a distant goal (polygamy is illegal in Tunisia but not in Egypt) (Fernea and Fernea 1997:68). Whereas Mernissi and Ahmed emphasise the psychological effects of harem life, Fernea approaches the issue from an outsider's position, but she overcomes this limitation by interviewing Muslim women with first-hand experience. Interestingly, she points out that contemporary Muslim women may or may not be physically confined in harems, but the real confinement they face is psychological in the sense that they are excluded from the family decision-making process (Fernea and Fernea 1997:42). Wadud considers that family law reforms have constituted a major example of modern religious reform in twentieth-century Islam, yet despite relatively successful reforms on the whole, many issues, such as polygamous unions, are avoided and remain unresolved. The challenge is that women are on the receiving end of discussions and excluded from decision making, particularly where their role in the family and society is concerned. Such decisions are made for women by male authority which Wadud (2006a:96) sees as the key element in, or rather, the key obstacle to, overcoming the challenge of polygamy.

In summary, although many assume the practice of polygamy has diminished, the authors point out that even though it has become rarer, it is an ever-present challenge. Ahmed and Fernea point to polygamy as a clear indicator of inequality between men and women in many contemporary Muslim societies. It has ethical and psychological aspects that impinge on women's lives; moreover, it also decisively affects children's personalities. Mernissi and Wadud are of the opinion that women's rights are challenged not only in polygamous unions, but also by the persistence of the very practice itself, which automatically proclaims the dominance of male authority and consequently, the subordinate status of women in the family and in society.

#### 4.5.5 Divorce and custody rights

One of the regular topics aired by all four authors is divorce and attendant issues (child custody and remarriage). They agree that current laws governing men's and women's rights in divorce and child custody continue to subject women to cruel and unjust challenges. For Ahmed it is crucial to point out that divorce nearly always occurs at the instigation of the husband and that it is a common challenge in all classes. In many Muslim societies (e.g. Saudi Arabia) every law and institution is controlled by men and is designed to serve and maintain uncompromising male control (Ahmed 1982:530). Yet, there are variations on the theme of divorce and custody rights among Muslim societies. Countries like Iraq, Syria and Tunisia, for instance, have introduced amendments in their laws that have improved women's legal rights under Islam to varying degrees.<sup>133</sup> Ahmed's concern with the issue of divorce is personal in that it grew out of her experience. The idea of women's marriage agreements, women's right to ensure the right to divorce (*'isma*) comes up repeatedly in her writings (Ahmed 1988b:174; 1999a:119, 221). She points out that poor, uneducated women are most challenged by divorce rights under current Islamic law. Whether a woman can obtain a divorce depends on her having a marriage agreement, the leverage of independent wealth, or the support of her family (Ahmed 1992:105, 106, 241, 242). In short, the institutional power of men in society at large, and the personal power of male relatives regarding the issue of divorce mean that except in the most circumscribed ways, female members of Muslim society generally have no control over their own lives.

Fernea, more than any of the other authors, focuses on children's rights where divorce and child custody are concerned. Children under the age of fifteen form forty percent of the population of Muslim countries, but they are also the least understood, analysed and represented section of the Muslim population and are rarely included in development plans in various Muslim societies.<sup>134</sup> Fernea points out the variations

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<sup>133</sup> In Egypt, women recently celebrated a great triumph in the passage by the People's Assembly of *khula*, the statute enabling consensual divorce whereby couples can now ask for and get a divorce if they are willing to return their dowries. The law was justified on religious grounds.

<sup>134</sup> Fernea's work, *Children in the Muslim Middle East* (1995a:17, 18), mentions some of the urgent issues challenging Muslim children today: the physical health of half of the 90 million Muslim children is threatened today by hunger, poverty and war; only 16 percent of all Arab children enjoy the opportunity of preschool learning; Arab children are severely impoverished in many countries; the majority of Arab children suffer from unsuitable dwelling conditions; and about 3 500 Arab children die

in the challenge of divorce and custody rights in various Muslim societies. In Morocco, for instance, even with the law recently reformed, if the mother remarries, the children go to the father<sup>135</sup>, whereas in Iraq (at least in theory), a new family law gives a child the right to choose whether to stay with the mother or the father if the mother remarries (Fernea 1998c:322, 323). Although she does not link women's divorce and custody rights directly to the problem of homeless children, Fernea makes this connection to the 'growing number of homeless children' appearing on Cairo's streets (close to three hundred thousand in Egyptian society alone) (Fernea and Fernea 1997:338). The connection has yet to be proved, but the possibility cannot be dismissed out of hand. Among the selected authors Fernea is the only one who has dealt with this matter.

Mernissi's work in sociological analysis focuses on the high divorce rates among young Muslim women (young couples try to build up something different from the stifling sexual relations idealised by tradition, but fail and end up with divorce). Until recently Moroccan statistics have shown the world's highest divorce rates whether compared to either developed or developing countries. One of the main reasons for the high divorce rate in Moroccan society is the widespread use of the formula of repudiation. The latter is a concern particularly because of its easy practice (e.g. according to Mernissi, her uncle Hajj Muhammad overturned the table and threatened to pronounce the formula of repudiation whenever her aunt Kanza put a little too much salt or pepper in the couscous) (Mernissi 1992:152). Elimination of this practice makes a large difference in family disruption rates. For example, Morocco's rate has been almost three times that of Tunisia, a Muslim country that has eliminated repudiation (Mernissi 1994a:38). On October 11, 2003, the *BBC* news channel reported the enactment of a new Moroccan law concerning women's marriage age, divorce and property rights. Due to the positive impact of the

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daily from treatable diseases. A fifth of this number die from diseases for which vaccination is available, which is a great loss to the Arab nations and an enormous challenge for women.

<sup>135</sup> Fernea (1998c:162) gives an example of Fajr, an American woman who, under the Islamic law, was allowed to move back to Michigan but had to leave her children behind in Morocco.

Moroccan Family Code (adopted in 2004), the Moroccan divorce rate has dropped forty percent.<sup>136</sup>

Whereas Mernissi focuses on Morocco, Wadud points out the alarmingly high divorce rates and growing numbers of single-parent homes among Muslim women living in the West. Wadud (2006a:126) uses direct language, such as 'living hell' when describing the life of many single female parents or women with disabled or unable fathers, husbands and brothers in a Muslim community. Wadud claims that the ultimate challenge pertaining to divorce in Islam is always the men's power of repudiation (the statement 'I divorce you', which is not under the state's and judges' control). Thus, men are privileged at the expense of women where divorce is concerned (Wadud 1999:68). Fortunately, this power of the male has received some attention in modern Islamic legal reforms. For example, in some instances repudiation is subject to the male's prior attendance of a court hearing, and in Malaysia both spouses have to go to court. Wadud (2006a:150) observes that, whereas in most traditional Islamic schools of law, custody of the child (in the case of divorce) goes to the father and his people, in the contemporary context of the United States child custody and maintenance (see section 2.7.4.1) is often awarded to the mother on grounds that she is naturally best endowed to provide nurture and care. Although a divorced woman could avail herself of American laws and policies surrounding child support, African-American Muslim women are often distrustful of governmental laws and support, which they consider to be un-Islamic (Ibid:151).

In summary, all four authors consider women's rights in matters of divorce and custody in contemporary Muslim societies as greatly challenging. Divorce particularly presents ethical, psychological, sociological and decision-making challenges. Ahmed focuses on a tension between pragmatic and ethical perspectives in the Qur'an where the position of women is concerned. Wadud characterises the life of many single female parents like herself as 'a living hell'. Mernissi concentrates on sociological analysis supported by Moroccan statistics and Fernea focuses on the challenge faced by women where the right to custody of their children is concerned.

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<sup>136</sup> See Anon. (2004b). ("Divorce rate in Morocco decreased 40%, official" [online]. Available from: [http://www.map.ma/eng/sections/social/divorce\\_rate\\_in\\_moro/view.htm](http://www.map.ma/eng/sections/social/divorce_rate_in_moro/view.htm)) [Accessed 24 January 2006].



## 4.6 Rights to cultural expression

In terms of the Giele/Smock/Engineer framework, the fifth group of challenges faced by Muslim women is classified as cultural factors, cultural perceptions and attendant realities relating to women's position in society. The matters at issue concern women's limited participation in society compared to men. Scholars use the term 'cultural imperative' to describe the underlying values and attitudes determinant in each society (e.g. Giele 1977:54). Giele deals with questions such as: What perceptions of women and their positions in society are prevalent? To what extent do these reflect or determine reality? Engineer's text deals with various challenges faced by Muslim women in matters of cultural expression, such as, *pardah*, women's right to freedom of movement and the right to participate in religious practices. The authors' writings on the two main matters defined as part of the Giele/Smock/Engineer framework will now be analysed: the veil (*hijab* or *pardah*) (section 4.6.1) and socialisation (behaviour in social interaction) (section 4.6.2).

### 4.6.1 The veil (*hijab*)

The practice of veiling is intensely debated among scholars. The four authors hold diverse views about this institution and its implications for women's rights. Essays on problems around *hijab* dominate Mernissi's intellectual career. Her response to the challenge posed by the veil derives from her personal experience. She was forced to veil as a young child, yet her mother and grandmother fought against the custom and Mernissi pioneered the first generation of unveiled women in her family. To Mernissi (1992:4), *hijab* means limitation, segregation and isolation, anything that keeps women out of the public domain. Mernissi (1991b:93) speaks of the veil or *hijab* (from a term *hujab*; equated by some with the iron curtain as a defunct concept) as a reference to restrictive boundaries and frontiers behind which she, like other women, is forced to lead an obscure, shadowy existence devoid of autonomy and human dignity. To her the veil is only one of the incarcerating barriers that isolate women, but it has become a general symbol that represents women's diminished existence in isolation from humanity at large. In addition, Muslim women are challenged on their individual right to self-affirmation through actions, such as unveiling (Mernissi 1992:157). Society defines the challenge, so the challenge changes with society. Therefore, the issue does not only concern the veil *per se*, but also how women manage to balance old customs and traditions with rapid social change.

An interesting controversy in Fernea's text is that in her early writings on Islam (1977) her interpretation of veiling is Quranic (33:59), which makes her the only author of the four to take this view. However, in her later writings she notes that the literal, doctrinal and hermeneutical interpretation of the verse in question is a lot less important than its cultural application. Fernea (1992:122) believes that the veil issue should be determined by the cultural requirements in each Muslim society. She focuses on the challenge of veiling from an anthropological understanding, where much depends on who makes the decision – whether the veil is imposed or assumed autonomously (e.g. Fernea 1969:5, 217; 1975:66; 1992:119; 1995a:217). Fernea explains how she veiled when living in Iraq and Morocco; it provided anonymity in Muslim society which enabled her to pass unnoticed as a Westerner, thus paradoxically freeing her to have access to the market and the *shrine*. In this regard she holds that the veil is not a challenge if it is the personal choice of the wearer; but that it becomes a challenge when its choice is questioned, for instance in Iran, where in 1981 the “parliament passed a law requiring all women to observe the Islamic dress code, with punishments of up to one year in prison for violations” (Fernea 1995a:328). She observes too that women are confronted by an uncomfortable choice between the old traditions and modern day developments (Fernea 1998c:371). For example: If women are required to wear a veil in a public place, what is a public place? Is a dentist's consulting room private rather than public? Should a dentist wear a headscarf or a paper hat and a mask when working regardless of whether the patient concerned is male or female? Fernea (1992:122) concludes that the veil is a complex symbol that can have multiple implications and impacts: it can either serve as a symbol for conservatism that rallies reaction against modernisation; or it can symbolise an Islamic approach to the solution of both old and new problems. In Saudi Arabia and Afghanistan, for instance, state law obliges women to veil, which is not the case in Egypt, Morocco or most other Middle Eastern countries. In Tunisia the veil is forbidden, but in Turkey, it is a source of controversy as secular feminists march against its use and religious women march for their freedom to wear it (Fernea 2000:4).

Ahmed's response stems from her personal experience of veiling. She moves from the historical explanation to a very personal level to explain her experience of the veil. She does not support the veil, but believes that the extent to which it is

mentioned in the Qur'an and law can be summed up as an adjuration to dress modestly. Ahmed wears conservative Western style clothing. She experiences the challenge of the veil, not physically but 'mentally as a haunting, insistent presence' (Ahmed 1988a:208). Although Ahmed criticises the use of the veil, she is targeting neither Islamic nor Arabic culture with her criticism, but the misogynistic laws and customs found in many Muslim societies. Ahmed points out (1992:232) that during the leadership of the Ayatollah Khomeini there was a campaign in Iran to drive women back into the sphere of domesticity, to which end defiance of the rule to wear the *hijab* was punishable by seventy-four lashes (some fanatical groups even attacked women whom they considered inadequately covered with knives and guns). Ahmed also notes that some Muslim countries (e.g. Saudi Arabia and Libya) have used their oil wealth to promote the adoption of Islamic dress. Women have even been offered money for every woman they have persuaded to wear a veil (Ibid:218). There is an unjustifiable assumption that women's issues are a purely cultural matter, that the struggle for women's rights is a struggle over culture. According to Ahmed (1992:166) this misallocated confinement of the vexed issue of the oppression of women is attributable to the influence of Western discourse. Because of this misplaced historical struggle in the realm of culture, the veil is now fraught with ambiguous meanings. Ahmed (1992:223-225) points out that the veil is not an instrument of oppression in its own right, nor does it have an inherently negative meaning; instead it has a number of decidedly practical advantages.

The veil is economical; it solves difficulties over the lack of glamorous clothing. It is psychologically comforting; and it protects women from male harassment. It signals the wearer's adherence to Islamic moral and conservative mores. The veil extends female autonomy; wearing the veil does not define women's place at home but legitimises their presence outside it. It is indigenous; in the context of rapid social, economic, educational and professional changes it provides a viable strategy by which women negotiate the tensions between the old views and their new roles (Ibid).

It is interesting that the selected authors who witnessed veiling in their childhood (Mernissi and Ahmed) do not veil today, but are strongly opposed to it, whereas Wadud and Fernea who had no experience of the veil in childhood observe the custom (Fernea only occasionally). Therefore, the veil means different things to different people in society, for example for men and women, or for the young and the elderly; and for Western (e.g. Fernea and Wadud) as opposed to Middle Eastern

cultures (e.g. Mernissi and Ahmed). While Ahmed and Mernissi do not veil, Wadud as an adult convert to Islam has worn the *hijab* constantly for 30 years, and has also covered her face for four years when living in the United States and in Libya. How do these differences come about? Why does Wadud persistently defy demands that she remove the veil even at airport security checks? Why has the veil become such a dominant issue in Wadud's life? This is despite the admission in her work that the Qur'an does not offer solid ground for a rigid rule that all Muslim women must wear the veil, particularly since dress codes for Muslim women vary considerably according to cultural background. She goes to explain that the veil has hidden her African origins (which she experiences as a burden and a cause of racism), allowing others to identify her with several Muslim ethnicities (Wadud 2006a:224). Finally, although Wadud does not consider veiling as a religious obligation, nor ascribes to it any religious value per se, it has a dual significance for her public role and representation that figures strategically in the debates over Islam and gender.

In conclusion, it is clear that the veil elicits strong reactions from the authors. For Wadud it has become a symbol of identity. Although Ahmed does not actually wear the veil, she feels it mentally as a haunting, insistent presence. Fernea looks at the issue from the anthropological side, arguing that the veil is not a challenge if it is a personal choice of the wearer; it becomes a challenge when it is imposed. Mernissi links the challenge with political, economic and sociological factors. To her *hijab* means segregation and sets up hierarchic barriers. Overall, it is the idea of the veil much more than its material presence that is the powerful symbol of women's non-participation, passivity and invisibility in the public domain.

#### **4.6.2 Socialisation**

The Giele/Smock/Engineer framework defines the area of socialisation (social contracts) as a challenge faced by women in the area of cultural expression. Besides challenging women's rights and imposing constraints on their behaviour in social interaction, the framework includes challenges on freedom of movement and women's rights in public worship, which I will discuss in this order.

The writings of Fernea (i.e. 1969; 1975) provide several positive examples of women's social interaction in Muslim societies (i.e., wedding celebrations, birthdays

and women get-togethers in leisure time). Her point of view is that Muslim women are socially active and enjoy rights on social interaction among relatives and friends particularly in the accepted domestic areas (including daily activities of cooking, housecleaning, etc.). Ahmed (1999a:120; 1999b:13) as well describes how women express their freedom in social activity particularly in the 'women's world'. There is not one uniform practice concerning the topic discussed. Each Muslim society defines the framework for women's social and cultural rights, and furthermore so does each individual family. Many Muslim women enjoy freedom of cultural and social expression, yet some women are unable to leave their homes or to have identity papers or passports in their own name and some women are not allowed to speak on the phone or to receive letters. Fernea and Fernea (1997:95) note that some societies, (e.g. Saudi Arabia) have enforced laws that prohibit women from driving cars; and in Libya women may not engage in tourism nor view Western television programmes, the object being to reduce women's exposure to foreign influence. Furthermore, although increasing number of women are recording their thoughts and experiences, some experience great limitations to public opinion in speaking and/or writing (i.e. Ahmed 1992:183, 184, 205). Cultural sanctions are imposed on those who do not conform. As noted by Ahmed (1992:183), pain figures in the lives of many who throughout the twentieth century "have devoted themselves to the cause of women and who have played a significant part in defining the territory and articulating the discourses of female subjectivity," including Malak Hifni Nassef, Nawal El Saadawi and Alifa Rifaat. Furthermore, she adds to this discussion the problem of an increased suicide rate among women activists (i.e., Mai Ziyada<sup>137</sup> and Doria Shafik). Mental breakdown and suicide naturally has many causes, as she notes, yet among them doubtlessly are the punishing social and psychological effects visited on women who break the traditional bounds set by society for their behaviour, particularly if they take a stand against the reigning dogmas of the culture (Ahmed 1992:188, 202, 206, 231). The main challenge is not that women are punished because they are dissidents, Ahmed (1992:231) notes, but rather that they are oppressed and deprived of rights merely for being women.

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<sup>137</sup> Mai Ziyada (1886-1941), writer and feminist, was a prominent figure in the Egyptian intellectual world.

At the same time a change is taking place in cultural participation in modern Muslim society, which is noted by all of the authors, particularly by Mernissi and Fernea. In the revised edition of her work, *Beyond the veil: male-female dynamics in a modern Muslim society* (1987a:vii [1975]), Mernissi states that Moroccan women's behaviour in cultural and social expression has witnessed an enormous change in the last few decades in the areas of male-female dynamics in a modern Muslim society. Similarly, perhaps the most significant change Fernea has seen taking place in Muslim society in the last forty years is the change in gender relations (Fernea and Fernea 1997:529). In her work, *The Arab world: forty years of change* (Fernea and Fernea 1997:496), she states how in the 1960s as a young bride living in rural Iraq, she was segregated along with other village women, but forty years later she was able to step in places she was forbidden previously. Similarly, her husband was allowed to see village women face to face who had to stay out of men's sight four decades earlier (Ibid:512). Fernea notes that this fundamental realignment in the relationship between men and women has touched all classes and communities to one degree or another (Ibid:529). A unique characteristic appearing only in Fernea's work is that her research is based on team work with her husband. Because of this team work she has had an opportunity to observe not only a woman's but also a man's world, which is particularly important when discussing women's rights to cultural expression and socialisation (Fernea and Fernea 1997:454, 506). Since the change in modern Muslim society has been dynamic and fairly fast, it has not brought only liberties in freedom but also burden in management. In her interviews (with both men and women) for her book, *In search of Islamic feminism: one woman's global journey* (1998c:27), Fernea tries to find out what the real problem is; furthermore, she asks what feminism can do in this regard. The interviewees stated that the question is very complicated, it has many sides. Although they list issues such as poverty, family violence, and poor health (due to hard work in the home and workplace, increasing numbers of women suffer from depression), Fernea's research findings underline one particular issue as part of the problem, namely 'the self' (1998c:26). Today's women have gained many rights previously denied (from the generations of their mothers and grandmothers), yet they feel that one of the key challenges faced in contemporary times is their "lack of knowing how to nourish the self" (Ibid:27). Fernea analyses some of the main issues leading to this development pointing out that families have been forced out of older urban districts into new

residential areas, in which case as older and younger generation are separated, relocated families often live at considerable distances from their extended families (Fernea and Fernea 1997:533):

With husbands away and parental homes across town, women are increasingly finding themselves as heads of households, taking over the male's traditional position of prime authority and decision-maker, in matters of child-rearing as well as economics. This is unsettling to everyone, including the children, who now form half the original area's [Iraq] population and are growing up, critics note, without proper traditional male authority (Ibid).

Yet, one further area discussed by the authors under the topic of cultural expression is women's rights in public religious participation. This is also one of the main concerns of any challenges faced by Muslim women according to Wadud. Mernissi (1993:81) points out that the Prophet said: "Saying one's prayer in mosque is worth a thousand prayers said elsewhere," yet the Friday service is a duty for all Muslims, with four exceptions: slaves, women, children and the sick. Mernissi describes how women have discovered the value of 'folk Islam' (set of beliefs, superstitions, and cultural practices transmitted from generation to generation apart from the strictly theological forms of the official Islam) and a sanctuary of worship in it (Ibid:82). According to Mernissi (1996c:23, 24) "for women, the sanctuary offers a dramatic contrast to their subordinate position in a bureaucratic, patriarchal society where decision making positions are held by men." Mernissi does not see this as only negative, but rather in many of her texts, such as the chapter titled: "Sanctuaries as Therapy" (1977:103-105 re-published in 1996c:23-25), she describes the fulfilling power of folk Islam in the lives of women practising it. Her discourse (i.e., 1991b:64) about Muslim women's challenges with respect to cultural and religious expression reflects her childhood experiences of Islam as a distant and mystical religion, which however does not satisfy the new converts to Islam. The views analysed here regarding cultural and religious participation reveals a striking difference between the two groups of authors: Muslim born and non-Muslim born. Whereas Mernissi (born into a Muslim family) describes women's religious participation in Islam with amulets, evil eyes and shrines, as the common characteristic of folk or 'low religion', Wadud (a convert to Islam) describes Islam more as a 'high religion', official, formal and textual. Wadud learned her religious beliefs and practices from the Qur'an itself, but in a Western context, so her work shows Islam and the challenges of public worship and religious participation in a light that is different from the work of women who

grew up with it. Wadud focuses with exceptional concentration on discrimination against women in the area of public worship where women, in her view, are subjected to particularly severe restrictions. Another major challenge faced principally by Muslims in America is the tension between African-Americans and immigrant Muslims (Wadud 2003:284). The persistent, exclusivist ethnocentricity of the various immigrant establishments (e.g. Arab, Persian and Pakistani) has grown to be one of the most important dimensions of Wadud's contemporary writings (2003; 2004b; 2006a), mainly because African-American Muslims (mostly converts) account for over forty percent of all Muslims who are born on American soil but who are nevertheless ostracised from the overall leadership of American Muslims (Wadud 2004b:9). The challenge is therefore not to end a male-female leadership struggle but to end such a struggle between women from different racial groups who therefore challenge each other's cultural expression in this way. This situation critically undermines women's prospects of elevating their general position in society.

#### **4.7 Conclusion**

This chapter has analysed five challenging areas defined in terms of the Giele/Smock/Engineer framework in the writings of the four selected authors. It appears that Ahmed's text focuses on the rights and status of women, tracing the challenges to Islamic history and ethics; Mernissi focuses on challenges relating to political science and sociology; Wadud concentrates on social justice based on the doctrinal aspects of women's status and rights in the Qur'an; and Fernea deals with the anthropological understanding of Muslim society and religious behaviour regarding women's rights. The authors' work is clear and straightforward; rather than using highly sophisticated language, they use common language to discuss challenges faced by women as observed at grassroots level. In some of the authors' work they describe women's challenges in abstract terms, presenting statistics, surveys and other quantitative data. However, the writers also present qualitative methods, including social analysis, interviews, essays, diaries, letters, journals, short stories, poems, historiography and autobiographies, indeed almost anything that is used in feminist study methods and this imparts a sense of the heartbeat of real people.



Although it is clear from the many examples given in this chapter that Islam provides women with many rights, practical evidence of the acknowledgement of these rights is lacking in a number of Muslim societies. A few countries, such as Iraq, Syria and Tunisia, have introduced modifications in their laws that improve the situation of women to a varying degree (Ahmed 1992:242). Thus, women's rights have different applications from society to society and from family to family, (city to countryside, upper-class to lower-class), depending on the legal and cultural rules of each society. It can be concluded that although there are women in numbers who enjoy rights across the Muslim world, it remains true that there are also those who have to endure highly restrictive control that hardly allows them to exercise any rights at all. The authors deal with women's challenges by observing how they contend with the problems of daily life and conclude that women face a mixture of old and new challenges in that, for example, they often encounter difficulties when trying to come to terms with rapid social change without disrespecting or compromising tradition and faith. How are women challenged in the mixed traditional and modern manifestation of a patriarchal system? How are women challenged when single or divorced? How are women challenged when balancing between the amulets (traditional concepts and systems of healing) and the pills (modern health care)? How are women challenged when facing maintenance problems (economic assistance required as a result of divorce)? This dilemma, balancing the old and the new, does not touch only Third World women, but has been discussed by sociologists and feminist scholars across the globe for years. Sociologists Talcott Parsons (1966) and Miriam Johnson (1989) who applied Parsons' insights to the contemporary revolution in gender roles termed it 'value generalisation', by which they mean "the incorporation of new social patterns into the reigning value system" (Giele and Holst 2004:3).

An important issue dealt with in this chapter as incorporated under the Giele/Smock/Engineer framework is that it has been revealed by investigation that the best progress (the best 'value generalisation') where Muslim women's rights are concerned has been made in the area of educational rights along with work-related rights. Civil rights and family rights are still the most challenged. Women's entry into academic and work life (provided the work is considered appropriate for women) has been accepted with relative ease in Muslim societies, but their entry into political life

(e.g. exercising rights to vote, and to be elected and serve as political office bearers) has been met with resistance. It was noted that the challenge of education most dramatically touches the lives of common folk, the illiterate women at grassroots level of society. It was also noted that women's work-related rights are less challenged in agrarian and urban societies than in the middle level of developmental societies. In other words, women are mostly challenged in their work-related rights on the middle-level of economic developmental societies where women have fewer benefits and inferior role equality. Although the authors show that civil rights need crucial reform in Islamic countries today, they do not believe that the reform in this area alone would be enough to eliminate the oppression of women. Women's right to leadership (political rights) is just the tip of the iceberg – similar urgent attention is required to women's rights to a just and fair treatment before the law (e.g. family law, the cornerstone of the system of male privilege set up by establishment Islam). As indicated, educational and employment rights have become relatively well-established while political rights are stubbornly denied. Women have gained their place in labour markets where the income from their employment is needed for the economic well-being of their families and of society at large, yet their earning power is not represented in lawmaking, which is still largely reserved for male leadership. This view is supported by Hakim's (2004:82) study (presented in Giele and Holst) which states that "if men have priority for jobs in the labour market, they will always hold dominant positions in the workforce – and hence also in politics and public life more generally." Fernea argues that religion and politics are closely related (Fernea 1998c:258). Could this be the reason why many Islamic feminists claim rights for women in religion? With these rights they could better gain access to political rights. Instead of looking into topics often focused on by Western feminist studies on Muslim women's issues such as the veil or polygamy, Third World women themselves point to new issues, such as the issue of 'self' and 'self-management' in the challenges to their public and private lives. It appears that a great deal of wisdom is required to respond creatively to these multi-layered challenges and emerging problems which so greatly vary depending on class and country. The authors' suggested solutions to problems covered in this chapter will be evaluated in chapter five and ways and means of implementing proposed solutions will be discussed.

## CHAPTER FIVE

### EVALUATION OF PROPOSED SOLUTIONS AND THEIR IMPLEMENTATIONS

#### 5.1 Introduction

The aim of this chapter is to evaluate the solutions offered by the four authors and to situate their contributions against a broad background of other voices in the debate on the challenges faced by Muslim women in contemporary Muslim societies. In the process the strengths and limitations of the authors' work will be evaluated. The four scholars present different approaches which will be evaluated with particular reference to how they have intervened on behalf of Islamic women with that particular approach in mind, and secondly with the reference to the elements that they have in common, where they support the debate, direct the debate, or differ from other voices of Islamic scholarship, such as with the works of, among others, Camille Adams Helminski, Ziba Mir-Hosseini, Haleh Afshar, Farid Esack, Mohammed Arkoun, Aziza al-Hibri, and Kecia Ali, in order to engage some of the current debates.

#### 5.2 Moving from challenges towards solutions

This section moves the discussion from challenges towards the solutions proposed by the four authors. As their focus on the challenges faced by women have varied, so do the perspectives they apply in devising solutions to these problems and the implementation thereof. In this process Islamic feminism is a common tool, which, however, does not imply a single thought or a single voice, but voices, as stated in the first chapter (see also Reinhartz 1992:11). The four selected authors each bring a different voice to the debate in which Islamic feminism is a tool commonly supported; yet each one respectively may lead the discussion in certain areas or support, withdraw or criticise in others. The key mechanism for each author's solution is found within the area of her specific focus (the challenges authors experienced in their personal lives seemed to become the focal areas of their proposed solutions). Ahmed's work distinguishes challenges in the area of historical analysis, which is where she locates pivotal solutions to women's problems; Fernea's work defines solutions for women's rights issues in the area of societal development; Mernissi's work proceeds from the premise that politics and economics are the most

challenging areas where women's rights are concerned, and thus the best strategies to contribute to change would be anchored in the use of modern technology; and Wadud's work focuses on solutions in the area of theological and hermeneutical interpretation along with women's leadership.

Their solutions are not static, but differ in terms of the period of time in which they put forward their viewpoints. Whereas Fernea and Mernissi started their public debate on women's issues in the 1960s, Wadud entered the debate in the 1990s. As the challenges faced by women in the 1960s differ from those encountered in the 1990s, so do the solutions. Each generation of Muslim women has developed questions about women's issues and found answers according to their time and location. Related to that change, a development in the authors' work can be observed. When selecting these four women for this study, little did I know how interesting and significant this selection of scholars would become as the research progressed, in relation to their contributions to women's studies and an understanding of Islamic feminism as broader field of study.<sup>138</sup> I will now look at the proposed solutions in the broader context of the work of other scholars. This section follows the outline of the Giele/Smock/Engineer framework.

### **5.2.1 Civil rights issues**

This section follows the earlier division of civil rights under the following headings: political rights (the right to vote, public office, leadership roles); the right of inheritance and ownership of property; and the right to bear witness.

#### **5.2.1.1 Political rights**

With regard to political rights, the authors indicate the imbalance between ideal and practice. Although the Qur'an prescribes equality and dignity for men and women alike, this is not always borne out in Islamic praxis, particularly in the area of political rights. As an analysis of the set challenges was presented in the previous chapter, this chapter evaluates some solutions proposed by the four authors.

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<sup>138</sup> It is interesting to note that the selection of the four women scholars is particularly significant in the view of many Third World scholars themselves. After I had started my research and selected the four authors, I came across Sa'diyya Shaikh's article "Transforming feminisms: Islam, women, and gender justice" (2003b) which interestingly also mentions all four authors selected for my study, as significant contributors to women's issues in contemporary Muslim societies.

With regard to suggesting solutions in the area of political rights, Ahmed (1992) gives valuable historical examples of women's organisations and individual women of the educated upper and upper-middle class in Egypt, who asked for equal access for women in the public sphere and for political rights, thus making Egypt a leading nation in the debate in the nineteenth and early twentieth century. Her examples indicate thorough involvement in society in order to be effective (i.e., Zeinab al-Ghazali, Huda Sha'rawi, Aisha Abd al-Rahman and Doria Shafir). Ahmed (1999a:10, 34) maintains that women need to work towards equal rights within their own societies and from within their own perspectives (cultural or religious). She believes that the solution to women's problems can be derived from history, in other words, from feminism, which she argues originated in an Islamic context. Another historian, Cooke (2001:102) indicates the importance of publishing stories of women's lives and their writings, proposing an agenda that allows for women's empowerment beyond the home, even women's empowerment through prison narratives (political prisoners), such as *Ayam min hayati (Days of my life)*<sup>139</sup> (1985) by Zeinab al-Ghazali, as part of women's struggle to participate in *jihad*.

Another writer with reference to Egypt is Fernea. With regard to civil rights, Fernea (1998c:120) suggests that existing laws are insufficient to raise women's position. The laws must be fully understood and supported by women; therefore, more education and knowledge through women's organisations is needed to help women to get to know their legal rights. Desai (2006:465) also notes this when indicating that feminist strategies of the last 30 years have been very effective in making women's issues central to political discourse, but they have not been as successful in altering women's inequalities. Although many Muslim countries do not have a "gender-equitable legal system," there is a normative commitment that is an important first step and many countries have more "legal protection for women than before" (ibid:461).

Wadud hardly touches on the topic of women's political rights, probably because she has always enjoyed political rights. She may support the debate, but is not directly

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<sup>139</sup> As Cooke comments (2001:102), Zeinab al-Ghazali may have been an anomaly when she wrote her prison memoirs back in the late 1970s, but she is no longer. Women in Islamist groups everywhere are now using her language of accommodation and resistance with no sense of contradiction.

involved in it. I believe that since living in the West, her right to vote and to be elected have not been challenged, at least not to the same degree as women living in Muslim societies. Conversely, Mernissi and Ahmed, who grew up in Muslim countries with a colonial past, are examples of women activists who state the value of women's active participation in society, human rights, and civil rights as an essential part of national identity, citizenship and citizenship rights. Also noted by Esack (2002:6), Mernissi has detailed the psychological impact of colonialist intervention on Muslim identity and how this has resulted in the transformation of the *Shari'ah* into a symbol of Muslim identity and the *umma's* integrity. "Modern changes were identified as the enemy's subtle tools for carrying out the destruction of Islam" (Mernissi 1987a [1975:xix]). In the words of Ahmed, because of the colonial past, the feminism of Islam in Egypt as she experienced it "is caught between two opposing loyalties [her sexual identity and her religio-cultural identity] forced almost to choose between betrayal and betrayal" (Ahmed 1984:122). Scholars representing colonial feminism (i.e., Mohanty) discuss this issue in detail. Nevertheless, although painful, the colonial past can be used for the better. For example, Mernissi and Ahmed show how advantage can be taken of the colonial past: to provide a solution to fight for women's political rights. Two points deserve mention in this respect. Firstly, because Muslim countries have not been colonial powers, Muslim women are in an important position politically to help with a global movement for women's human rights, if mobilized (Afkhami 1995:5). Secondly, the colonial past made many women multicultural, multilingual, and conversant with international organizations and politics. Mernissi, for instance, has been able to use her past to intervene with regard to political rights on behalf of Islamic women through women's organisations (whether under the aegis of government or other agencies, academic circles, and non-Muslim national and international human rights or interfaith institutions). Ahmed also sees the power of women's organizations and feminist movements (i.e., Egyptian feminist movements) on women's rights debates. Similarly, Fernea (1998c:120) believes that women have to be actively involved in their societies and be prepared to campaign actively and persistently for recognition of their political rights. Yet, one of the main obstacles in the way of such campaigning is women's lack of experience in occupying leadership positions; for example, women who are educated in religious matters (i.e., who read the Qur'an and explicate the texts) do

not automatically have a clear perception of what the religious women's role in politics could be (Fernea 1998c:121).

Kecia Ali (2006:153) agrees with Fernea, indicating that indeed there has been little public discussion of the role religious leaders should play in Muslim life in the West, how they should be chosen and trained, and ultimately what type of authority they should wield.

A limited conversation began in 2005, sparked by the controversies over female prayer leadership, but it has not yet developed into the kind of broader debate necessary for full exploration of the key questions surrounding Muslim religious authority and institutions in the United States. Still, even formal structures of religious authority will not remove the need for individual Muslims to be substantially better informed about vital issues (Ali 2006:153).

Like Fernea and Ali, Afkhami (1995:2-3) indicates that scholars and activists are now looking into ways of educating the Muslim political elite through identifying responsive decision makers and women leaders; communicating methods of pressuring political decision makers; communicating reinterpreted text; developing criteria for judging the limits of political engagement; protecting women activists against moral and physical violence; helping executives, legislators, and judges sympathetic to women's human rights to implement change in the condition of women; and searching for appropriate patterns of mobilizing grassroots support. Farida Shaheed (1995) is another woman who points out that women's ignorance of the laws are hampering their ability to claim their rights.

For Mernissi a stumbling block hindering the resolutions on women's issues in the area of politics lies in the area of the definition of an 'individual' in Islam. Although the Muslim states "thronged into the corridors of the United Nations to sign the Universal Declaration of Human Rights, the idea of the individual in a state of nature, in the philosophical meaning of the word, is nonexistent" (quoted in Bulbeck 1998:74; see Mernissi 1987a:12). Bulbeck further notes in her *Re-orienting Western feminisms: women's diversity in a postcolonial world* (1998:74):

Muslims see individual identity as a disturbance of collective harmony, and a traditional Muslim should be submissive to the group. Western-style democracy, people saying whatever comes into their heads rather than yielding to the discipline of tradition and divine law, produces *amma* or disorder.

However, Islamic feminists are eager to show that the idea of the well-being of an individual is not only a Western idea, but is also recognised in Islam. For example, Badran and Cooke (1990:347) note that when the Arab feminists were “claiming suffrage rights on the basis of their responsibility for future generations in the 1940s by making reference to the Declaration of Human Rights by the United Nations, this should not be seen [only] as a reflection of Western values.” During the first centuries of Islam, there was a long debate over the struggle for democracy in the sense of equality, well before the important Universal Declaration of Human Rights (Mernissi 1993:23).

With regard to this, Mir-Hosseini states in her interview with Sikand (2010:2) that the dynamics of the relationship between women’s human rights, politics, and the Islamic texts need to be realised by women’s organisations. Human rights activism is an essential parts of women’s struggle for civil and political rights particularly at the grassroots discourse.

One heartening development is the emergence of a number of non-governmental-organisations [NGOs] working with Muslim women who are using [grassroots] discourse and relaying it further, using Islamic and human rights frameworks to stress the need for gender equality and justice in Muslim communities (Ibid).

I have selected the following few examples from those holding the human rights portfolio to underpin the common debate on the issue discussed. From the four selected authors, the sociologist and secular feminist scholar, Mernissi, is the best known for her fight for secularisation and laws on human rights.<sup>140</sup> In her writings she indicates, for instance, the late Pakistani leader, Benazir Bhutto (imprisoned several times for political reasons) who fought for political and human rights (her own, her father and mother’s and that of many political prisoners). Another example of a promoter of human rights is Iranian judge and activist, Shirin Ebadi, who was honoured with the Nobel Peace Prize because of her human rights activism for women and children. To this discussion, Ahmed (1992:196) brings two Egyptian feminists: Islamically-oriented Zeinab al-Ghazali who campaigned for women’s rights and the nation in Islamist terms and who founded Jamiat al-Sayyidat-ul-Muslimeen,

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<sup>140</sup> See Mernissi’s pioneering text of Islamic feminism, called *Le harem politique*, translated into English as *Women and Islam: an historical and theological enquiry* (1991c) [1987].



an organization for the welfare of women, especially the poor, orphans and the underprivileged; and a secular feminist, Doria Shafik who campaigned particularly for women's rights and human rights in the language of secularism and democracy. Algerian scholar Helie-Lucas<sup>141</sup>, the founder of Women Living Under Muslim Laws (WLUML), argues that the fight for secularisation and legislation based on present understandings of human rights is necessary, and perhaps the "only alternative to identity politics based on fundamentalism" (Helie-Lucas 2003:194). "Women's rights are human rights are Islamic rights," firmly asserts Amat al-Aleem Alsoswa, the first woman appointed as Minister of Human Rights in Yemen (in Badran and Cooke 1990:397).

An example of women's political activism that resulted in positive legislation is that of Bhutto's rise to power. In Pakistan a fundamentalist military dictatorship's with anti-women politics tried to hinder Benazir Bhutto's rule as national leader in the footsteps of her father. However, due to the activity of women's groups the fundamentalists failed to push through legislation making it impossible for a woman to become head of state (Hensman 1996:5, 8). Women activists, not only in Pakistan but also in India and Iran have started to ask questions such as:

Is there a need for a pure feminist movement, or for a broader-based women's movement to struggle for women's rights? What, if any, is the relationship that such a movement, whether strictly-speaking feminist or not, should or should not have with other political and social forces operating in the country? (Mumtaz and Shaheed 1987:149).

Desai (2006:462) gives examples from India showing how women have worked to establish women's commissions at the state and national level through which they have had some success in effecting policy changes.

Although feminists have struggled with the idea of quotas for women in government, many countries have begun to use political quotas for women. India passed legislation reserving 33% of seats in local elections for women, but the bill for the national level is stalled in parliament. Clearly, this is an issue that has to be addressed by feminists all over the world if they are to gain the political support they need to eliminate gender inequality (Ibid:463).

Fernea believes that women need to be actively involved in politics in everyday life. Some scholars even use the term 'the politics of everyday life' (i.e., Waylen

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<sup>141</sup> Marie-Aimee Helie-Lucas (living in France) is the founder of Women Living Under Muslim Laws (WLUML) (founded in 1986), an organization with its international headquarters in France.

1996a:19) to describe some of these positive integrations requiring women's full activity and support referred to by Fernea. Thinkers like Asghar Ali Engineer, Farid Esack, Fatima Mernissi and Sa'diyya Shaikh are all examples of activists who have creatively rethought the role of women in politics in a religiously plural and patriarchal society (Esack 1996:14). Fernea (1996:x) notes that new research methods, new language skills and new scholars are beginning to change the way Islamic feminism is viewed, and this will animate and deepen serious Women's Studies across the globe – a hopeful and encouraging trend.

### **5.2.1.2 The right to inherit and to own property**

The right to inherit and the right to own property were discussed in chapter four as a single topic because the four authors discuss them in close relation and this also avoids fragmentation and repetition. It was found that the four authors are not unanimous in their views regarding these rights and this is borne out in the solutions they proposed.

Wadud directs the debate regarding the right to inherit and property ownership rights. She bases her solutions on the Qur'an which effectively enjoins the optimal use of women's potential in contemporary society (Wadud 1999:102; 2006a:146). Central to the problem is the patriarchal interpretation thereof; thus, the solution should also touch the core issue in the form of a re-interpretation. "A simple re-examination of the basic Qur'anic principles with regard to the worth of members of society" provides the most direct, effective and just method of ensuring that men and women gain and hold their rightful place and status in Islamic social systems (Wadud 1989:165). In her view women can become active participants at all levels of community affairs – political, social, educational, intellectual and religious (Wadud 2002:2).

Mernissi, on the other hand, believes that women's economic upliftment is a critical precondition for claiming women's rights, yet nowhere does she claim that it should happen by debating women's inheritance rights. Mernissi (1996c:xiii) does not contend that women should be privileged on a par with men in matters of inheritance; rather she claims that women should be allowed and enabled to participate in building their own economic and political autonomy. Therefore, instead

of emphasising inheritance as an empowerment tool for women, Mernissi proposes that educational and work-related rights should be used as a means to empower women, this is, to achieve women's economic upliftment, and to raise their general status to a level on par with the rest of society (Ibid). "It is women's responsibility to fight for a better community and they will be rewarded for doing so" (Mernissi 1991c:33).

The view of these two authors, Wadud and Mernissi, indicate that contemporary women are striving for solutions in diverse ways, not necessarily in agreement with each other. Where Wadud uses the Qur'an as the main source for a solution, Mernissi focuses on *Hadith* along with secular sociological methods. Mernissi questions the reliability of a 'sound' tradition or a saying attributed to the Prophet, such as the quotation made by the well-known Companion, Abu Bakra: "Those who entrust their affairs to a woman will never know prosperity" (Cooke 2001:71). Mernissi is not alone in her view; other Muslim feminist intellectuals support her approach, including Hidayet Tuksal, a well-recognized Turkish religious scholar, Islamic feminist and specialist in *Hadith*. Tuksal has effectively worked with the Department of Religious Affairs in Turkey (*Dinayet*) on a successful project to remove misogynist *Hadith* from collections that the Dinayet, which oversees 76,000 mosques, publishes, along with other religious books for broad circulation (Badran 2009:332).

Fernea's resolution to women's inheritance and property rights takes the form of breaking down stereotypes and building proper knowledge and awareness of the issue. She mentions her visits to the courts of Cairo and Rabat (in 1995 to 1996) to meet women and their lawyers who crowded the halls waiting to argue their cases to achieve what they perceived to be their just rights. Mir-Hosseini, an anthropologist, did a similar exercise in Tehran and used her research to empower women through knowledge of their rights.<sup>142</sup> With regard to inheritance rights Fernea's (2000:2) comment provides a corrective to commonly held Western beliefs:

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<sup>142</sup> The actions of both these scholars, Fernea and Mir-Hosseini, reminded me of my own experience as a young student visiting the court rooms in Jyväskylä, Finland, as a listener/observer to learn the basics in law and my concern that my counterparts were not interested in knowing their basic rights and their functioning in society.

Inheritance rights were not granted to women in England until the 'Married Women's Property Act' in the mid-19<sup>th</sup> century. Until 1970, in some states in America, daughters still did not automatically inherit, particularly if valuable assets like farmland were at stake. Unless the father specifically designated his daughter as heir, and if there were no brothers, the land passed to the nearest male relative. Muslim women have had better rights since 632 AD (Ibid).

Ferne (1998c:196, 294, 313; 2000:2) observes how women's inheritance and property ownership rights are strongly influenced by the religious practices of the past even during contemporary times. Her fellow anthropologist, Iranian Mir-Hosseini goes a step further to offer a formula for change. Mir-Hosseini (2006:629) states that Islamic feminism is a "movement to sever patriarchy from Islamic ideals and sacred texts . . . empower women from all walks of life to make dignified choices." In this process she has used the investigative method of Islamic jurisprudence (*fiqh*) successfully in her presentation of women's rights. As noted by Esack (2002:16):

Every expression of the law – including Muslim Personal Law – must be subject to the requirements of justice and compassion. Because the law, wherever it may originate from, is always approached and interpreted by historical human beings, it must be interpreted in terms of the ever approximating and developing notions of justice and compassion.

The UN Secretary-General, Kofi Annan, paid particularly attention to these issues stating in his report on the implementation of the Beijing Platform "the progress towards women's equality has been uneven."<sup>143</sup> The specific achievements noted were an increase in girls' education, women's economic empowerment, women's expanded political participation and legal changes. But is also noted the challenges in the areas of continuing violence against women, including in armed conflict, the spread of HIV among women and girls, discrimination in employment, decline in sexual and reproductive health, and limited access to land and property (Ibid).

### **5.2.1.3 The right to bear witness**

As discussed in chapter four, the authors made only passing references to the challenge of women's right to bear witness. The challenge is recognised as a part of civil rights, yet the authors (except for Wadud) are not vocal in the debate. Although Mernissi views the lack of civil rights as a towering challenge faced by women in

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<sup>143</sup> See United Nations (1995).

contemporary Muslim societies, she does not particularly point out the issue of women's right to bear witness. This particular topic was not even brought up in her analysis (1991b; or 1987:93) of the 400 letters dealing with the most pressing problems faced by women in Moroccan society. In contrast Wadud's work points out women's inheritance and property rights and their right to witness and particularly notes the inequality between poor women and rich/educated women regarding their right to bear witness.

Although Mernissi remains fairly quiet in the debate on a woman's right to witness, she does point out that there is nothing more Islamic than a woman claiming her rights to equal, just and fair treatment before the court (Mernissi 1991a:22, 42). Thus she sees woman's right to bear witness as an equality issue, which needs to be dealt with along with other civil rights. Fernea indicates women's organizations that distribute information about women's rights, such as, the 'Women's Learning Partners'<sup>144</sup> founded by the Iranian Mahnaz Afkhami, an organization that produces manuals to educate women about their rights in cases of violence, among other issues. Abugideiri (2001:10) highlights the work of the 'National American Council for Muslim Women' (NACMW) that was founded for the purpose of educating women, providing them with more Islamic knowledge, in order that they may gain greater control over their lives:

Educating women about Islam from original sources, helping women develop and act upon their own self-concept, helping women become confident and strong as individuals and as members of their families, and helping women to connect to the larger American society in a contributory way.

According to Shaikh (2003b:159), "Islamic feminism is one of the most engaged contemporary responses to the core Qur'anic injunction for social justice of our time."<sup>145</sup> There is increased evidence of the application of Islamic feminist theory in

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<sup>144</sup> Founded in 1998. It is mobilizing on behalf of the implementation in their countries of the United Nations 'Convention on the Elimination of All Forms of Discrimination against Women' (CEDAW).

<sup>145</sup> Shaikh (2003b:158) maintains that activities emerging from a commitment to the imperative of gender justice in Islam are crucial to the articulation of genuinely engaged and transformative Islamic feminism. On the ground, organizations like Sisters in Islam, based in Malaysia, have provided a critique of wife battery from an Islamic perspective and have lobbied for stronger penalties for male offenders. They have also been actively involved in educational and consciousness-raising activities among Malaysian women. In South Africa, the Muslim Youth Movement and the Call of Islam have promoted women's leadership, including *inter alia* questions of sermon giving, mosque attendance campaigns, and gender egalitarian reformulation of Muslim personal law. In the United States,

practice in the issue of female witness in the cases of rape and adultery. Islamic activists have been fighting against the rule where it has been difficult to seek punishment against rapists, because a *zina* case cannot be brought to court without four witnesses. Now many scholars treat rape instead as *hiraba* (disorder in the land), which does not require four witnesses. The form of punishment and interpretation of Islamic law in this case is highly dependent on the legislation of the nation in question, and /or of the judge.

An example of the application of gender-just interpretation of Islam is found in the arguments marshaled, through a dynamic investigation of *fiqh* (jurisprudence), that led to the acquittal of two Nigerian women accused of adultery and condemned to death under the new *hudud* (criminal laws) instituted in their northern Nigerian states while their partners were never held accountable (Badran 2006:3, italics mine).

Since the previous chapter showed that women's rights to witness are particularly critical among women of the lower social strata, I have chosen to discuss Mernissi's unique contribution to the debate in the area of 'grassroots level' issues under this section. Aware of the civil rights needs of the local population, Mernissi emphasises grassroots level activities. It is at this level that Mernissi joins the debate, in the lives of common folk with her invented term 'the upper-class-women-syndrome'<sup>146</sup> to warn against the educated-female-elite phenomenon among Third World women (see section 5.2.3). Many Muslim women are in a position to question dogmatic constructs from within, with respect and critical acumen, yet there are also many women at grassroots level that are not so positioned. As noted by Kramarae and Treichler (1985:12), women are subject to masculine laws and linguistic forms, but not all women have the same resources, opportunities, or desire to challenge words and meanings and to explore the theoretical and transformative powers of language.

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*Karamah* (Muslim Women Lawyers for Human Rights), whose members have varying levels of expertise in both Islamic and American law, has worked to protect Muslim women from sexist applications of Islamic law while simultaneously working to protect the civil rights of Muslim Americans. These are but a few examples of the gender activism and feminist work of different groups of Muslim women.

<sup>146</sup> This is also noted by Giele and Smock (1977:72) who state that "the very women who could provide the leadership for a feminist movement, those with education and high social standing, generally have little inclination to do so because they suffer the fewest disabilities under the present system." These women are freed from many of the restrictions that apply to lower-class women. Elite women dominate women's voluntary associations, most of which are exclusively social welfare in their orientation. Other women's organizations, like the Cairo Women's Club, resemble the sophisticated clubs of leisured society women found elsewhere in the world. This problem is also noted in Haleh Afshar's edited work *Women and politics in the Third World* (1996).

The 'upper-class-women-syndrome' is today even seen in women's movements themselves (i.e., Afshar 1996).<sup>147</sup> Ziba Mir-Hosseini is yet another scholar who pays particular attention to the significance of needs at grassroots. In her interview with Sikand (2010), she states that Islamic feminism has mainly touched upper and upper-middle class women's issues but struggles to meet the needs of women at grassroots.

### **5.2.2 Educational rights**

As analysed in chapter four, the authors maintain that whereas many of the old strictures have remained in the area of civil rights, significant progress has been made with women's education in a number of Muslim societies due to the efforts of women's organisations and government support. However, it is clear that there is great diversity in Muslim societies with regard to women's education. This section will evaluate some of the solutions proposed by the four authors. Although they focus their writings in differing ways and approach women's issues from different points of view, they come surprisingly close to each other in their conclusion that educating women is the key to change in the Islamic world.

As can be expected, one of the main reasons why Mernissi's voice is heard more than others on the issue is her own escape from illiteracy within a Muslim society. Yet she is not the only one, just a fine representative of her generation of educated Moroccan daughters of illiterate mothers. The scholars born before 1950s, such as Mernissi and Ahmed, are the first generation of Muslim women accessing a higher level of education and appreciating its value in transforming society. Sociologist Mernissi has become one of the most vocal members of the Muslim community directing her voice to women's equal educational rights, reaching particularly to the grassroots level of society (regardless of social class, urban or rural location). With her education and training, she recognises that she would not have gained leadership positions in the workplace and politics and a voice in global debates for Arabic, English and French audiences without education. Therefore, education and

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<sup>147</sup> We have tried to work with middle-class feminists but they talk about a different world from ours. For example, they did a workshop where they told us we have got to value ourselves, stop serving the biggest steak to the men. Of course poor women like us are not very familiar with steaks (Hensman 1996:63).

training have equipped her to direct the debate on women's issues, given her authority and influence to speak out. Mernissi is one of the first scholars educated in the social sciences who has defined women's place and role in Muslim society. Similarly, due to her education, Ahmed is one of the pioneer scholars learned in history who has defined Muslim women's place in history (see section 4.3). The change she experienced in her own life has become the principal motivation behind her advocacy of educational upliftment for others. As the authors' work and experience (cf. chapter four) clearly demonstrated, the topic of women's educational rights is not just economic, but relates to both social and cultural issues. The debate concentrates on immediate redress since this will bear critically on women's rights in the generations to come.

Mernissi has been part of many organisations and developmental projects. Her contribution to the debate on educational rights is supported by many organisations, such as "Women's Learning Partnership for Rights, Development, and Peace" (founded by the Iranian Mahnaz Afkhami in 1998 to publish manuals to educate women about their rights on behalf of the UN Convention on the Elimination of All Forms of Discrimination Against Women). Many of these groups were established as a means to help women in poor communities where they had no access to state or international funds and had to justify the assistance they received on the grounds, or rather within the context of social welfare issues.<sup>148</sup> Over time these women's collectives endeavoured to form study groups, establish nurseries, schools and activity centres for children to empower women in various areas of life (Wadud 2006a:105).

The authors are unified in the conclusion that knowledge is the core of women's issues, the most formidable weapon of all in the fight for female rights (i.e., whether by the historical route proposed by Ahmed or via the theological route proposed by Wadud). Where there is cultural deprivation, the solution is found in education. According to Mernissi (1992:170), a better world comes through greater access to education; her proposed solution is to have "fewer weapons and more learning."

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<sup>148</sup> For example, Rounaq Jahan, a leading Bengali female social scientist, has described the women of her country as among the most oppressed in the world, in which she sees the value of women's associations engaged in voluntary work, such as running a school or handicraft centres, to improve the socio-economic conditions of poorer and less-educated women (Giele and Smock 1977:120).



Although she is well known for her intellectual prowess, she lets her readers know that intellectualism is worthless unless it is firmly rooted in practical realities and actively employed in the service of useful achievement (cf. Mernissi 1992:170; 1996c:92). The benefits of education are not limited to women's political participation or position. Education correlates positively with women's wellbeing and health, including population control. Whereas Mernissi links the benefits of education to societal upliftment, Ahmed links it to population control. For Ahmed (1999a:132), education is a key solution to regenerate and transform society and thereby raise the status of women throughout the Muslim world. This begins with the elimination of illiteracy. According to Ahmed (1992:112), an important obstacle to eliminating illiteracy is the rate of population growth. Where population growth outstrips the provision of education and literacy programmes, the deficit should be addressed by working to improve educational provision and by introducing birth control programmes at the same time. Mounting such a two-pronged attack at this stage is an unattainable objective in some Muslim countries that are simply too poor. Ahmed advocates a steady focus on this objective since wherever women are afforded the opportunity of education, other rights also tend to gain ground (Ibid:213). As noted, her ambition from childhood was to be well educated; she gained her education, but not in an Islamic school system. A logical assumption in the light of Ahmed's example is that Third World countries are faced with the dilemma of emigration of well-educated women to Western countries. Many academics like Ahmed find their life easier in the West and do not return to their countries of origin after gaining their education.

Fernea's fondness of children clearly explains her advocacy of children's educational rights. She shows that fundamental change in women's rights needs to start at a grassroots level with the educational rights of children. As a mother of three, she has become well acquainted with the education systems in a variety of Muslim societies where she has lived with her family. According to Fernea (1995a:105), women's issues can be resolved by educating women because the latter play a greater part in decision-making in the family and make greater commitments to permanent employment. Education brings change in the socialisation of the next generation (new role models) so that girls whose mothers are educated are more likely to see higher education as their ultimate goal. Moreover, the attitudes of boys towards

women's rights and status are strongly influenced by the degree of education that their mothers have attained. More specifically, the sons of well-educated mothers tend to favour the principle of equal pay for women and to approve of their wives working after marriage (Ibid). Fernea's notion was particularly pertinent in 2009 when the UN Declaration of the Rights of the Child (adopted in 1959) celebrated its 50<sup>th</sup> year.

Feminist activists support each other in the struggle for female educational rights, a battleground in the clash between religious tradition and supporters of human rights. Religious tradition is exposed for example in the text engraved on the wall of a mosque in Kabul: "Prevent the woman from learning to write. Say no to their capricious ways." According to Giele and Smock (1977:391):

By denying girls access to education, societies ensured that there would be no female scholars, then the male leadership, through the benefit of their self-fulfilling prophecy, could justify the continued exclusion of women from educational opportunities.

The writings of the four women include multiple examples of women who have fought for their rights and gained worth. An example of women's activism that has effected positive outcomes in the sphere of education is the work of Benazir Bhutto. During her rule careful attention was placed on educational issues in Pakistan. Also the work of Shirin Edabi is a noteworthy example of how single women have been able to direct the debate on educational rights, arouse worldwide attention and transform society for at least one generation but hopefully for generations to come. Another woman, who argues that education enhances women's ability to exert influence by participating on an equal footing in discussions concerning Islamic society, is the Islamic feminist Riffat Hassan. This debate on women's educational rights is still relevant since there are those who are unwilling to accept the benefits of education in women's lives and in society as a whole.

Feminist scholars and activists supporting each other in this debate (i.e., Edabi, Hassan, Mir-Hosseini, Mernissi, Ahmed, Fernea among others) see education as the key to regenerating and transforming society, thereby raising the status of women throughout the Muslim world. This is not to say that illiteracy or literacy, lower or higher levels of education, or even material conditions are the only parameters

measuring women's status in society. There are instances of perfectly happy and satisfied women who are illiterate and without any kind of higher education as Mernissi has pointed out (i.e., her mother, aunt and grandmother). I am also reminded of my own grandmother whose formal schooling was greatly limited at a time when education was not compulsory for girls in Finland. However, she inspired in me a love of music and story-telling and provided an example of perseverance through learning to read on her own. Furthermore, as noted by Chafiq (1991 cited in Winter 2006:94) ultimately education [alone] is unable to liberate women. Women in Khomeinist Iran, for example, were among the most highly educated in the Muslim world at the time, but they were not more liberated than women in many other Muslim countries. Education needs other supporting agencies along with it as seen in the writings of four selected authors.

Wadud introduces a new debate on the role of education in women's lives. Whereas Ahmed, Mernissi and Fernea point out the importance of eliminating illiteracy as one of the main solutions to empower women's lives, Wadud indicates a concern about poor women in America.<sup>149</sup> Her concern is relevant to my thesis when considering her origin in a poor family, but as a promising student she obtained a scholarship and continued her studies further than any other member in her extended family. Therefore, Wadud (2006a:126, 151, 257) demonstrates the role of further education as a powerful means to empower women. Moreover, Wadud brings a new and unique element to the debate on women's educational rights. Not only does she see education as a solution to empower women, she also sees religious education as a means to empower women's *jihad*<sup>150</sup> (see section 5.3.4).

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<sup>149</sup> The chosen authors' views are noticeably influenced by Western thought as a result of their Western education and, therefore, their tendency to favour Western educational paradigms. It would be interesting to compare their views (e.g. about education) with those of people who have been brought up in a strictly Muslim context, but such an exercise would exceed the bounds of this present project. Similarly, for instance, Asma Barlas notes in her interview with Novriantoni and Ramy El Dardiry (2005) that her education in Pakistan was very Western. She was educated in a Catholic school and her first language was English. She states that she is very much a product of both an Islamic sensibility and a Western education.

<sup>150</sup> As noted by Esack (1996:61), the term *jihad* is understood by Muslims to embrace a broad struggle to transform both oneself and society. Thus, this process of "interpreting women as 'gender *jihadists*', or strugglers in the cause of gender justice," includes promoting the practice of full equality as supported in the writings of Omid Safi (2003a).

With regard to educational rights, religious education has not usually been included in the discussion. However, an aspect of progressive Islam is its increasing focus on women's equal access to religious education. Therefore, although I evaluate this debate in more detail later (section 5.3.4), it requires some mention and elaboration here. Another scholar who finds the solution to women's rights in religious education is al-Hibri (1999:107) who claims that a proper Islamic education is needed in order to assess Islamic law critically:

Politics has played a major role in denying the average Muslim a good religious education. This denial, in part a colonialist legacy, helped political regimes confuse the masses about what is in the Qur'an or what the Qur'an actually says. Such confusion did critical damage in areas of Islamic law relating to issues of governance and democracy (Ibid).

### **5.2.3 Work-related rights**

Work-related rights are the third area of proposed solutions discussed here, as defined in terms of the Giele/Smock/Engineer framework. The discourse of the authors' solutions under review is significantly conditioned and fuelled by their active engagement in gainful employment as professionals. Furthermore, they highlight different aspects of the debate as determined by their research specialisation and personal experience.

As stated in chapter four, the views of Mernissi and Fernea are closer to each other than those of Ahmed or Wadud. Both Mernissi and Fernea see the challenges as socio-economic and thus propose related solutions. For instance, Mernissi (1996c:74) argued that women are the worst paid and most exploited workers in the world. Fernea discussed the growing 'phenomenon of cheap female labour', the cheapest and the most easily exploited form of labour in many contemporary Muslim societies (i.e., Fernea 1998c:169-183; 2000:6). The work of women's organizations (i.e., NACMW) which encourage women to be active in the public sphere through securing low-interest loans for members interested in embarking on economic pursuits has been significant in this regard (Abugideiri 2001:11). These women, by contesting old paradigms, provide a blueprint for other women, as observed by Fernea (1998c:414), whose travels around the globe have revealed a growing trend among Muslim women to challenge outdated religious paternalistic traditions in the area of work.

A unique dimension of the debate is Mernissi's aim to connect two sensitive topics: 'fear' and 'space' in the discussion on women's right to work. For Mernissi part of the solution is found in overcoming the fear of male space in the sense that women have to compete with men for previously male dominated space in order to assert their right to work. Her preoccupation with workspace can be explained by the fact that she had to overcome the fear of emerging from the harem and to learn to use 'male space'. Her solution – overcoming fear – is proposed in her work *Islam and democracy: fear of the modern world* (1992) and in *Women's rebellion & Islamic memory* (1996c). Here she asks "Why do men in modern Muslim societies have great difficulty in appreciating women's economic potential in the workplace?" and "Why is it so difficult for men to see women working gainfully in extrafamilial space?" She answers by saying that men are not to be condemned for their bias against women in the workplace since they are in total harmony with their own frame of reference, the Muslim concept and definitions of masculinity and femininity shaped by *Shari'ah* laws and values (1996c:65). It is the *Shari'ah* that needs to be re-interpreted. Mir-Hosseini (2006:4), on the contrary, claims that while the *Shari'ah* is sacred, universal and eternal, *fiqh* is human and – like any other system of jurisprudence – subject to change. *Fiqh*, says Mir-Hosseini, is often mistakenly equated with *Shari'ah*, both in popular Muslim discourses and by politicians and academic and legal specialists, often with ideological intent (Ibid). Nevertheless, Mernissi's contribution to the debate is her conclusion that women have to seek a solution by reinterpreting the traditional texts as a basis for changing attitudes and transforming societies.

Mernissi (1996c:68) is an incurable optimist, believing that today's women are privileged by living at a time when there are unprecedented opportunities for creating a better world. Women must not fall into the trap of developing a victim mentality, forever lamenting the misfortune of living in the present age, but should believe in their dreams, because nothing can come of aspirations without conviction. She has travelled a long way from being a daughter of an illiterate mother to where she is today, an internationally renowned feminist, scholar, author and activist. Mernissi's work among numerous international institutions as a consultant (i.e., UN Economic Commission for Africa or UNESCO) on projects dealing with the impact of socio-economic development on women is an example of a woman showing that women's

questions should be brought into the academic domain where they can be analysed and understood and where suitable strategies for redress can be planned. Mernissi (1996c:68) recommends active participation for women in matters of social importance as a means of securing women's work-related rights. Her discourse on women's work-related rights is shaped and motivated by her own role as a working professional.

In this process, Mernissi believes in the power of teamwork through the active participation of women's organisations. Her research, *Country report on women in North Africa: Libya, Morocco and Tunisia* for the African Training and Research Centre for Women: United Nations economic commission for Africa (1978a), although outdated, is a vital example of how a research group can develop agencies to identify women's challenges and define possible solutions at grassroots to empower women and change their situation. In the particular case of North Africa, women's training played a crucial part in solutions implemented through different forms of training in farming and other manual work (Mernissi 1978a:22). Another example can be found in Iran where women's pleas for more professional agricultural training was met by women's organizations and publicised by the women's press.<sup>151</sup>

Women's magazine, *Zan-e Ruz*, played an instrumental role in bringing *Majlis* (parliament) rulings to remove the prohibitions barring women from studying certain subjects (i.e., agriculture and mining) (Mir-Hosseini 1996a:158). Out of 270 deputies in the *Majlis* only four are women. No matter how hard these four try, they cannot discuss a high percentage of women's Islamic needs and rights in the *Majlis* and have them legislated (Ibid:165).

It is interesting that whereas in the early years of the twentieth century resistance to women's rights were voiced largely if not exclusively by the privileged upper or middle classes, currently in Iran poorer women still do not lend their support to women in the public domain (Afshar 1991:26). However, middle-class working women, not easily dissuaded to abandon their recently gained feminist convictions, were not willing to leave their work in factories and other places. Thus, in co-

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<sup>151</sup> They started with the reality that although two-thirds of women in Iran live and work in the rural areas and carry a major burden of agricultural activity, they were not allowed to study agricultural sciences at the University. See Afshar (1996:130) and Mir-Hosseini (1996a:158).

operation, women in the parliament and outside made their voices heard and changed the economic system (Mir-Hosseini 1996a:163).

Similar to Mernissi, Fernea promotes teamwork and practical models of action for change. Fernea (2000:6) proposes societal development as a key to the successful promotion of women's rights; and gainful employment is a prerequisite for women's upliftment, provided that women have appropriate education and they fully understand and support enabling legislative changes in this regard. She proceeds in detail to name strategies for women's rights, their role and benefits in matters of gainful employment at the middle level of developmental societies where the challenge is greatest. According to Fernea, opportunities for women can be created by creating more workplaces (to combat unemployment), by providing better working conditions (to avoid illegal or/and unhealthy working conditions); and by assuring equal pay for equal work (to avoid cheap female labour) (Fernea 1998c:169-193). Afshar (1996:129) supports Fernea's aim regarding these strategies in the Iranian context. According to Afshar (1996:130) women's role in the development process needs to be clearly delineated.<sup>152</sup> Although there is no single international solution, each study provides a specific path for the women concerned to follow in order to negotiate better terms and conditions (Afshar 1991:1).

With regard to work-related rights, Ahmed finds the key solution in historical analysis. Her discourse centres on inequality issues which have their origin in age-old entrenched attitudes and prejudices. Attitudinal change and open dialogue along with social and intellectual change empower women in the area of paid employment (Ahmed 1999a:201). As pointed out previously, Ahmed (1992:84, 111) supports her argument by giving numerous examples how women have been involved in paid employment throughout Islamic history. In fact, throughout every stage of history, she identifies women who were bold enough to take a leadership role promoting women's right to work. In the late 1980s and 1990s, in the same vein as other feminist historians, such as Badran (2009:8), Ahmed turned her attention from the feminist past in Egypt to the feminist present. With the aim to engender discussion

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<sup>152</sup> In the Iranian Five Year plan women are only mentioned once (*Zanedh Rouz* 10 February 1990 quoted in Afshar 1996:130).

and positive attitudinal change, she joined the discussion of issues of work as a central subject of national debate in terms of political, social and cultural developments taking place in Egypt (Ahmed 1992:128). She indicated how the first Egyptian women university graduates began to enter the professions (including law, journalism, medicine, and university teaching) in the early twentieth century, and how a great number of pioneers went on to become leaders in their fields, including the writer and historian, Bint al-Shati, the pen name of Aisha Abd al-Rahman (Ahmed 1992:190). Ahmed contributed to attitudinal change by documenting how women's (i.e., al-Rahman) perseverance and passion to bring change to society altered some of the old attitudes and presuppositions related to women and work.

In contrast to the other three authors, Wadud brings a different view to the debate with regard to solutions to work-related rights. She does not propose historical support, like Ahmed; not curvilinear ideas of development like Fernea; nor action strategies or *Shari'ah* re-interpretations like Mernissi. Wadud turns to the Qur'an to look for answers to contemporary issues in work, for example, leadership. She and other Islamic feminists who adopt the Qur'anic re-interpretation view point out that they are not alone in this fight. Indonesian women have been encouraged to study the Qur'an and find solutions to everyday problems including those related to the workplace. Women have been asking for equality in secular professions but have avoided this demand in most religious professions. In this light, Wadud's aim to look for solutions to work-related rights including within the religions professions is unique.

Wadud and other supporters of the method of Qur'anic re-interpretation place a high value on finding solutions in women's organisations. This links her argument to that of Mernissi and Fernea who also advocate women's organisations as agencies of practical solutions. Some of these organisations are designed to help women address issues of equal pay or equal opportunity to work. One such organisation is 'Aisyiyah<sup>153</sup>, the foundation combining the study of the Qur'an with programmes to improve women's economic conditions. This and similar organisations (i.e., Muslimat Nahdlatul Ulama, also in Indonesia) have been established to assist women,

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<sup>153</sup> 'Aisyiyah is one of the largest Indonesian organisations for Muslim women, established in 1917.



particularly women of lower status, in various areas of rights (i.e., legal issues, family matters and work-related rights). Since Wadud (2006a:98-99, 157) has seen women's needs in these areas, she points out ways they can be helped through women's organisations. In fact, for Wadud the solutions found in women's movements and organisations are an index of social reform (Wadud 2006a:98). The objectives of such reform include demands for adequate workplaces, equal pay, and organized day-care beside other objectives in other areas of interest. Wadud mentions the following organisations as examples: Groots International, Sister-to-Sister, and TRUTH (Wadud 2006a:102, 105).

Rebecca Foley in her article "Muslim women's challenges to Islamic law: the case of Malaysia" (2004:56) discusses the role of Islamic women's movements in Malaysia where women can work, function as part of civil society and vote on equal terms with men, yet their participation in feminist movements is limited. Foley describes Islam in Malaysia as a 'softer' version than that found in the Middle East, because it has been influenced by the native Malaysian custom of *adat* (i.e., the stipulation that inheritance is equal for men and women). The Malaysia government, however, has pursued authoritarian control of civil society and the interpretation of Islam, which limits feminist movements and has forced women's organizations to accept more conservative social norms, such as an emphasis on a woman's role in the family over her ability to work (Ibid:58). Another scholar who points out the importance of the debate on women's work-related rights, yet from a totally different approach to that of the four selected authors is Valentine Moghadam (2003) who critiques the discourse of Islamic feminism for its lack of attention to economic issues due to her Marxist views (combines Marxism and feminism).

#### **5.2.4 Family rights**

With regard to family rights, numerous strategies for solutions have been put forward in the works of feminist and human rights activists. Besides the work of the four authors, only a few examples can be mentioned here due to limited place, although sufficient to document the broad feminist input and contribution in the debate worldwide. As noted by Helie-Lucas (2003:193), women's responses to and strategies in the area of family rights are mainly found in the endeavours of women's movements in Muslim countries and communities:

An increasing number of women join fundamentalist groups throughout the world. The material benefits (i.e., various gratifications and advantages to their members (i.e., free medical care and loans without interest) are not the main reasons of joining fundamentalist women's movement, but rather that no alternative (at the religious and therefore at the identity level) ever existed until recently. Second strategy used is within the frame of Islam, both at the level of religion and at the level of culture by feminist theologians and historians within the Muslim world. Both theologians and historians have worked in isolation for a long time. They now have opportunities to come together and reinforce each other to present a very important ideological current and offer a real alternative to the previous strategy. A third strategy is women's fight for family rights on the area of secularism and laws which would reflect the present understanding of what human rights are and should be in the world today (Ibid).

Ali (2003:164), on the other hand, who has done research on family issues and particularly on the issue of marriage, indicates several approaches to Muslim marriage among progressive Muslims and thus the following positions can be distinguished: a secular stand, the classical position and the classical position with selective aspects. A few Muslims in the West have opted to follow the secular laws in marriage, yet most have decided to follow the key elements of the classical marriage in Islam (but may reduce the dowry to a symbolic amount). A third stance calls for selective appropriation of the provisions of classical law, allowing for the spouses to customize their marriage contract through the inclusion of numerous conditions (generally favoring the wife). The lawyer, Aziza al-Hibri is the most prominent although by no means the only supporter of the latter view. This approach argues that women are guaranteed numerous marital rights by Islamic law; women simply need to learn how to protect themselves by invoking them (Ali 2003:164). In 2003 al-Hibri was featured in "Talk of the Town" in *The New Yorker* (in Ali 2003:164) where she explained that women have rights in Islamic law that are often unknown and unutilized, including the right to make stipulations in marriage contracts. This picture, however, does not resemble the laws governing most Muslim women's marriages today, states Ali (2003:164). Although many support al-Hibri's view, there are also those, like Ahmed and Mernissi, who are careful to point out that a debate on solutions to women's rights issues in the area of family should never focus on isolated rights without acknowledging how these are related to the whole. To avoid this limitation, the issues of family rights are classified under the five broader subjects (cf. chapters two and four) touching women's lives: the age of marriage and

choice of a partner; control over fertility; the right to spousal maintenance; rights in a polygamous union; and divorce and custody rights. The order in which these will be discussed in this section follows the sequence just mentioned.

#### **5.2.4.1 Age of marriage and choice of partner**

In chapter four it was indicated how the selected authors demonstrate the dynamics of Islam in the modern Muslim family. This selection and generation of authors clearly feel that age of marriage and the choice of a marriage partner are no longer the weighty challenges that they were in the time of their mothers and grandmothers. Instead the growing phenomenon of single women (never married or divorced) as well as single mother led family units and their concomitant challenges are the areas in which the authors focus their solutions. Among the four authors Mernissi, Ahmed and Fernea direct the debate on solutions to single women's issues; Wadud expresses herself powerfully when answers to single mother led family units are sought.

Related to family issues, Mernissi and Ahmed, have been active in informing Muslim women of their rights under Islamic law and encouraging them to negotiate favorable contracts before marriage. Mernissi (1991b:93) maintains that the denial of women's rights is not attributable to the Qur'an or the Prophet, but to the hegemonic political and economic interests of the male elite in Muslim society. Mernissi is quite open about her experience of harem life, but paradoxically reveals nothing of her current family life, possibly due to a desire for privacy or because she may think it is not relevant to her research. She believes that women need to overcome their fear and equip themselves to defend their cause by promoting a reinterpretation of *Ahadith* and conducting historical research and sociological analysis to produce an alternative interpretation of Islam and women's roles in it, with a view to tracing the historical development of Islamic thought and its modern manifestation (Mernissi 1992:150, 160-161). Similar to Mernissi's view, organisations (i.e., Women Living Under Muslim Laws, WLUML)<sup>154</sup> have developed alternative interpretations by comparing the interpretation of laws in different Muslim states (Shaheed 1994:1009,

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<sup>154</sup> Formed in 1984 linking over 2 000 women in approximately forty countries among the 450 million women living in Muslim countries and communities around the world, the majority of whom live under Muslim Personal Laws (Helie-Lucas 2003:189).

1011). Moreover, on an organisational, scholarly and grassroots level many individual men and women in Third World countries recognise contemporary challenges and are searching for solutions for family dilemmas. This has been well documented by sociologists, such as, Fatima Mernissi (1991b) [1987] and Shulamit Reinharz (1992). In her *Feminist methods in social research* Reinharz (1992:193) notes that after the publication of *Women and sex* (1972) [1969] by Egyptian feminist, Nawal El Saadawi there was an “avalanche of letters, telephone calls and visits from young and old, men and women, most of them asking for a way out of problems” (El Saadawi 1980:2-3). These people were reacting to El Saadawi’s effort to make public “problems they had suffered in privacy” (Reinharz 1992:193). Similarly, Mernissi (1987a:93) mentions that following a radio broadcast in which she participated, she received hundreds of letters asking help in managing in a variety of life situations, principally relating to questions concerning dating and relationships between men and women.

From the four authors, Fernea primarily addresses this issue in a variety of countries (i.e., Lebanon, Jordan, Morocco, Egypt, Saudi Arabia, Iran and Iraq) with reference to national security in relation to women’s position (Fernea and Fernea 1997). Feminist scholar, Sandra Harding (1987:18) notes that the status of women can change quickly under different political rule. For example, in some cases, women have gained rights which were lost ‘over night’ as a result of revolution or dictatorship (e.g. in Iran).<sup>155</sup>

Iranian women fought for and gained access to education (1910), the abolition of the veil (1936), the vote (1962), a curb on the unequivocal male right of divorce and the right to contest for the custody of children (1973), free abortion on demand (1974) and a ban on polygamy and the right to maintenance after divorce (1976), all changed within months of Khomeini’s takeover in March 1979 (Afshar 1987a:70). For example, the legal age of marriage was reduced from eighteen to thirteen years for girls (Afshar 1991:26).

Significant voices which have entered the debate on this issue are Iranian feminists and scholars, Ziba Mir-Hosseini, Haleh Afshar, Shirin Ebadi and Valentine

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<sup>155</sup> See Afshar (1987a:76). The director of the Tehran School of Social Work, Satarea Farmanfarmayan was quoted as saying that 70 percent of suicides in Tehran were by women aged between eighteen and twenty-five who were in the first year of their marriage.

Moghadam. This list of names testifies to the endeavours of Iranian feminism which has helped women (inside Iran and/or expatriates) to fight for their rights even in troubled times. According to Mir-Hosseini (1999:6), "gender roles and relations, and women's rights, are not fixed, not given, not absolute." They are negotiated and changing cultural constructs, produced in response to lived realities, through debates that are now going on all over the Muslim world.

Nevertheless, active groups are fighting for improved conditions. Some have returned to forming secret societies, others have agreed to relegate the women's question to a future time. All rely on journals, handouts, secret meetings and/or public broadcasts to voice their views and all claim differing degrees of support amongst different groups of women. But perhaps the most effective groups in action are women working in factories who have simply refused to give up their jobs. Whereas the early feminists in Iran were largely members of the middle and upper classes, there is now a cross-class interest that unites the affluent and the poor in their battles against the establishment (Afshar 1991:27).

Another dimension of a possible solution is introduced by al-Hibri (2005:213) who notes pre-marital counselling for prospective spouses provided in Islamic centres by Imams and other qualified staff in Western Muslim communities.

This arrangement helps reduce the rising rate of divorce among Muslims in the US and, just as important, ensure that marriages are based on well-informed *ridha* that is not vitiated by pressure, fraud, deceit or defect. Another benefit of premarital counselling is that it could be an effective venue for informing Muslim women of their vast rights within the marriage under Islamic law, and to educate their husbands about these rights as well (al-Hibri 2005:213).

It is interesting that this progressive proposal by al-Hibri has not been mentioned by any of the authors under consideration, and may be an indication of how the debate has moved on in recent years.

#### **5.2.4.2 Control over fertility**

The data analysed in the previous chapter indicated that Wadud paid little attention to women's lack of control over fertility, in all probability because this issue has not touched her life. Furthermore, it was discussed how Fernea and Mernissi saw control over fertility as a family law and economic issue. Another scholar, Helie-Lucas (2003:189) supports this view indicating that Muslim states interpret Islam in ways which suit their local policies, even on very crucial ideological issues like control over

fertility.<sup>156</sup> Muslim states do not have a common policy inspired by Islam and this can be seen in the diversity of viewpoints taken on the question of contraception and abortion.

Both are legal in Tunisia; both are enforced on women in Bangladesh together with sterilization for both sexes; contraception is allowed but abortion forbidden in Pakistan. Algeria finally, after a long debate, allowed contraception to control its annual population rate. All these countries claim that they defined their population policy according to the spirit of Islam. Women are made to believe that the rules enforced locally or nationally reflect the spirit of Islam and are injunctions of God that Muslim states apply in their legislation (Helie-Lucas 2003:189).

Women remain challenged by this issue in many Muslim communities. Yet, as noted by Ahmed even though family planning clinics are available to control population growth, Muslim couples are, to some extent, disinclined to make use of them, probably because of social strictures associated with patriarchy. Ahmed points out that in order to solve their problems women have to know their rights and must develop qualities such as moral strength, clarity of vision, and understanding and imagination to ensure that their rights are acknowledged and respected. Ahmed (1999a:297) proposes a three-step formula that women can apply to assert their rights.

First, women have to define the nature of the obstacles they face (analyse their situation). Secondly, with that knowledge in mind women have to trace the origins and development history of their problems up to the present. And finally, women have to plot a projected future for the assertion of their rights and for their future social development (Ahmed 1999a:297).

Before stepping off the issue of fertility control, a few remarks on the issue of female circumcision are appropriate. This matter is addressed only by Mernissi among the four authors, but among other Muslim authors it is so often included for discussion, that it deserves some mention. Mernissi and some other Islamic feminists, focus on rereading sacred texts to condemn genital surgery, and to point out that female circumcision is not a Muslim tradition. Mernissi (in Bulbeck 1998:86; Mernissi 1991c:98) argues, "Female excision was unknown in the Prophet's seventh-century Arabia and that practices like female slavery and the seclusion of women were introduced as corruptions to Islam." Bulbeck (1998:85-86) is careful to note that

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<sup>156</sup> From other Muslim feminist scholars it is Shaikh (2003a) who is influential in the debate on family planning, contraception and abortion in Islam.

health-related topics need to be debated particularly by those sensitive to the cultural aspects such as by the Egyptian feminist and doctor, Nawal El Saadawi,<sup>157</sup> who has indeed been a leader in this debate for some time. In her opinion, it is necessary to “raise the consciousness of the people so that they themselves will do the fighting. It is no good patronising or talking down to them, you must bring them along” (Emberley 1993:61). Scholars, such as Bulbeck (1998:84) point out a debate between the views of Nawal El Saadawi (Egyptian feminist) and Julia Emberley (Canadian feminist following a postmodernist analysis). Bulbeck’s review on the debate is an eye-opening example of how two feminist views do not necessarily concur.<sup>158</sup> This highlights an important lesson that all practices should be evaluated within their own cultural context. This demonstrates that scholarly research by Third World women requires fresh recognition particularly in a discussion of solutions and their implementation in cultural context.

#### **5.2.4.3 The right to spousal maintenance**

Following the analysis in chapter four, the authors (excluding Ahmed who is not vocal on this point) support the viewpoint that contemporary Muslim women are challenged with regard to the issue of spousal maintenance and thus solutions should be sought. Fernea regards social development in a family context as the key to effective promotion of women’s family rights. Muslim women want equality, not beyond, but within the family context. Their intention is not to disrupt the family structure but to secure a position in the family that is not less important than that of any other family member (Fernea 2001:3). Fernea makes the significant point that spousal maintenance should not be withheld otherwise children will suffer.

Mernissi does not agitate for spousal maintenance or that women should be on par with men in matters of inheritance; rather, she emphasises that women should be allowed and enabled to participate in building their own economic and political

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<sup>157</sup> Nawal El Saadawi was arrested and imprisoned in 1981 for her writings in condemnation of clitoridectomy.

<sup>158</sup> Some Third World women focus on the health effects of genital surgery rather than the rights of women and girls, in which case, the medical approach allows the practice if it can be performed safely without negative consequences (Bulbeck 1998:86). “This aspect of the debate has come home to many Western countries where practicing Islamic migrant communities seek medical services for genital surgery” (Ibid).

autonomy (Mernissi 1996c:xiii). She sees the issue as economic, and thus promotes economic upliftment as a solution. If a woman is challenged in the area of maintenance, she should be able to seek employment thus becoming self-sufficient.

Wadud is very vocal on the point of maintenance rights and discusses it from a divorced woman's point of view. Having married and divorced twice and with five children to support, she has noteworthy suggestions. As a Muslim living in the West, Wadud deals with the problems of any single mother, including childcare, schooling and government support. Although Wadud (2006a:97) points out, "there is not one strategy, one method, or one process to women's problems," yet she finds the core of the problem lies in patriarchy. Her aspirations for a future Islamic dispensation in which Muslim women are fully emancipated are expressed in the slogan "I dream of an Islam without patriarchy" (2006a:91) which clearly resonates with the famous "I have a dream" speech of Martin Luther King Jr who exhorted black Americans to fight for freedom from oppression as the American underclass. She adopts the position that, according to the Qur'anic worldview, women's capacities would be developed to their full potential if the Qu'ran were correctly interpreted and put into practice. She (2006a:130) therefore advocates as her major goal, to reconsider family in the context of Islamic reform in line with modernity. She emphasises that the Qur'an should be reinterpreted by every generation since women's issues are shaped by the social context.

Wadud is not alone in this debate. Female scholars have published numerous works, such as, the *Encyclopaedia of the Qur'an* by McAuliffe (2002), to argue for a new scrutiny and contextualization of Qur'anic terms and phrases which expose the patriarchal inflections given to many Qur'anic passages in classical interpretations authored by men. Their aim is to demonstrate how such patriarchal interpretations contradict the basic Qur'anic message of gender equality. Examples of these works are those of Wadud, Hassan and al-Hibri in which the view is expressed that *qawwamun* conveys the notion of 'providing for'. It is argued that the term is used prescriptively to signify that men ought to provide for women in the context of child-bearing and rearing but it does not mean that women cannot necessarily provide for themselves in those circumstances (Badran 2002a:203).



Research done by the North American Council of Muslim Women (NACMW) notes that most women joining its lines were unaware that the salaries they earned were money that did not have to go toward maintaining the home by legal right (Abugideiri 2001:11). Therefore, an aim of NACMW is to seek to undo longstanding traditions that have kept Muslim women handicapped in the name of Islam by teaching them how to contest authority on the basis of the Qur'an without feeling that they are in rebellion against God. Organizations such as NACMW encourage women to engage directly with Qur'anic text empowering themselves to change the realities of their lives (Ibid).

#### **5.2.4.4 The right in a polygamous union**

Reformed family laws have brought about remarkable changes regarding polygamous union both in Moroccan and in Egyptian society (in sharp contrast to Mernissi and Ahmed's childhood experiences). Yet, the authors are unified in their views that, although polygamous unions have become rare, they remain an ever-present challenge as long as they remain legal. Thus, although reformed family laws have brought changes in many countries, polygamy undermines not only women's rights but also their status and role in the family and is conducive to negative attitudes towards women in general. Although many Muslim countries have laws prohibiting the practice, there are still places where it is allowed by law (albeit subject to certain stipulations).

The issue of polygamy cannot be divorced from the larger issue of family law and the authors go to the core of the matter – which is patriarchy and the subordinate status of women in such societies. Wadud finds the answers to this problem in Qur'anic re-interpretation, a view which is supported by Asma Barlas and Riffat Hassan. Mernissi finds a solution in *Hadith* interpretations, as well as in jurisprudence as supported by Ahmed and Fernea.<sup>159</sup> The latter view is also supported by a number of Muslim

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<sup>159</sup> In the Middle East, education and law – with the exception of family law – were removed from the jurisdiction of the religious authorities to that of the secular state (excluding countries of the Arabian Peninsula) (Badran 2009:304).

women scholars and activists such as Kecia Ali, and Haleh Afshar, fighting for Iranian women's rights.<sup>160</sup>

One of the major debates among Islamic feminists in various parts of the world today is around Muslim Personal Law.<sup>161</sup> In particular, Mernissi has led this debate (attempts to reform family law) in Morocco. As stated in chapter three, she has been instrumental in forming women's lawyers groups to develop more humane laws. It is actually in this debate of women's rights in polygamous union that Mernissi's secular view becomes obvious. It is true that Mernissi situates women's issues in general and polygamy in particular within a more inclusive framework that links it to political legitimacy, social stagnation and the absence of democracy. It is also true that she does not only insist on 'gender equality' but speaks about 'gender identity' as an important dynamic of change. However, I regard her as not just a secular feminist in Islam; her project involves religious feminist components.<sup>162</sup> The new discourse in Islamic feminism is closely linked to gender justice and social change; so that its concern is not simply religious and societal reform but a fundamental transformation reflecting the practice of patriarchal Islam was discussed in the previous chapter. The aims of this discourse are seen clearly in the writings of both Mernissi and Ahmed. For example, in *Beyond the veil: male-female dynamics in a modern Muslim society* (1987a [1975]) Mernissi sought to reclaim the ideological discourses on women and sexuality from the stranglehold of patriarchy. She critically examines the classical corpus of religious-juristic texts, including the *Hadith*, and reinterprets them from a feminist perspective. As seen in my discussions, the women promoting Islamic feminism also promoted a gender equality model in both family and society. Furthermore, these modern Islamic feminists do not conceptualise a public versus

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<sup>160</sup> See Afshar (1987a:79). Women whose husbands have taken other wives are crowding the Family Courts to try to curb the tide of polygamy, but as a *Zanedh Rouz* reporter states, "the courts continue to ratify an average of six requests for polygamous marriages per hour. Just think how many polygamous marriages that makes in a week."

<sup>161</sup> Also known as Muslim Family Law (MPL). Some Islamic feminists have been working on developing women friendly forms of MPL (e.g. the Canadian council of Muslim women). Other Islamic feminists, particularly those in Muslim minority contexts living in democratic countries, argue that MPL should not be reformed but should be rejected and that Muslim women should seek redress instead from the civil laws of those countries.

<sup>162</sup> Framing the new feminism as religious or Islamic feminism does not mean that 'the secular' in the sense of content was absent (Badran 2009:3).

private division, as many of the feminists had done previously, but ask for total rights or holistic rights in all areas of womanhood.

On the other hand, Wadud, instead of directing the discussion to law and legislation, directs the debate to a Qur'anic re-interpretation of the issue of polygamy. Two other women supporting her view are Asma Barlas and Hibba Abugideiri. Sudanese American scholar, Abugideiri (2001) denies that the text of the Qur'an itself is patriarchal or that it places women at any disadvantage in religion in relation to men. She labels the problem 'the Qur'anic pretext' which gives a man authority over a woman in many areas of life (i.e., economic and maintenance) interpreting Islamic rights to uphold a system of gender inequality (Haddad, Smith and Moore 2006:155). Pakistani-born Barlas (2002:157) comes up with a working definition of patriarchy (a politics of sexual differentiation that privileges males by transforming biological sex into politicised gender) with which she then analyses the Qur'an, claiming that the Qur'an permits and even encourages liberation for women (Ibid).

According to Kecia Ali (2003:164) solutions to women's issues cannot afford to ignore jurisprudence. Ali (2003:163) states that progressive Muslims have a difficult relationship with Islamic law, meaning that many of them have been reluctant to enter into serious conversations about Islamic law, which is generally seen as the realm of more conservative scholars.<sup>163</sup>

Partially as a result of this hesitance, discussions of Islamic law today tend to reflect only different degrees of conservatism and fundamentalism. Debates over implementing *Shari'ah* revolve around issues like the stoning of adulterers or amputating the hands of thieves (Ali 2003:163).

A difference in the debate can be observed between those living in the Muslim world and those Muslims who live in the West. Ali (2003:163) states:

For those living in the Muslim world, negotiations with Islamic law as it is enforced through personal status codes are a practical necessity. Muslims who live in the West, however, encounter Islamic law only to the extent that we choose to apply it in our personal dealings. For many, that means most

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<sup>163</sup> See Ali (2003:167). There is not now, nor has there ever been, a single unitary Islamic law. Although Muslims agree that the *Shari'ah* – God's law for humanity – is complete, infallible, and universal, it cannot be known directly but only through the work of human interpreters. Historically, these interpreters have been the jurists.

especially in matters of family. Paradoxically for progressive Muslims, this is the arena where traditional Islamic law is thought to be most conservative.

Examples of those promoting solutions to women's issues in the Muslim world, particularly in Iran, are Mir-Hosseini and Afshar. Mir-Hosseini (1996a:165) notes that polygamy is an area of Islamic law where the conflict between law and social practice is the most acute. Women's organizations and the popular press, such as the women's magazine, *Zanedh Rouz*, have been active in the fight against polygamy,

There are 500,000 fewer women than men in our country . . . yet we are told that we must accept that our husbands have the right to remarry. The only thing that some men know about the Koran is the right to polygamy" (25 December 1990 cited in Afshar 1996:137).

Finally, I conclude with the words of Ali (2006:xv) who states that sexual subordination of women is by no means exclusive to Muslim societies or Islamic thought. The discussion on dismantling stereotypes that constitutes a major hindrance to Westerners' understanding of the concept of polygamy as degrading to women is hypocritical when adultery, serial re-marriage, and out-of-wedlock births involving fathers who do not take paternal responsibility are rampant in the West (Ali 2006:xv). In addition, Ali (2006:xvii) indicates that attention should also be focused on the contemporary debates over human trafficking and sex workers.

#### **5.2.4.5 Divorce and custody rights**

Divorce and custody rights are one of the most debated issues among women activists today. Although modern women have gained access to education and work, their freedom is still limited in the areas of family law (i.e., divorce and custody of children). As analysed in the previous chapter, all four authors consider women's rights in matters of divorce and custody in contemporary Muslim societies as an acute problem.

Islamic feminists commonly maintain that a new set of tools is needed in this fight. Ahmed and Mernissi are examples of a new generation of Muslim women, trained in history, law and social sciences (educated in secular universities) seeking to find new solutions to issues around family law. As educated women they, like other educated women of their generation, are well equipped to ask questions about the

origins of laws, rather than merely accepting the patriarchal constructions of family law as an autonomous fact in women's lives. All four authors strongly suggest that more training is required in order to equip women for public participation in matters related to divorce law and custody rights. An example of this is Mernissi's training programme for lawyers in order to help Moroccan women at grassroots level. Mernissi's solution is also supported by Shaaban (1991 [1988:53]) who indicates that the law gives a woman the right to divorce if she has decided to reserve that right and has had it written on her marriage certificate. However, 99% of women in Syria are ignorant of this; therefore, she believes that women need to be educated in schools and universities and through public lectures to learn to know their rights. A step further has been taken in Iran, where the presence of women in these domains has been bolstered by the establishment of a theological college for women, "Jame'at al-Zahra", where women can study Shi'a jurisprudence.

Iran is home to multiple women's movements, some secular and some self-consciously Islamic, that have found ways to work together toward common goals, including lobbying for changes to Islamically based marriage and divorce laws, to expand women's rights. As with other organizations and interpreters care has been given to frame the reforms in terms of Qur'anic values and principles (DeLong-Bas 2006:4).

As noted by Ahmed (1999a:276) in order to solve their problems, women have to be intellectually strong and unafraid; they must be confident and clear-minded; they must know their rights; and must develop qualities such as moral strength, clarity of vision, and understanding and imagination to ensure that their rights are acknowledged and respected (Ibid). Mir-Hosseini (1996a:164) agrees with Ahmed stating:

No understanding of Islamic law and what it entails for women is complete without examining its practice, i.e. how it is applied in courts, and how individuals use it to settle their marital disputes.

Fernea focuses on solutions for women where the right to child custody is concerned. Wadud adds to this debate the re-interpretation of the Qur'an. However, according to Safi (2003b:1) "it is not sufficient to come up with a more luminous theology of Islam, but it is imperative to work on transforming the various societies around us." One way in which a contribution can be made is for women's organisations (i.e., lawyers and judges) to determine if women, in cases of divorce, have received their portions of wealth as stipulated by law. Mir-Hosseini (1996a:147)

indicates that in her experience, she has not yet encountered a case in which the wife received any portion of the husband's wealth, so the new stipulation is, in practice, ineffective.

Besides education and knowledge, the selected scholars also maintain that change can be accelerated by women gaining more political influence in decision-making procedures (i.e., in the court decisions). For example, following the Iranian revolution in 1979, Iranian women were no longer permitted to work as judges, but they maintained a presence in the court system as employees, advisors and lawyers, such as was the case of the former judge and 2003 Nobel Peace Prize winner, Shirin Ebadi (cf. section 2.2). The interpretation of Islamic law (*Shari'ah*) and legal changes are viewed as critical to the expansion of women's practical rights (DeLong-Bas 2006:3). Some women even seek to acquire the roles of *mufti* (person issuing a legal opinion, or *fatwa*) and judge (traditionally restricted to men) in order to have a voice in the deliberations. An example of this kind of endeavour was a conference organized by the American Society for Muslim Advancement (2006):

'Women's Islamic Initiative in Spirituality and Equity' conference resulted in the formation of a 'Women's *Shura* (advisory) Council' to provide alternative opinions and claim a voice for women's rights in the field of Islamic law. A select core group of women scholars will examine certain legal issues, but then return the proposed position to the collective group to vote on each recommended position. The majority opinion would ultimately be distributed globally (DeLong-Bas 2006:3).

Badran (2006:3) also notes this increased evidence of the application of Islamic feminist theory in practice:

This is seen in the revision of the Moroccan Mudawwana or Civil Code, now the most gender-egalitarian *Shari'ah* grounded civil code, it is also evident in the new draft revision of the Family Code in Indonesia, devised by a commission of religious scholars (half of whom are women) appointed within the Ministry of Justice.

Thus, through the creativity and perseverance of women, the public roles of women have been expanded in the Islamic court system even in countries as conservative as Saudi Arabia and Iran. Although women do not have a full vote in court decisions, they are actively involved and use the voice they have. For example, it has been noted that although women cannot serve as judges in Saudi Arabia, yet female representatives of the 'Ministry of Social Affairs' attend all hearings and court cases

related to children as advisors to the male judges to assure that the mother's concerns are included in the deliberations (DeLong-Bas 2006:4). Furthermore, Saudi women have challenged legislation by asserting the Qur'anic values, the preservation of human life, as DeLong-Bas (2006:4) notes:

Although the law generally assigns custody of a boy over the age of 7 and a girl over the age of 9 to the father, Saudi women have challenged this practice by asserting the broader Qur'anic value of preservation of human life and child welfare and safety in cases where the husband has a history of domestic violence or has a lifestyle (involving drug or alcohol abuse) that could potentially harm the child or the child's development. Women have also expanded the grounds on which they may file for divorce while keeping their financial rights intact.

### **5.2.5 Rights to cultural expression**

The fifth area where solutions are evaluated is women's rights to cultural expression (the issues of the veil and socialisation). Power is institutionalised in society, and in Muslim society it has traditionally belonged to men. Along with male interpretations of the Qur'an, the patriarchal society determines the socialisation process of women, their roles, status and rights. Cancian (1996:191) notes that, in some cases, women internalise this oppression and find in it a source of identity; yet, in most cases women experience patriarchal power as oppressive and look for more enlightened interpretations of Islam. These reinterpretations of traditional concepts have altered women's perception of themselves and others and how they relate to each other and to the rest of society. Such reinterpretations have extended to women's worldviews, and have altered their relationships with the sacred. Progressive scholars in Islam are seeking to balance the old with the modern. The four authors' proposed solutions to the social issue (centered on the veil) are in keeping with their divergent personal experience and its impact on their lives. The authors work from within the frame of Islam at the level of culture, thus representing an important ideological current and offering alternative solutions to previous understandings. The scene of Islamic feminism is shifting with new contributors to the dialogue. Just an example of many of these new contributions could be mentioned. A fresh voice in the debate on women's rights, is that of the Saudi Arabian poetess, Hissas Hilal, who recently (2010) took a part in a poetic recital on television in Saudi Arabia, but was watched across the globe (including myself in Finland). Through her veiled face, she presented a very bold voice of protest through verse, and in the process attracted

some death threats. She received loud cheers from the audience and won her place in the competition finals. Engineer notes that this and similar behavior of women as “complex nature of tension between tradition and modernity,” yet which is bringing along not only a challenge, but also an opportunity (Engineer 2010:1).

#### **5.2.5.1 The veil (*hijab*)**

The selected scholars have expressed different views on the issue. For example, Mernissi has been criticised for relinquishing the veil while Wadud has been criticized for assuming it. As the authors maintain that the veil is not necessarily Islamic, the solutions proposed address women’s rights with regard to cultural expression require much more than just the notion, ‘getting rid of the veil’. The fundamental understandings of a culture and social structure are the crucial components which need to be carefully evaluated in relation to the concept.

Fernea looks at the issue from an anthropological perspective, arguing that the veil is not a challenge if it is the personal choice of the wearer; it becomes a challenge only when it is imposed. Fernea does not offer a solution, but rather an icebreaker to a discussion by pointing out the diversity of practices. Fernea focuses clearly on dismantling stereotypes<sup>164</sup> that constitute a major hindrance to Westerners’ understanding of the veil. For instance, the stereotype claiming that Middle Eastern women are oppressed ignores new evidence to the contrary (Fernea 2004:1), such as, a photograph of a Libyan leader surrounded by female bodyguards in close-fitting military uniforms instead of the customary veil, published in the *New York Times* (April 28, 2004).

As it has been mentioned that Fernea’s views on the veil have changed through the years; the same is true of Wadud. In her recent interview with Trisha Sertori (2009), the journalist of *The Jakarta Post*, Wadud says: “For 30 years I wore the *hijab* just to collect the mail outside my front door, I wore *hijab* when exercising, all the time.” Although Wadud does not promote only one correct model, she recognises the fundamental principle – cultural right of choice. In response to this choice – not by force or fear - Wadud wears the veil on her own terms, which she also gave as an

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<sup>164</sup> For more about ‘gendered stereotypes’ see Mills (2003:142).



explanation as she was seen wearing a T-shirt and trousers and long dreadlocks on her visit to Indonesia (Ibid). The avenues selected authors have used to contribute to change in the area of cultural rights include interventions in political debates, articles in journals and newspapers, filmmaking, writings in academic books and personal example.

Like Wadud, many Muslim women and girls living in Western countries, have taken to wearing the veil. Some have even challenged public authorities by attending class or appearing in court dressed in traditional dress (will be further discussed below). These women are active citizens, initiating and participating in public debates by challenging the liberal-feminist idea that, when women are free to choose their own way of life, they will self-evidently choose to live according to the values of secular liberalism (al-Hibri 1999:42). Some emphasize their commitment to their own cultural or religious community, which they firmly believe can be changed. They contend that such transformation will not come from the outside, but is possible only from within. "Change cannot be imposed from outside, by simply designing a new person, creating a new society or building an extraneous model – the greatest challenge is to change the person, the society, from the inside out" (Ahmed 1992:243; 1999a:120-125). As noted by the social scientist Maria Cancian (1996:191):

Essentially social change takes place at three levels: at the individual level, where it develops confidence and critical consciousness; in the local community, where it strengthens activist organisations and improves living conditions; in society at large, where it helps to transform the power structure.

For these women, 'Muslim feminism' is not a contradiction in terms as secular feminists seem to assume. On the contrary, they argue that it offers the only viable strategy to improve the position of Muslim women (Ahmed 1992:62). It follows in the light of Ahmed's (1999a:13) statement that as challenges arise in the everyday life of Muslim women, so solutions should be considered in relation to Islamic cultural and religious values, rather than in the context of modern, Western, feminist stereotypes.

Scholars are divided in the debate around the veil. Women activists are looking for new ways to analyse the problem. Mernissi, for example, uses sociological analysis rather than an exclusively religious approach to the issue. Egyptian Fadwa al-Guindi, on the other hand, employing an anthropological methodology, found that educated

professional Islamic women deliberately donned the veil as a statement of their identity in a gesture that reflects a synthesis of modernity and tradition (Shaikh 2002:101). Another example is Mir-Hosseini (1996a:155) who has used sociological grounds in the debate of the veil rather than only religious grounds.<sup>165</sup> Based on sociological methodology, sociological study reveals that, unlike the issue of divorce, women [in Iran] are widely divided on the question of *hijab*:

While it undoubtedly restricts some women, it emancipates others by giving them the permission, the very legitimacy for their presence in the public domain which has always been male-dominated in Iran. Many women today owe their jobs, their economic autonomy, their public persona, to compulsory *hijab*. There are women who have found in *hijab* a sense of worth, a moral high ground, especially those who could never fare well in certain elitist and Westernised sections of pre-revolutionary Iran (Mir-Hosseini 1996a:156).

Similarly, Shaikh (2002:153) indicates that *hijab* within Muslim societies does not constitute a singular symbolic field, but the norms for dressing are socially and culturally specific and that there is no reason that Muslim women's clothing needs to be measured against specific Western norms of dressing. Evaluating this discussion on the differing views on the issue of veil, Western based al-Hibri (1999:102) notes that Muslim women (as researched by her) do not regard the issue of the veil as important, but rather the re-examination of family law (i.e., divorce laws). However, Iranian born anthropologist, also Western based, Mir-Hosseini (1996a:143), strongly disagrees with this view. According to her, dress code together with divorce law is not only among the most visible and debated Islamic mandates, but also the two "yardsticks by which women's emancipation or repression in Islam [in Iran] is measured." The solution to women's rights in Iran, thereof, needs to touch both areas evenly. When she calls for 'stretching the limits' in gender justice, she refers to women's struggle against government structures (Mir-Hosseini 1996b:285).<sup>166</sup>

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<sup>165</sup> See Mir-Hosseini (1996a:154-155). The Social Affairs division of the Tehran Governor's Office organized a sociological investigation of the reasons for *bad-hijab*, not only as a response to the increasing defiance of *hijab* by young women in Tehran, but also because it recognises the problem for the first time as socio-cultural rather than religious and contains some interesting insights. Through the sample of 3,030 women a team of university researchers aim to uncover the underlying reasons behind the 'deviant behaviour of Tehrani women with respect to Islamic dress. The findings were written up in a report of 361 pages, which includes 180 statistical tables, relating *hijab* to all conceivable socio-economic factors. One of the major findings of the study is that 'in the category of moderate and good *hijab*, women follow an established model, thus they enjoy social cohesion, but *bad-hijab* women lack this cohesion and betray a great deal of diversity and individualism'.

<sup>166</sup> Since the 1979 revolution in Iran, she has done research in Tehran family courts and has followed developments in family law debates about gender issues in the Islamic Republic.

Mernissi links the solution with political, economic and sociological factors as in her view *hijab* means segregation and hierarchical divisions between rulers and people. With relation to solutions proposed by her, the idea of the veil much more than its material presence is a powerful symbol of women's non-participation, passivity and invisibility in the public domain. Afshar (1996:138) gives the example of Homa Darabi Tehrani's life and death as a tragic example of a woman who protested for freedom even to the point of death. Homa Darabi was a popular teacher and respected researcher who set herself on fire to protest against the misogynist rule of the Islamic government in Iran. Her death led to widespread protest among women activists both in Iran and globally.<sup>167</sup>

An estimated thirty thousand people attended her memorial service. A letter of condemnation signed by about seventy leading Iranian academics working in the West was sent to the government in Tehran and activists abroad organised well-attended protest meetings in her memory in London, Paris, Los Angeles among other cities in the USA and Canada. They have also been writing letters condemning the denial of human rights to Iranian women (Afshar 1996:138).

A rather different defence, a postmodern stance on women's issues in the cultural domain, has been made by an Algerian-French philosopher, Mohammed Arkoun. He was the only male Muslim member of the presidential commission appointed by French president, Jacques Chirac to recommend a solution regarding religious symbols in public schools and buildings in France in 2003.<sup>168</sup> The recommendations from the commission, however, came under attack in many Muslim countries, and "Arkoun was singled out for blame as being weak in his defence of Islam."<sup>169</sup> There are divided views among scholars and women's rights activists regarding issues surrounding the veil. The debate has spawned a plethora of articles and books on the issue, including many that are explicitly feminist (i.e., Djavann 2003). Any contemporary debate among Muslim women is soon discussed globally on the internet. The 'headscarf debate' is waged in a number of countries, including the United Kingdom, where Shabina Begum (a 15-year old secondary school student)

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<sup>167</sup> See Afshar (1996:138). Although Islamist women have succeeded in changing some of the more repressive anti-feminist laws, they have been assisted in their battle by secular women's resistance groups as well as the rising numbers of tragic self-immolations.

<sup>168</sup> See Anon. (2003a). ("Mohammed Arkoun" [online]. Available from: <http://www.answers.com/topic/mohammed-arkoun.htm>) [Accessed 10 March 2010].

<sup>169</sup> Ibid.

was expelled from school in 2002 for wearing a form of Islamic dress that covered all but the face and hands and lost her appeal to the British High Court in 2004.<sup>170</sup> In Singapore, an appeal against the secular dress code in schools was lodged in 2002 with the High Court (Winter 2006:97). Similarly, French laws banning religious dress or adornment in public schools was widely criticized. On the other hand, significant numbers of French citizens of Muslim background came out strongly in support of France's so-called '*intransigent*' secularism (Winter 2006:105).

For example, the movement for secular Muslims and Manifeste des Libertes, both launched petitions defending progressive values and the rights of women and opposing religious obscurantism. Muslim religious leaders were among the signatories of the first petition, and the second, which was signed by Muslim intellectuals, also denounced anti-Semitism and defended homosexual rights (Winter 2006:105).

#### **5.2.5.2 Socialisation**

As followed in this thesis, the Giele/Smock/Engineer framework defined the area of socialisation (social contracts) as a challenge faced by women in the area of cultural expression. Under this topic three main areas are included: behaviour in social interaction, freedom of movement and women's rights in public worship.

An influential contribution to women's rights issues in the area of cultural expression and socialisation by the three authors (Ahmed, Mernissi and Wadud) is their own personal behaviour in social interaction as independent professional women activists. They all made a significant input to the debate on women's rights to socialisation by their own conduct. They have demonstrated freedom of movement, freedom of speech and opinion and freedom in writing and translating. Mernissi and Ahmed have become pioneer role models for many in Morocco, Egypt and other places of what Muslim women can achieve in society. They have become models of how Muslim scholars can benefit the life of women and society in general. In addition, Ahmed is an example of one who has contributed as an author of diaspora literature, migration stories from women's points of views, which help women in

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<sup>170</sup> See Winter (2006:105). The judge ruled that her human rights had not been infringed and that the Luton secondary school's uniform policy 'was aimed at the proper running of a multi-cultural, multi-faith secular school'. See also Kelly (2004).

similar circumstances.<sup>171</sup> Wadud has brought an additional dimension to the debate by claiming women's right to public worship. This contribution to the debate has not just been theoretical but also practical: she has modelled how women can take part in public worship. She is also calling for contemporary initiatives in North American communities which take the form of women's retreats during conferences, workshops and luncheons to activate and inform women (Wadud 2006a:105). Fernea's contribution to the debate has been in her research of the Muslim world with particular reference to Islamic feminism, which has been used as a methodology to propose solutions to women's issues.

As the authors have shown the research on women's rights in contemporary times has required new tools and avenues, in this Islamic feminism has proved to be one. Whereas secular feminism in Islam was mainly rooted in national soil and thus deeply local, Islamic feminism's universal and global character are recovering a holistic Islam in which secular and religious merge (Badran 2009:318). Women's movements attempt to change women's social contracts through national activism and even global activism. This thesis has discussed some of these issues earlier in this chapter, touching on particular areas in women's lives besides the cultural expression, as freedom of movement is closely connected to the right to education and work.

A fresh example of cultural freedom can, however, be given in this section: the recent global outcry from women, also those inside Saudi Arabia, which arose as a result of a Saudi Arabian plan to ban women from entering the area near the Ka'ba during a pilgrimage and relocating them further away due to lack of space (Badran 2009:337).

Women protested via media and in a petition campaign (a thousand signatures), their removal as gender discrimination that makes a mockery of the Islamic principle of human equality. One of the objections was that the decision was taken for women without questioning their opinion or without their participation.

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<sup>171</sup> See Cooke (2001:22). Since the mid-nineteenth century, Arabs (beside many other areas from which Muslim women have migrated) from eighteen different countries have been migrating to Western Europe and the Americas.

One voice which dominated in this debate, is that of Saudi historian, Hatoon al-Fassi.<sup>172</sup> Al-Fassi was vocal in the press (i.e., *Arab News* Wednesday 30 August, 2006), indicating that the proposal to remove women contradicts women's rights "to pray at the holiest place on earth," near the Ka'ba and contravenes historical practice from the earliest days of Islam. She went further to note that women face constraints also at the Prophet's mosque in Medina, where women, unlike men, are not allowed to face the grave of the Prophet and can only pass by the side of it (Ibid).

Less than a month after the plan was announced, the deputy chief of the Presidency of the Two Holy Mosques declared that the move to relocate women had been dropped. In conveying the news, Nasir al-Khuzayyam stressed that 'women and men stand on an equal footing in Islam'. The announcement came after a strong and concerted global outcry from Muslim women and worldwide attention (Badran 2009:337).

In relation to the issue of limited space for worship, Wadud calls for 'unlimited space' in public worship, a call referred to as the 'mosque movement'. Although Wadud is the most vociferous advocate for women's public religious participation of the four selected authors, she is not alone. The influence of al-Ghazali, al-Rahman and others are discussed and evaluated in sections 5.2.1 and 5.2.4. In this regard, Wadud is more progressive than the other three authors. She admires Indonesia as one of the leading nations in progressive Islamic thinking in the 21<sup>st</sup> century which brings "together Islamic thought, culture and postmodern thinking" (Sertori 2009). Wadud is a supporter of the reinterpretation of the Qur'an in order to define women's position in a modern context with due recognition of all their human rights, but not without paying due deference to the true substance of the Qur'anic text (Wadud 1999:95). Interestingly, in her early writings Wadud (1992) put great emphasis on remaining faithful to original Islam, including in the area of cultural expression. However, her recent public comments are somewhat controversial, which indicates that she is still developing her views on cultural and in particular, religious expression. According to Wadud (1992a:94-95):

First, women who claim their rights have to remain faithful to the original Islam, and secondly, they have to spell out the doctrinal meanings of the Qur'an (reinterpretation of Qur'an) in the contemporary language of a modern context. Third, women also have to face the challenges of everyday life within

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<sup>172</sup> Hatoon al-Fassi (b 1964) is assistant professor at History Department from the King Saud University and also a columnist for the *al-Riyadh Newspaper*.

their particular Muslim society . . . meaning full participation in the community through equal access, and rights to cultural expression.

According to al-Hibri (1999:104), whereas culture is human fabrication, the Qur'an is God's revelation, yet "the two issues incidentally are not unrelated. In case of inconsistency, the cultural customs must be rejected."

It is furthermore important to understand that Islamic laws as they relate to *mu'amalat* (dealings among people) often reflect differences of jurisprudential opinion among major Muslim scholars (al-Hibri 1999:105).

Similarly, Kecia Ali<sup>173</sup>, a founding member of the 'Progressive Muslim Union in North America' (PMU), cautions, "by opening the Qur'an to alternative interpretations, progressive Muslims are not challenging the authority of the Qur'an." Yet, Wadud has shown contradictory views to this. According to Baksh (2005:4), Wadud took the opposing position in her lecture at the Noor Cultural Centre in Toronto (February 2005), when she was quoted as saying she 'did not agree with the Qur'an':

It did not matter to her audience what she disagreed with, half of them walked out, prayed *Asr salah* and left the hall . . . Amina 'declared that she could not intellectually or spiritually accept some things in the Qur'an. For example, some of the *hudud* punishments like the cutting of hands or the permission to beat one's wife. She made it clear that she was denying neither the religion nor the revelation. 'It is the Qur'an,' she said, 'that gives me the means to say no to the Qur'an' (Baksh 2005:4).

As already demonstrated in this thesis, globally Muslim women have gained additional rights in social interaction, movement and religious participation in recent years. How far they are prepared to go and what their approaches are in implementing the solutions are discussed in the ensuing section.

The first part of this chapter evaluated the solutions offered by the four authors and situated their contributions against a broader background of other voices in the debate concerning challenges faced by Muslim women in contemporary Muslim

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<sup>173</sup> Kecia Ali received her Ph.D. in Religion (Islamic Studies) from Duke University in 2002. From 2001-2003 she worked as a research analyst for the Feminist Sexual Ethics Project at Brandeis University. Her recent book *Sexual ethics & Islam: feminist reflections on Qur'an, Hadith and jurisprudence* (2006), grew out of this work. In 2003-2004 she was a research associate in Harvard Divinity Schools' Women's Studies in Religion Program. From 2004-2006 she held a Florence Levy Kay postdoctoral fellowship in Islamic Studies and Women's Studies at Brandeis University. Her research interests centre on Islamic religious texts, especially jurisprudence, and women in both classical and contemporary Muslim discourses. She has served on the Steering Committee for the Study of Islam Section of the American Academy of Religion since 2003.

societies. As my research has progressed, I was increasingly struck by the significance of the selection of the four authors. However, they are only four voices in a much longer chain. In the following part of this chapter, I will discuss approaches to reform and ways of implementing the solutions.

### **5.3 Implementing proposed solutions**

Considerable differences have been noted among the four selected authors regarding their approaches and their views towards implementation. The following section goes deeper in evaluating key elements and differences in each author's approach to implementation for reform.<sup>174</sup> In this process of evaluation I will situate the writings of the selected four authors within a larger scholarly debate. From the many possible options, I have chosen among others the following writers to do this, Camille Adams Helminski, Farid Esack, Mohammed Arkoun, Aziza al-Hibri, Ziba Mir-Hosseini and Kecia Ali.

#### **5.3.1 Historical approach: Leila Ahmed – looking back**

As previously seen from the challenges observed and from the solutions proposed, as a feminist historian or feminist historical theologian, Ahmed sheds new light on women's place in religious history. Her work illuminates the roles of women in periods throughout history that have impacted Islam, including individual women who have influenced Islam or whose religious faith led them to impact their culture. Her work helps Islamic feminist theologians to claim historical figures as their predecessors in feminist theology. In Ahmed's proposed solutions to women's challenges, she integrates and extends a particular theory, a form of historical analysis, to which she applies the indigenous history-based approach. In her work *Women and gender in Islam: historical roots of a modern debate* (1992:130, 178) she describes 'indigenous' or 'authentic' values versus Western values; similarly she describes 'indigenous' or 'native' ways versus Western ways of dealing with life

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<sup>174</sup> See Mohanty (1991b:51). Any discussion of the intellectual and political construction of 'third world feminisms' must address itself in two simultaneous projects: the internal critique of hegemonic 'Western feminisms, and the formulation of autonomous geographically, historically, and culturally grounded feminist concerns and strategies. The first project is one of deconstructing and dismantling, the second, one of building and constructing. While these projects appear to be contradictory, the one working negatively and the other positively, unless these two tasks are addressed simultaneously, 'third world' feminisms run the risk of marginalization or ghettoization from both mainstream (right and left) and Western feminist discourses.



challenges. Thus, I evaluate Ahmed's history-based approach to implementation, first in relation to women's minority movements; and second, in relation to women's activities in Egypt.

### **5.3.1.1 The contribution of women's minority movements**

The first major feature discussed with regard to Ahmed's approach to implementation is her tracing of Muslim women's history – *looking back* to women's minority movements, such as Sufism and thus gaining strength for implementation of change. Ahmed (1992:238) maintains that Muhammad gave Islam two divergent voices: an ethical structure that advocates the moral and spiritual equality of all human beings; and a hierarchical structure as the basis of male/female relations, a gender-based/sexual hierarchy. She shows that Sufis and Qarmatians (a Shi'a Ismaili group) based their communities and their ideals primarily on the egalitarian ethical vision (Armajani 2004:42). Many positive changes were brought about. "The Qarmatians banned polygamy and the veil, while the Sufis implicitly challenged the way establishment Islamic conceptualized gender by permitting women to put their spiritual pursuits and priorities at the center of their lives" (Armajani 2004:42). By showing the developments of Islamic doctrine during different periods, Ahmed (1992:238) indicates that women played an active role during the early Islamic times in warfare, marriage and religion.

Ahmed's keen interest in 'indigenous' Islam and Sufism is shared by many contemporary scholars, most notably Camille Adams Helminski<sup>175</sup>, a closely associated scholar together with Sufi teachers in Turkey, India, Iran and Syria. Besides her research and translation work on Rumi's thoughts and writings, Helminski's (2003:xv) work discusses influential Sufi women and the opportunities they had in society, particularly women who were "deeply respected, honored, and invited to participate in all aspects of the spiritual path." In her article "Women and Sufism" (1994:1) she mentions Fatimah (daughter of Prophet Muhammad and Khadija) to whom was conveyed a deeper mystical understanding of Islam.

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<sup>175</sup> Camille Adams Helminski was born in Florida to Episcopalian and Baptist parents. She is co-founder and co-director (with her husband, Kabir Helminski) of the Threshold Society in Aptos, California, an educational foundation in the Mevlevi tradition based on the teachings of Rumi. She was the first woman to translate a substantial portion of the Qur'an into English, in her book *The light of dawn: daily readings from the Holy Qur'an* (2000) [1998].

Furthermore, both Ahmed (1992:96) and Helminski (2003:xviii), when discussing the opportunities provided for women within Sufism, mention the example of Rabi'a al-Adawiyya (717-801), who is often credited with developing a concept central to Sufi poetry (of referring to God as the Beloved). One of the many stories about Rabi'a, noted by Ahmed (1992:98), relates how she carried a torch and ewer through the streets of Basra one night, "intent on setting fire to paradise and pouring water in the flames of hell, so that those two veils would drop away from the eyes of the believers and they would love God for his beauty, not out of fear of hell or desire for paradise." Helminski (2003:2), like Ahmed, notes the position of women's rights in the Sufi order:

Women were respected and participated equally with men in the development and sustaining of the newly emerging spiritual community. A new sense of justice was conveyed, and by the words of the Qur'an, women were given the right to witness in legal cases centuries before any woman in Europe had such rights, long before the United States even existed. Women received the acknowledged right to own property of their own and to share distinctly in inheritance. They were granted specific rights of marriage and divorce. Education for all was also encouraged (Ibid).

However, women were able to play a far less active role in these areas during and after the Abbasid period (Ahmed 1992:238). The values of the Abbasid era are not universal to Islam – rather they were specific to a particular time, culture and people (Armajani 2004:46). But "due to centuries of cultural social overlays and mainly male jurisprudence, the rights of women in many Islamic countries have been eroded" (Helminski 2003:3). Ahmed (1992:238) sees that the meaning of gender and the position of women within Islam is "unambiguous and ascertainable in some precise and absolute sense," yet in recent years, some of the imbalance is beginning to be redressed. As a solution, Ahmed (1992:238) argues that Islamic texts and institutions need to be separated from patriarchal culture and reappraised in terms of merit by listening to the voice of equality and justice. Ahmed (1992:245) concludes by exhorting feminists, both Muslim and Western, to attempt this task by "engaging critically with and challenging and redefining their cultural heritage."

According to Ahmed, the fact that Rumi<sup>176</sup> of Sufism is one of the best selling poets in America today is an indication that the future of this [indigenous] kind of Islam is enormously promising. In her interview arranged by the Penguin Group (2009), Ahmed notes that “there are more than 6 millions Muslim in America and that we are in the process of witnessing the development of an Islam” that is quite different from ever before.<sup>177</sup> In fact, many Muslims frequently quoted by modern authors and who are the most familiar to non-Muslims in Western Europe today are Sufis: poets such as Rumi and Abu Hamid al-Ghazali (d 1111) and thinkers such as Ibn al-Arabi (d 1240). As Ahmed indicates, it is a measure of the Sufi message of universalism and of equality between men and women that their works continue to find audiences outside the Muslim world in modern times.<sup>178</sup> Perhaps this is why Sufism (together with many orders) is credited with playing a major role in attracting more women than men to Islam as new Muslims, including leading figures, such as, Irina Tweedie (1907-1999), the author of *Daughter of fire: a diary of a spiritual training with a Sufi master* (2006) [1986].<sup>179</sup> Women continue to mature in many Sufi orders, where women are respected and included in the activities of the order:<sup>180</sup>

Sufi women around the world today continue to teach and share their experience personally as well as in written form. In the Sudan, for instance, there continues to be *shaikhas* (female *shaikhs*) who are particularly adept in the healing arts. In the Middle East, women continue to mature in many Sufi orders. In Turkey the teachings continue through women as well as men. Zeynep Hatun of Ankara continues to inspire people in Turkey and abroad with her poems and songs (Helminski 2003:xxiii).

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<sup>176</sup> Jalaluddin Rumi (1207-1273) is often quoted in Ahmed’s work. Rumi was the most popular poet in America in 2007. His verses have been used by Western pop stars, such as Madonna. See Haviland (2007) “The roar of Rumi – 800 years on”. *BBC News* (30 September 2007).

<sup>177</sup> See Anon. (2009a). (“An interview with Leila Ahmed” [online]. Available from: [http://www.us.penguin.com/static/rguides/us/border\\_Ahmed](http://www.us.penguin.com/static/rguides/us/border_Ahmed)) [Accessed 23 October 2009].

<sup>178</sup> See Anon. (2008b). (“Sufi soul” [online]. Available from: [www.channel4.com/culture/microsites/C/can\\_you\\_believe\\_it/debates/sufi](http://www.channel4.com/culture/microsites/C/can_you_believe_it/debates/sufi)) [Accessed 9 December 2009].

<sup>179</sup> Ibid.

<sup>180</sup> See Helminski (2003:77). For instance outstanding African Sufi women, such as Nigerian Nana Asma’u (1800s) and Mtuwa bint Ali of Malawi (d. 1958) (dominant scholar and initiated both men and women into the order).

### **5.3.1.2 The contribution of one's past**

A second major feature in Ahmed's approach is her tracing of Muslim women's history – *looking back* – also with reference to her own life in an Islamic community in the country of her origin, Egypt. Ahmed's aim is to empower women through history. Ahmed contributes a valuable perspective on the historical, socio-economic, political and cultural challenges in Egypt, with particular reference to middle- and upper-class women. Ahmed's focus on looking at solutions for Egyptian women's challenges should not be seen as a limitation; rather it produces a fairly comprehensive picture of Egyptian women at grassroots level, placing Egypt and women's rights in a new, broader perspective. This interest in Egyptian women's issues originated from her own search for 'identity as an Arab' living in the West (Ahmed 1999a:238). It becomes clear from research findings and diaspora literature, that this search for identity was not an easy one. Ahmed (1999a:253) describes her life in the West as a life in exile that was forced upon her. One detects sadness in her words caused by the restricted educational and work-related rights of women in her country of birth, which compelled her to seek an education elsewhere. This has inspired, in my view, her fight today for women's educational rights in Muslims' home and expatriate countries (i.e., 1999a:186, 201). Her fight for women's educational rights is crucial, since as long as the old attitudes and presuppositions concerning women and work prevail in Muslim societies, there is a risk that well-educated women will go to work in societies where they are welcomed (Western societies know the value of highly educated people in their economy and thus are open to such immigrant women). On the other hand, Ahmed does not deny that migration has spelled a release from some constraints in her native setting and has opened up valuable opportunities to pursue her core interests.

How does a woman like Ahmed, who emigrated to the West, a 'Muslim diaspora intellectual', conceive indigenous history-based solutions and the implementation of such solutions to problems relating to Muslim women's issues? She looks back to relate the rich heritage and pleasant experiences in her country of birth. She proposes solutions and their implementation born both from her experience of being female in the Arab culture and from being a woman of colour in America (i.e., 1988a:215; 1999a:253, 296). As her posture vacillates between her Western and her Arabic identity, some of the issues relate to her pursuit of education and to her

attitudes toward indigenous culture as experienced during her childhood. For example, having a Western education, her command of the Arabic language does not permit her to write in Arabic (e.g. 1999a:23, 282). Ahmed (1992:178) compares herself to Huda Sha'rawi (who also could not write in Arabic) saying that, in a sense, she was effectively already in diaspora while still in her home country. Nevertheless, living in the West has not made her promote Western-style feminist goals or public actions as proof of the superiority of the West. Nor has it estranged her from her indigenous ways and values, but rather strengthened them in her. Given her conviction that her roots are in the Middle East, she is determined to find feminism within Islam (i.e., Sufism), and particularly within Egyptian women's history. Therefore, Ahmed does not just speak about Muslim women and the challenges they face, but looks at the historical experiences, which shed light on their situations today. This approach is not uncommon among other Third World scholars, such as Alexander and Mohanty (1997), who have used a similar approach in their research on Malaysian feminism.<sup>181</sup> Besides Islamic women's studies, I think it is meaningful to note that other studies support Ahmed's indigenous approach from different geographical and cultural contexts, like that of Native American women who have organised their liberation struggles against American colonization from the premise of collective human rights – a practice that some refer to as 'indigenism' (Alexander and Mohanty 1997:102). Furthermore, this view of building inside-out, not the other way around, is also supported by black feminists. (See Moraga and Anzaldúa 1983).

When discussing Ahmed's solutions and their implementation with regard to women's issues in Egypt, an important part of the debate is the effects of colonialism on women's position in Third World countries. As discussed in chapter one, I identified the effects of colonialism on women's position in Third World countries. An important contributor to the feminist discourse on the issue is Edward Said's publication of *Orientalism* (1994 [1978]).

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<sup>181</sup> See Alexander and Mohanty (1997:102). Malaysian feminists (i.e., Norma Mohamed Sharif) observe that customary law governing Malay communal life in Malaysia, is incontestably local in its origins and traditions, and often affords Malay Muslim women more rights than *Shari'ah* law. This is to say, in Malaysia, Malay ethnic nationalism and pride and the historical continuity of Malay identity are at least potentially in conflict with Malay Islamic nationalism, and might constitute fertile ground for feminists who would assert the local origins and rights of feminism.

Said debunked the modernization theory that undergirded secular feminism as part of the Western hegemonic effort to dominate Third World countries by defining them as less than civilized and in need of Western civilization. His work had a great impact not only on literary studies but on the way scholars construct knowledge in Islamic studies, the social studies and women's studies (Haddad, Smith and Moore 2006:153).

Similarly, Ahmed's discussion on European colonialism shows how female emancipation was used as an argument to legitimate geopolitical incursion:

Colonial feminism was a Western discourse of dominance which, introduced the notion that an intrinsic connection existed between the issues of culture and the status of women, and . . . that progress for women could be achieved only through abandoning the native culture (Ahmed 1992:244).

This view is still held by many. Many misconceptions are held by Westerners regarding why change is needed in the lives of Muslim women and how that change should be introduced. The initial reaction to this has been a rejection of Western values by political Islamists. Asma Barlas indicates in her interview with Novriantoni and Ramy El Dardiry (2005) the difficulties of Muslim immigrants in France. It is not simple for those living in an ex-colonizing country to embrace any ideas from the ex-colonizer. The aim of Ahmed's rationale is to answer the need to reform Muslim societies from the inside out, rather than by imposing exogenous factors rooted in other cultures, beliefs, values or economic conditions (i.e., 1992:247 discussion on Cromer's perspective).

Ahmed, among other Egyptian feminists, is looking for new ways to remain loyal to one's culture, not betraying the cultural identity of one's society. Thus, she refuses to challenge the fundamental structures, including gender arrangements of Muslim society; yet she claims and affectively appropriates inalienable rights for women (Ahmed 1999a:255). In fact, her history-based approach to implementation revolves on the contemporary role and status of women. She justifies this approach by pointing out that throughout history Muslim women have used indigenous options to contribute to social transformation, and that (to some degree) these tried and trusted ways are still valid. Her focus here is again on Egypt and she gives three very different examples.

Firstly, she gives an example of Huda Sha'rawi, who being a president of an "Arab Feminist Union", had close connections with Western women and Western feminism. Secondly, Ahmed gives the example of Zeinab al-Ghazali, the founder of the Islamist "Muslim Women's Association". Thirdly, she refers to her exact opposite, Doria Shafir<sup>182</sup>, who proclaimed the superiority of the West and adopted Western concepts of liberty, freedom and justice in her thought. Ahmed (1992:178) notes that when Huda Sha'rawi was returning to Egypt from a conference held in Rome, she cast her veil into the Mediterranean sea as she stepped off the ship. The custom of veiling was already showing marks of vanishing among women of her class and soon other elite Egyptian women followed her example. In other words, it was not just the European influence that made her cast off her veil, but simultaneous pressure occurring at the time both in Egypt and elsewhere. Similarly, Ahmed explains that Sha'rawi's act of leaving a marriage (when she was thirteen) happened when her exposure to Western ideas was minimal (Ibid:179). Evidently, there were sources within her background prior to her exposure to Western ideas that shaped her decisions – within the terms of the indigenous culture. Ahmed (1992:199) notes that Zeinab al-Ghazali (1918-2005) who was involved in writing and editing magazines for women and children proclaimed that Islam allows women to be active in all aspects of public life as long as it does not interfere with their duties as wives and mothers:

Islam does not forbid women to actively participate in public life. It does not prevent her from working, entering into politics, and expressing her opinion, or from being anything, as long as that does not interfere with her first duty as mother, the one who first trains her children in the Islamic call (al-Ghazali 1985).

Ahmed (1992:199) notes, however, a potential contradiction between this view and al-Ghazali's life as she entered into two marriages, divorcing her first husband because her marriage 'took up all her time and kept her from her mission as Islamic activist'. Nonetheless, with this proviso Ahmed (1992:245) believes that Muslim societies are open to reinterpretation and change today. Therefore, 'history' as a discipline and an area of enquiry is vitally important to feminism as well as to feminist theology, including Islamic feminism. Cowman and Jackson (2003:37) note that "a

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<sup>182</sup> Dorin Shafir founded three women's magazines one of which was *Bint al-Nil* (Daughter of the Nile).

common need to search for their past has led feminists in many countries into the archives in an attempt to understand their own history.”

When ‘traditional’ historians argued that they had not included women because women had been absent from the sources on which they were working, feminist historians set about the task of retrieval, locating long-forgotten diaries and memoirs produced by women (Ibid).

Ahmed states (1992:244-245) that indigenous history-based solutions should be applied while allowing the mental and technological appurtenances of the West to permeate society. Contemporary women have the means to deal with challenges through the relationships between women; the connections between feminists worldwide (via the internet); and the friendships and mentorship in the Arab cultural context (Ibid:185). According to Ahmed (1992:111, 185; 1999a:233), besides the need for women to define the nature of the challenges confronting them, they should develop a scenario of how the relevant challenges and women’s engagement with them are likely to play out in the future. The core of that scenario is activity. Ahmed (1992:245) believes that, however, restricted, Muslim women should remain active in engaging with the challenges affecting their rights. She (1992:185, 214) proposes some suggestions how this activity is best implemented: recording women’s thoughts and experiences, such as keeping diaries, writing autobiographies and personal facts and opinions (e.g., Alifa Rifaat’s stories) (Ibid:185, 214). Based on her own experience of three decades as an Egyptian Arab immigrant in America, Ahmed (1999a:131) believes that until the present juncture there has never been a time when significant numbers of Muslim women have lived in a land where freedom of thought and religion are accepted norms and guaranteed political rights. Ahmed draws her feminism from indigenous Islam and the strength of the examples of historical female figures in Egypt, which she then mixes with Western scholarship and thought and so makes her own unique contribution to change.

### **5.3.2 Anthropological approach: Elizabeth Fernea – looking inside Islam**

Two significant contributions were made by Fernea in the struggle for equality in Muslim societies. First, her entire career has been devoted to an effort to lift the veil of myth, mystery and misunderstanding that perpetuates misconceptions and stereotypes concerning Muslim women in the West. Second, she has examined



Islamic feminism and searched for contributions that Muslim women have made to bring about change in their societies.

### **5.3.2.1 Deconstructing the stereotypes in creative ways (i.e., collecting life stories and producing films)**

Fernea's successful use of the anthropological approach has been appraised by both Muslim and non-Muslim scholars. Although a Western feminist, Fernea does not limit herself to promoting solutions to Muslim women's problems with the tools found in Western feminism; instead she has developed a contextualized method which promotes solutions and their implementations that is true to its context – *looking inside*. In the following, I will evaluate her contribution to change in relation to her use of life stories, film productions and developmental theory.

Fernea's anthropological presuppositions which shape her approach and perspectives are based on 'life stories', particularly her long-term field research in Muslim societies. Cowman and Jackson (2003:44) define the term 'life story' as a 'concept of experience' and 'memory', which, although subject to careful scrutiny, yet remain central to feminist attempts to interpret women's lives. Fernea is an example of a scholar who considers the role of personal memoirs and narratives important in feminist research. Mohanty (1991a:33) supports Fernea's life-story-oriented method as a significant mode of remembering and recording experience and struggles. Moreover, as Cowman and Jackson (2003:44) argue, "oral interviews have become increasingly important as a way of investigating the lives of those who have left little in the way of official documentation." Fernea's research, such as her work, *Remembering childhood in the Middle East: memoirs from a century of change* (2002) and the edited work, *Middle Eastern Muslim women speak* (1977) by Fernea and Bezirgan are examples of this.

Although Fernea has used life-story-orientation as part of her methodology from the very beginning of her research career in the 1960s, and has been sensitive to her own Western biases, she has nevertheless sometimes tripped over her own assumptions, in particular, her Western ideals of independence and autonomy and the valuing of intellect over emotional intelligence. Some of her early arguments sound almost naive, for instance, when she compares communal solutions

unfavourably to solutions on an individual level. This kind of comparison gives precedence to her Western rather than Middle Eastern way of understanding. Whereas her early autobiographical writings are mainly descriptive in nature, her later works are more analytical and comparative. In my view the critical shortcoming in Fernea's work is her limited use of the Qur'an, the primary text of Islam. However, she does not have training in Qur'anic learning. When she first entered Muslim society, she found herself radically at odds with her adoptive society due to critical misunderstandings of Muslim women's family rights. Her experience is certainly not unique, since many Westerners still know little about Islam and about women's family rights under Islam because family issues are kept firmly private and within the family. Moreover, women in Muslim families are protected from prying eyes of outsiders, with the result that their challenges tend to remain obscure. She was amazed at the diversity of women's rights issues in Muslim societies, and the interest she expressed in this probably stems at least partly from the discomfort she experienced as a result of her many misconceptions as well as observations made on her many travels across the Muslim world. Therefore, it seems justifiable to conclude that in documenting and correcting her own misconceptions, Fernea has shed a crucial corrective light on the most widespread but essentially baseless stereotypes propagated by detractors in the West.

In addition, oral interviews have played a crucial part in her investigation into the lives of those who have contributed to change through Islamic feminism but have left little in the way of official documentation. Fernea's research work, *In search of Islamic feminism: one woman's global journey* (1998c), is an example of this. Fernea demonstrates this point through her interviews with Muslim women in various parts of the world:

Islamic belief is also the stated basis of most behaviour I felt to be feminist . . . In Egypt, Kuwait, Turkey and the U.S., Islamic women begin with the assumption that the possibility for equality already exists in the Qur'an itself. The problem as they see it is malpractice, or misunderstanding of the sacred text. For these Muslim women, the first goal of a feminist movement is to re-understand and evaluate the sacred text and for women to be involved in the process, which historically has been reserved for men (Fernea 1998c:416).

Her observations, like the previously stated, are important material for scholars in the field studying and researching Muslims women's behaviour and their ways of

contributing to change. Other scholars support her views. Badran (1995b), for example, identifies different modes of feminist expression among Muslim women stating that there are varying types of Muslim women's gender activism in different parts of the world:

These are firstly, various types of feminist writing from scholarship to fiction, secondly, everyday activism including initiatives in social services, education and professions; and thirdly, organized movement activism including political and even confrontational movements for women's emancipation. There is a significant group of Muslim scholars whose feminist work appears to be permeated with strong spiritual and religious bases (quoted in Shaikh 2002:107).

Fernea's unique contribution to life-story-methodology is that she is not limited to the 'here and now', but she skilfully joins historical method with that of the anthropological, in a sense that she allows women from different ways of life, locations, age, social status, professions and time periods to relate how they coped with the challenges of life. These include stories by poets (i.e. al-Khansa and Nazik al-Mala'ikah), singers (i.e. Umm Kulthum), novelists (i.e. Layla Ba'labakki), journalists (i.e. Fadela M'rabet), founders of women's movements (i.e. Huda Sha'rawi), mystic saints of Sufism (i.e. Rabi'a), without forgetting all the contemporary figures she has included in her research. This greatly demonstrates how historical women can empower contemporary women and how contemporary women remain active using a variety of techniques and/or methods in their activism.

Ahmed (1992:248) states:

The study of anthropology should not merely tell us how others live their lives: it should rather tell us how we may live our lives better, and ideally it should be grounded in the affirmation that every culture needs others as critics so that the best in it may be highlighted and held out as being cross-culturally desirable.

Beside the relevance of Fernea's work and its instrumentalism in demolishing some of the commonest counterproductive stereotypes of Muslim women, her work on issues regarding Arab children is important and free from stereotypes. As a mother of three, it is understandable, that child welfare is a regular topic in her work. In fact, Fernea (1995a:422) proposes ideas on how women's organisations could devise plans to improve children's emotional and scholarly development. To this end she suggests that central governments should assume some responsibilities for child and family counselling and the care of orphans and handicapped children (Fernea

1991:460). Those who have worked among children value the practical advice given by Fernea, such as writing and publishing stories and songs (that used to be performed orally) in textbooks and special children's newspapers and magazines. She herself has produced televised versions of such imaginative recreational works. A conservative estimate places television sets in over sixty percent of Middle Eastern homes, and the Egyptian child spends an average of thirty-three hours in front of the television every week (Fernea 1995a:24, 422-424).

This brings us to her work in the form of filmmaking. To compare Fernea's work with other scholars using the anthropological approach, her work is rare but valuable contribution to change. Fernea has made a significant contribution to the debate on women's rights in the form of documentaries and informative and educational films. Her films, *A veiled revolution: women and religion in Egypt* (1982a) (showing Egyptian women redefining not only the meaning of the veil but also the nature of their own sexuality) and *The Arab world* (1982c) are examples of this. Although her tool is rare it is not unique, but used by other anthropologists in Muslim societies as well. Mir-Hosseini has used this creative method of communication to support her anthropological research. Examples are films, such as *The runaways* (2001) and *Divorce Iranian style* (1998). A highly controversial film, *Submission* (2004), was produced in the Netherlands by Ayaan Hirsi Ali (together with late Theo van Gogh) which highlighted gender inequality in Muslim societies (El Dardiry and El Dardiry 2005:3).

As a filmmaker herself and a producer of numerous documentary films, Fernea (1995a:424) contends that technology needs to be used to promote positive role models and equality. She points out that Arabic children's educational programmes need to be improved and developed (e.g. *Sesame Street/Iftah ya Simsin* in which children are exposed not only to traditional values and arts but also to values from all over the world) (Ibid). This is a new phenomenon with long-term effects on Muslim children's attitudes toward themselves, their parents, and members of other societies, a phenomenon that is only now becoming a subject for study. Nevertheless, although this kind of children's educational material is one of the most influential for the next generation, its use is still little recognized, yet it is by no means a unique method to promote change. A popular strain of Sufism growing in North

America is the Chishti order. One of the many women involved in this order is Murshida Vera Corda, a well-known spokesperson whose work with children has been an inspiration to many parents (Helminski 2003:xxiv).

As a positive contribution to the debate on the implementation of solutions, it should be noted that Fernea's work is not limited to a particular country in that for the last forty years she has been writing, teaching, filming and lecturing about women in several Muslim societies. Fernea, similar to Mernissi, is a believer in social change and transformation, taking form through social and educational upliftment. As it was established in chapter four (4.4 work-related rights), Fernea uses the theory of the curvilinear idea developed by American social scientist, Giele (1977) to explain the status of women in a variety of societies. The reason Muslim women are challenged in the areas of legal rights, mobility and autonomy has more to do with developmental issues than with religious factors. Men's and women's rights are more equal in the simplest societies (e.g. Egyptian Nubia) than in more complex societies (e.g. Iraq). It was noted that women seem to be worse off in societies where intermediate levels of complexity prevail, and better off as social complexity increases (e.g. Turkey). Therefore, according to Fernea (1985:270; 1986:86; Fernea and Bezirgan 1977:xxvi) particular attention should be paid when agitating for change in societies at middle levels of complexity (i.e. intermediate stages of development). Fernea's approach is supported by other scholars, such as Kecia Ali (2006:xviii) who likewise indicates issues of poverty, political repression, war and global power relations as crucial to Muslim women's lives.

### **5.3.2.2 In search of Islamic feminism**

One of the unique contributions to Muslim women's issues is Fernea's successful use of an anthropological approach in her quest for understanding Muslim women. She uses anthropological methodology as tools (and as an outsider), to enable her to *look inside* Muslim society to find out how women are coping, how they are balancing their lives with everyday challenges. Her position allows her to be far enough from the subjects and yet close enough to draw valid, convincing conclusions. Fernea uses life stories to gather information as an *outsider looking inside Islam*; however, a significant part of her contribution to the debate is her research on not only individual women's life stories, but also her research on

women's associations and organisations, evaluating how they have contributed to change in a variety of different contexts. Importantly, in all of this, Fernea sees Islamic women's movements within the context of local practices emanating from Muslim cultural and religious values, rather than in the context of modern, Western, feminist stereotypes (Fernea 2000:4). She (2000:4) has not only documented Muslim women searching in their own traditions for the means to achieve gender justice, but has actually seen solutions that were implemented and that have produced results. This includes a strong group identity, a community and a committee which can raise a group voice and build a group identity to bring about change (Fernea 1998c:185). In her article "Islamic feminism finds a different voice: women's movement is discovering its roots in Islam, not in imitating Western feminists," Fernea (2000:4) documents how in the last few decades such groups were first started in the majority of Muslim societies and among the Muslim communities in the West.

In Egypt, for example, there are three hundred women's groups in Cairo alone: some fight against domestic violence; some establish women-run orphanages and adoption agencies dealing with the growing numbers of abandoned children in Morocco, Tunisia and Egypt; some send aid to the isolated women of Afghanistan; others work to raise secular consciousness of, and/or renewed interest in Qur'anic studies (Fernea 2000:6-7). In North America, the North American Council for Muslim Women, Washington DC, has four hundred members working on women's issues (Fernea 1998c:407).

Fernea's definition of Islamic feminism is broad. It includes a variety of women with different views on how to transform their lives, their families' lives and their societies. Her work is not limited to a particular social complexity or social class; rather it presents material from all social classes that aptly captures the lived reality of the women concerned (from water carriers to jurists), taking due account of cultural background, education, life experiences and challenges of everyday life. Her ideas of societal development-based solutions are essential as the gaps between the rich, the new educated middle-class and the poor widen even inside one country (Fernea 1995a:70). The topics of diversity and development are becoming increasingly important where women's rights are concerned. Third World women themselves are leading the research as Fernea states:

As women have won equal rights to employment and have fought against sexual discrimination and harassment, female scholars have begun to find a place in the scholarly world, conducting research, and making the uncovering and describing of male hegemony in the construction of thought as well as deed a major academic enterprise (Fernea and Fernea 1997:530).

Furthermore, in my opinion, it is very significant that her later research concentrates on countries outside of *Dar al-Islam* in a search for the latest trends of Islamic feminism, particularly in the United States. This is a very valuable endeavour. She is one of the scholars who have predicted that the changes taking place in the Muslim communities in the West will greatly influence alternative approaches for change. More research needs to be done on Islamic feminism as practised among emigrant Muslims and converts to Islam (see section 5.3.4). Scholars pointing out this crucial future trend, include Amina Wadud, Kecia Ali, Leila Ahmed and Aziza al-Hibri. Islamic feminist research lost much with Fernea's death. Her observations were made possible by her strong scholarly background and experience in women's research in Muslim societies. Hopefully her example will give rise to a new generation of researchers who will take part in a fruitful inter-religious-dialogue, as she has shown is possible.

Fernea's support to women's organisations in Islamic feminist activity is not unique. Others have also gone this route to effect change, including Mernissi and Wadud. Besides women's organizations and the work they promote, the key to solutions to Muslim women's issues, is found in exploring women's own attitudes and reactions to their present and future (Hassan 2001:2). Aminah al-Sa'id suggests in *Middle Eastern Muslim women speak* (1977:389), that women should be willing to study their social realities and analyse the basic causes of their backwardness; women should create programmes that suit their individual and national needs; and finally women should spread public awareness of these needs so that other groups in society will participate in implementing them. To this end, and to actively promote the work of women's organisations, Fernea (1998c:416-419) proposes the need to address development issues, such as documenting women's condition by providing data and research; using grassroots women's groups for the purposes of organising, networking, protesting and petitioning national leaders; organising drives to reform family laws; offering literacy classes for women; providing practical assistance (e.g. child care and counselling); valuing the written word by making a shift towards gaining practical recognition for women writers and by bringing the privacy of the home to the centre of public attention; recognising the importance of agricultural development (e.g. launching support projects, providing business training, small loans and animal health care instruction); establishing health workshops (e.g. to

combat female circumcision); creating new work places (remedy against unemployment); providing better working conditions (remedy against illegal or/and unhealthy working conditions); and assuring equal pay for equal work (remedy against the phenomenon of cheap female labour).

Similar to Fernea, Algerian born Mohammed Arkoun also employs an anthropological approach in his studies of Muslim societies. Yet, Fernea's view on women's issues is special and differs from his.<sup>183</sup> Whereas Arkoun's approach is liberal, advocating philosophy, Islamic modernism and humanism, Fernea's approach is plainly anthropological promoting women's rights in Islam from a women's point of view. Both share lengthy careers of forty years. Arkoun's work plays a significant role in shaping Western-language scholarship in Islam, but Fernea's text does particularly laudable service in describing the flavour of conversation and debate from the Muslim women themselves. Arkoun addresses pluralistic and postmodern thinking, which, however, is alien to Fernea's approach. Perhaps the value added by Arkoun (together with Lee, 1994) to Fernea's approach lies in his way of promoting the importance and significance of anthropology as a methodology in Islamic study, which is still lacking in university programs and scholastic thinking and thus absent in Islamic study.<sup>184</sup>

Fernea is one of the rare American women scholars who have been able to gain status and respect among Western scholars of Islam as well as Muslim women in a variety of Muslim societies. I believe that part of her success has to do with her cross-cultural tolerance, concretely seen in her readiness and willingness to live in the Middle East and learn the Arabic language. She gives a voice, not only to Muslim

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<sup>183</sup> Mohammed Arkoun is a member of the Board of Governors of the Institute of Ismaili Studies (IIS), which engages in Shi'a studies. He studied at the Sorbonne in Paris (PhD in 1968). He is the author of numerous books in French, English, and Arabic, including *Islam: to reform or to subvert* (2006) and *Rethinking Islam: common questions, uncommon answers* (together with Lee, 1994). He has taught and lectured at many universities across the world, in my interest he has also taught at the University of Louvain-la-Neuve, in Belgium (1977-1979). He is presently Emeritus Professor of La Sorbonne as well as Senior Research Fellow and member of the Board of Governors of the Institute of Ismaili Studies (IIS) with a specific interest in Shi'ism and Sufism. He is the editor of *Arabica* (*Journal of Arabic and Islamic Studies*) and a receiver of the "Seventeenth Giorgio Levi Della Vida Award" for his lifelong contribution to the field of Islamic studies. Arkoun's work and interests concentrate on classical Islam and contemporary issues in Islam.

<sup>184</sup> See Arkoun and Lee (1994). Their work seeks to apply contemporary thinking of history, anthropology, philosophy, and sociology to the Islamic tradition.



women, but also to the millions of non-Muslims who are an integral part of Muslim societies, by emphasising the importance of intercultural communication for social harmony and world peace. How then have Muslim women described her work? One relevant source is Fayza Hassan (2001:1), former senior writer and editor at the *Al-Ahram Weekly* and recently appointed writer at *Egypt Today*, who has described Fernea as 'reliable', the 'one who slips between countries and cultures with ease, never fully belonging but always at home.' Farid Esack (2001a:258) has described her book, *In search of Islamic feminism: one woman's global journey*, as:

An indispensable work for anyone who wants to understand where many Muslim women are in their journeys to find harmonious links between their womanhood and their faith, and their personal quests for fulfilment and empowerment, on the one hand, with their profound sense of belonging to families and communities on the other (Ibid).

### **5.3.3 Strategic socio-political approach: Fatima Mernissi – looking within**

As the previous section evaluated Fernea's anthropological approach of the outsider who looks inside Muslim society, the present section will evaluate an insider's strategic socio-political approach to women's studies. Mernissi *looks within* and predicts the future of Muslim women and their contributions to change not only in Moroccan or North African context, but across the globe. Her debate addresses both a Muslim and non-Muslim audience. Mernissi's aim is to bridge West and East. Her significant contribution is her skilfully tailored way of adapting Western feminist scholarship and Eastern cultural implementation in the presuppositions of her approach. By way of example I will evaluate Mernissi's strategic socio-political presuppositions shaping her perspectives in two main avenues: first, use of the age old *Hadith* to explain the status and role of women, and second, use of the latest communication strategies to spread this re-interpreted Islamic feminist view.

#### **5.3.3.1 Authority of *Hadith* from the feminist point of view**

This section will evaluate the authority of *Hadith* (prophetic tradition) from Mernissi's feminist point of view. For her the authority of *Hadith* is a concern to Muslim women in their daily lives, as well as a question of academic interest. Mernissi devotes many pages in *Women and Islam: an historical and theological enquiry* (1991c) to an analysis of Abu Bakra, a Companion of Muhammad, and sayings narrated by him from classical Muslim source. Her examples include the saying, "Never will succeed

such a nation which makes a woman their ruler,” a *Hadith* that is often used to halt any discussion about the role of women in society (Mernissi 1991c:49-54; 56-58). Some sayings attributed to the Prophet are harsh, a veritable condemnation of the female sex, such as what the Prophet was to have said on his deathbed to his wife ‘A’isha: “In every woman there sleeps a traitor like the lover of Joseph “(Mernissi 1991c:60-61). Mernissi fights for women’s rights with the tools of *Hadith*. Farid Esack (2002:1) supports Mernissi’s view and actually uses a similar approach in claiming women’s rights by re-interpreting the sayings attributed to the Prophet Muhammad (i.e., “I saw a woman in a furnace of fire, hanging from her feet because she had left home without her husband’s permission”). Esack (2002:3) indicates many others who are doing the same, such as Fazlur Rahman (1982). ‘Women-hating’ *Hadith* as it is commonly called by Islamic feminists (Badran 2004:3) are also noted by Engineer. Engineer (2004d:2) supports Mernissi’s view, indicating that some *Hadith* are considered weak, yet these are used against women’s rights most often (Musa 2008).

Mernissi links solutions to women’s rights to cultural expressions and male leadership, endeavouring to show that the defects within Muslim governments are not the result of adhering implicitly to religious teachings, but due to manipulation of religious teachings by rulers to serve their own interests. More specifically, she declares, and is confident in her belief that the oppression of women is not ordained by Islam but is the result of convenient interpretations aimed at protecting hegemonic power (Mernissi 1991a:1; 1996c:viii). She is duly careful, therefore, not to oppose sacred tradition; in fact, most of her articles about women’s issues express this position. One of the hallmarks of her early writings is her proposal of an Islamic feminist approach whereby she reinterprets classical Islamic texts from a feminist perspective. This feature has remained in her more recent writings which, in addition, include an increasing number of views on the future of women. It is fair comment to say that Mernissi has managed to combine her considerable skill in Western sociology with a just appreciation of the rigorous and sophisticated science of *Hadith* and its latest research methods. Kramer (2006:1) writes in his article “Politics and the Prophet,” that Mernissi’s voice is not alone, but “echoes those of other male and female North African intellectuals.” They believe that ‘Islamic knowledge’ should not be the exclusive and private domain of male scholars, but are convinced that change

can come only through the full participation of women in the discourse (Haddad, Smith and Moore 2006:153).

Obviously Mernissi's work has a strategic component. In her article "Professional women in the Arab world: the example of Morocco" she defines (1987b:47) the word 'strategy' according to the Random House Dictionary as "the utilization of all of a nation's forces, through large-scale, long-range planning and development, to ensure security or victory." In her skilful approach to socio-political methodology, Mernissi feminises this definition to analyse how development can be introduced to improve the position of women in Third World countries. The strategic presuppositions which shape Mernissi's perspective are similar to those of many other Third World feminist scholars (i.e., Afshar) who believe that strategic oriented action takes place in little steps and leads to gradual change. Along with that reality, Mernissi's social research sets clear 'action goals' to solve and overcome problems. This is not automatic; in fact, contemporary mainstream social science frequently differentiates, rather than integrates, knowledge and action. As noted by Shulamit Reinharz<sup>185</sup> (1992:178) for some, feminist research has become a means in itself, a "way to avoid action." Mernissi has proved otherwise by formulating valuable solutions related to Muslim women's rights.

Related to the above, feminist research has sometimes been criticised for having 'limited vision' (see Reinharz 1992:178). A feminist method in social research is 'feminist action research' (see chapter one). Its early practitioners were the legendary Marion Talbot and Crystal Eastman (in the late nineteenth-century). It is this 'Talbot-and-Eastman-kind of feminist action research' that is applied in Mernissi's work regarding the implications for women's issues as adapted in the Islamic feminist context. Principles of this kind of 'feminist action research' are also applied in this thesis, research which it is hoped will bring results in the specific area of study. Actually methodologists such as Patti Lather (1988:579) believe that research is feminist only if it is linked to action. In her view, feminist action research must be oriented to social and individual change because feminism represents a repudiation of the status quo (Reinharz 1992:175). Feminist action research can be

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<sup>185</sup> Professor of Sociology and Director for Women's Studies in Brandeis University.

applied to a wide range of issues, including illiteracy and abuse of women in the family. German feminist scholar, Maria Mies presents an example of action research: research on wife beating resulted in the creation of a Women's House to aid victims of domestic abuse (Reinharz 1992:181). Similarly, Mernissi's feminist research attempts directly to change people's behaviour while gathering data in traditional and/or innovative ways.

Thus, within the bounds of Islamic feminism, Mernissi integrates sociological theory with grassroots strategies for social change in Muslim societies. Mernissi is a fine representative of her generation of Moroccan daughters of illiterate mothers who know the value of knowledge. The change she has experienced in her own life has become the principal motivation behind her advocacy of educational and economic upliftment for others. Further, she is one of those scholars who warns against the upper-class phenomenon, namely the '*educated female elite syndrome*' (educated, affluent women, who despite, or perhaps rather because of, their privileged position have not done enough to help less fortunate women at grassroots level). In my opinion, this distinct motif of disconnectedness between the elite and the masses, which is often ignored yet is so obvious in Mernissi's work, is partly because she has seen the devastating influence of a lack of economic substance on the livelihood of many people, and partly because her family did not belong to the upper-class of Moroccan society despite their demonstrable affluence. Nonetheless, Mernissi was enabled by government support to benefit from a good education up to a tertiary level in which she had a distinct advantage over the less privileged. The gap between the elite and the masses is widening (also in First World countries) and should not be left unattended. In fact, Fotini Epanomitis (1994) suggests that "the victim mentality in feminism is [only] the territory of the privileged women" (in Bulbeck 1997:219). Those with little power do not blame patriarchy, which is the 'flip-side of just blaming oneself' but negotiate with what precious little power they have (Ibid). I consider Mernissi's attention to this gap a strength since it tends to reduce the generation gap between illiterate mothers and educated daughters, the geographical divide between city and country dwellers, the social class gap between upper and lower-class women and, to some extent, the cultural gap between Eastern and Western women.

### 5.3.3.2 Communication strategies empowering women's movements

Effective change for women's rights requires effective strategy, something that Mernissi also finds in the *ahadithian*-interpretation used in feminist research as well as in the latest communication technology. In her recent article "Digital Scheherazade: the rise of women as key players in the Arab Gulf communication strategies", Mernissi (2005) focuses on social change whereby new avenues have been opened to women in areas where they had to contend with severe social strictures, namely travel, emigration, globalisation, and access to modern communications technology (e.g., electronic media such as television and internet services) (Mernissi 2005:1-4). This 'new world' she calls 'a globalized planet' where meeting strangers daily is normality (Ibid:3). Mernissi (2005:2) has coined a term 'the digital Islamic galaxy' (the destruction of space frontiers by the new information technologies) to describe the widespread adoption of information technology that is taking contemporary Muslim societies by storm to the extent that a good deal of confusion has been caused (referred to as *al-fitna raqmiya* – digital chaos) and which has destroyed the ancient *hudud*, that is, the conception of the world as a space that is divided into a sheltered, private area where women and children must be protected, and a public area where adult males are presumed to exercise their putative problem-solving authority. According to Mernissi (2005:3), the best way to improve conditions for ordinary women is to recognise the prevailing conditions and challenges they are facing. Because of the latest communication technologies, the world (Muslim or non-Muslim) has moved into a new time dimension – digital time.

This development is also noted by many other scholars, including Cooke (2001:xvii) who uses the example of Saudi Arabia to point out the increased opportunity of women's activity through the internet. Saudi Arabia, for example, is experiencing the full blast of the information technology revolution. Since March of 1999, access to the internet from Saudi domains was approved (Ibid). Islamic feminism is spreading because of its immediate and urgent relevance, but also because of the dramatic efficacy of using cyberspace as the vehicle to circulate it globally with great speed and penetration. In order to bring change, women have to be ready and willing to use these advanced technologies (i.e., set up publishing houses, produce films to convey different images of women) (Mernissi 1996c:104). The development of female skills in the areas of media and communication technologies is a way of promoting women

in what is a key sector of the future (Ibid:106). Through her own example, Mernissi has shown that women can change and improve conditions for ordinary women by increasing the level of feminist knowledge. In contrast to the word 'feminist', Mernissi suggests the use of the term '*nisa'ist*' and thus for 'feminism', the term '*nisa'ism*' (taken from the Arabic word for women)<sup>186</sup>, to define her unique theoretical and ideological position regarding the contemporary circumstancing of Muslim women (Mernissi 1996c:94; Armajani 2004:15). One of the most important passages which guides her interpretation is Sura 33:35 (Mernissi 1991c:118-119). In it Islam calls for equal rights for men and women (Sura 33:35), "For men and women who guard their chastity, and for men and women who engage much in Allah's praise, for them has Allah prepared forgiveness and great reward." Another example of a scholar using communication technology effectively to implement Islamic feminism is Iranian Shahla Sherkat, the founder of *Zanan* (with her colleagues). She used the journal as a platform and was among the first in the early 1990s to issue calls for gender equality and social justice as Muslims and as citizens from within the Islamic Republic (Badran 2009:315). Besides Mernissi (Morocco), the Third World feminist critics such as Nawal El Saadawi (Egypt), Vina Mazumbar (India) and Kumari Jayawerdana (Sri Lanka) have all explored new solutions for implementing women's issues and have recognised the value in communication.

Different perspectives to the debate on communication technology as implementation of solutions to women's issues are introduced by al-Hibri, Lebanese-American scholar and Professor of Law, who particularly discusses the relevancy and significance of the issue among North American Muslim women. In her article, "Muslim women's rights in the global village: challenges and opportunities" (1999:102) in the *Journal of Law and Religion*, al-Hibri states that through the twin lenses of Western education and modes of communication (i.e., satellite television and the internet), Muslims globally are now experiencing the post-colonial Western worldview and Western ways of life. Consequently, attention should be paid to how to introduce progress into society while protecting spiritual beliefs and cultural

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<sup>186</sup> Her first use of the term '*nisa*' (women) and '*nisa'ist*' (feminist) in her 1986[b] pamphlet entitled "Women in Muslim paradise" (republished in 1996[c] as "Women in Muslim history: traditional perspectives and new strategies," in *Women's rebellion & Islamic memory*, 92-108); and while the word does not appear frequently in her writings the definition which she gives guides most of her work.

identities and how to benefit from the Western experience, including its recognition of the legitimate rights of women, without inadvertently destroying highly valued familial ties. Therefore, as Mernissi (1996c) notes, besides encouraging women to maximise their impact through media skills, they also should be educated to have a balance and live peacefully in the age of digital chaos. Furthermore, women need to create links among researchers, to coordinate networks (e.g., professional historians and feminist activists), to publish historical research, and to set up translation committees and teams. Mernissi (1996c:92-108) suggests that all early feminist research on women in various parts of the Muslim world needs to be evaluated, translated and given adequate media coverage. Women's texts need to be translated not only into English and French, but also into Iranian, Urdu, Swahili, Malaysian, Indonesian and the other languages of Muslim peoples and publications should be produced in a cheap and well-distributed series to maximise their impact.

Nevertheless, the voices of Mernissi and al-Hibri are united in their request for more research and follow-up regarding the use of the new communication technology in general, but also in its use as an avenue of Islamic feminism. The development of fast communication technology is not pure gain but also has a potential downside which Mernissi (2005:3) frankly acknowledges. Young people and their well-being are areas particularly in her focus. Whereas Fernea emphasised the needs of children as a necessary part of the solution making process, Mernissi points out that the increasing youthfulness of the 'on-line' population carries the risk that young people are most affected by the above-mentioned unprecedented proliferation of digital electronic communication creating conditions of chronic information overload (digital chaos), thus endorsing Fernea's emphasis. The absence of a clear vision of the future is one of the tragic issues identified by Mernissi (2005:3) as a causative factor in the dangerous political disengagement of the youth and their general state of disorientation, which makes them extremely vulnerable to the violence spread on the internet. Mernissi (2005:2) suggests that in order to stop terrorism, Muslim societies have to provide the youth with a *ru'ya* (a clear vision of the future) where they have a role to play as defenders of an 'ethical planet' (living according to good standards and ethics on this planet). It follows that there is a critical need, as noted by Mernissi, to train Muslim youth in the proper use of 'the digital Islamic galaxy', to surf the internet responsibly with due tolerance and respect for diversity. Similarly, al-

Hibri believes that more research needs to be done to evaluate the negative, but also the positive effect that the modes of communication have had among North American Muslims who have successfully integrated their religious beliefs and ethnic heritage with the Northern American ways of life.<sup>187</sup>

At the heart of Mernissi's presuppositions for the implementation of change is the view that the successful use of media skills can powerfully propel grassroots strategies. An example of her blend of Western and Eastern ideas of thought is seen in her use of the concept 'empowerment', a commonly used term in Western academe today in a variety of fields. As noted by Kelly, Burton and Regan (1994:34-35), feminist research as research on and with women, which uses qualitative methods, empowers its participants and is directed towards social change. Empowering women in a variety of areas (particularly in politics and economics) is a key approach followed by Mernissi. Doing so is, however, complex as Maynard (1994:10) indicates, "Bringing about social change for a group rather than for an individual empowerment are clearly very different activities." Maynard warns against overly simplistic and glib notions of what the two might mean and how they might be brought about, which is clearly noted by Mernissi as her goal is to empower Third World women so that they themselves can empower others in the societies in which they live. For this she researches macro level sociological problems as they affect people at the micro level. In fact, to integrate sociological theory with praxis she uses the tools of social science (e.g. demographic study), documenting ordinary women's everyday struggles (restricted lives and opportunities). She sheds light on the application of women's knowledge and experience at the 'grocery' level. Similar to Mernissi, Reinharz (1992:175) indicates that,

Feminist scholarship is inherently linked to action. The purpose of feminist research must be to create new relationships, better laws and improved institutions.

As this section has stated, a significant part of Mernissi's (1996c:104) work is "creating links between researchers on the one hand and media skills on the other would, in itself, encourage more research and maximise its impact on society."

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<sup>187</sup> See al-Hibri (1999:102). This is a living proof of the fact that Islam is not a mere 'Oriental' religion, but a world religion which is capable of meeting the needs of Muslims in all historical eras and all geographical locations.



Another vital link is between professional historians, theologians and feminist activists in need of their research findings (Ibid:105). I believe that, compared to the rapid spread of early secular feminist thought, Islamic feminism today is spreading infinitely faster and globally via television, the internet and satellite communication systems. In this regard, Mernissi proposes the highest level technology combined with Scheherazade's mystical world in a drive for change.

#### **5.3.4 Hermeneutical approach: Amina Wadud – looking forward**

Wadud has had a noticeable impact on the debate in the field of Islamic exegesis. This section will evaluate Wadud's hermeneutical approach to the implementation of solutions by discussing her women-sensitive interpretation of the Qur'an. Two preliminary issues need elaboration regarding Wadud's approach to implementation: first, she is an 'African American convert to Islam'; second, she presents a 'progressive position within Islam'. In the process of evaluation I will closely look at her views directly related to her hermeneutics, the concepts such as: 'Qur'an-only'<sup>188</sup>, '*women's jihad*' and 'gender justice' which are crucial features in her process of interpretation. Also concepts like 'racial grouping', 'women's leadership position' and 'women's mosque going' will be examined.

##### **5.3.4.1 African-American convert to Islam**

Wadud herself brought up the issue of her conversion to Islam as an African-American. In the following discussion, I will evaluate how this concept has affected her hermeneutical approach to the implementation of solutions to women's challenges in Islam. Wadud strongly proclaims her status as legatee of African slaves. Like bell hooks and andrey lorde (see chapter one), Wadud is a voice for women of colour. Wadud's debate on the issue of racism is supported by feminist scholars, like Aida Hurtado (1989:833) who notes that "white feminist theory has yet to integrate the facts that for women of colour, race, class, and gender subordination are experienced simultaneously and that their oppression is not only by members of their own group but by whites of both genders." In Islam Wadud has found a similar

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<sup>188</sup> See *Hadith as scripture: discussions on the authority of Prophetic traditions in Islam* (2008) by Aisha Musa.

thought referring to the Qur'an (33:35), also mentioned by Mernissi in the context of equality (see above 5.3.3).

With this notion of equality and unity in mind Wadud discusses the means of implementing proposed solutions to address a relatively new challenge experienced by Muslim women in Western society, referred to as 'racial grouping' (social ostracism on racial grounds) (Wadud 2003:270-281; 2006a:102-103). Wadud criticises racial grouping which she experiences among Muslims. An example of this took place in Canada in 2005, when Wadud gave a speech at the Noor Center of Toronto and the debate portrayed a polarized picture of a racist audience and the victimised 'black Muslim woman' who needs defending.<sup>189</sup> Tarek Fatah (2005:2) notes that when Wadud used the term 'nigger' to describe herself, and when she commented on saying that "as a black woman, I know what it is to have one's views rejected," applause rolled across the hall.<sup>190</sup>

When I wear a hijab [Wadud said], I don't look African and my words are measured with politeness; however, when my hijab is not covering my hair, I become Black and my words lose all value (Ibid).

Like bell hooks and andrey lorde, Wadud adds a voice to the call for women's leadership. For Wadud 'female leadership' is one of her key personal contributions to modern Islamic discourse. The importance of this topic is recognized by many scholars, including Hibba Abugideiri (2001) whose research on 'female Islamic leadership' sheds light on the debate surrounding the leadership role of three women leaders: Amina Wadud (American), Amira Sonbol (Egyptian) and Sharifa Alkhateeb (American).<sup>191</sup> Wadud (2006a:182) claims that "I am not either a leader or a woman – I am both a leader *and* a woman." This approach to women's leadership proposes that successful transformation of Muslim societies hinges on effective engagement

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<sup>189</sup> Different views are debated on web-sites, such as ITIS and MLUML showing the global context of the discourse.

<sup>190</sup> See Fatah (2005).

<sup>191</sup> Whereas Wadud is turning to the Qur'an, Sonbol's 'gender jihad' has led her to work actively in the arena of legal reform. She, along with several other Egyptian women, helped change the rape laws in Egypt. Her ideas on Islamic law uncovered the fact that many of the modern laws in the Egyptian legal system came from French, not Islamic law (Abugideiri 2001:9). Like Wadud and Sonbol, Alkhateeb seeks a niche for a female voice uncensored and unmediated by male interpreters. Alkhateeb (Yemeni father and Czechoslovakian mother) has served as a vice-president of the National American Council for Muslim Women (NACMW).

or articulation between theory and practice. A theory is only as good as its practical implementation. Wadud (2006a:87-90) claims that an effective solution implements the following two areas: the setting of goals and agenda must proceed from theory (What is our goal? What do we hope, plan or need to achieve?); and thinking how goals are achieved is a function of practice (What are the practical steps involved in achieving goals? What are the obstacles in the way of success? How can these be avoided, transformed to serve as possible conduits, or removed?). Consequently, as long as women are racially grouped, they lack the power of effective leadership and are unable to solve challenges arising from women's issues. Besides lack of leadership, other reasons leading to this kind of grouping are lack of vision, finances, cooperation, and strategy. As a person who has experienced race-related exclusion, Wadud promotes the idea that women's organisations should be at the centre of an initiative to make race barriers more permeable, reduce racial intolerance, and generally bring about a more conciliatory climate between American Muslims and other groups in the US. Ultimately, women's leadership-based solutions are looking for women's capacity to lead by example, not by asserting power over, but by representing power with, all others (Wadud 2006a:262).

With regard to her promotion of female leadership, criticism is levelled at Wadud. Since she converted to Islam, her status as adherent has lacked the authenticity of those who were born into it (Bartlett 2005:1). This and similar criticism have strengthened her mission to *look forward* in promoting Muslim women's rights and securing their rightful place in the overall Islamic dispensation. In this process she adopts a progressive position within Islam. Wadud suggests that her new hermeneutic is crucial not only for understanding of the Qur'an and Muslim women's challenges but also for the implementation of that new understanding. It combines classical Islamic methodologies with new tools of social science and secular discourses on rights and justice. A major objective pursued by Wadud is to call attention to Islamic theological research, particularly to Qur'anic exegesis by women. A pioneer in this field is the Egyptian author and Professor of Literature, 'Aisha Abd al-Rahman (1913-1998), known under the pen name of Bint al-Shati' (Daughter of

the Riverbank)<sup>192</sup> who is credited as the first modern woman to undertake Qur'anic exegesis (Roded 2006:52). Wadud does not analyse al-Rahman's<sup>193</sup> work in either one of her books, nor does she analyse Zeinab al-Ghazali<sup>194</sup> (1918-2005) another well-known figure, one of the first women to publish commentaries on the Qur'an and *Hadith* and one of the most respected women interpreters of our time (DeLong-Bas 2006:2).<sup>195</sup> Some scholars, such as Kecia Ali, feel that Wadud (among other scholars promoting new avenues to exegesis) should participate in a wider scholarly debate. Ali (2006:153) indicates that reinterpretation is not only an individual project, for application in personal lives; but it must also be "a collective enterprise of scholars thinking, talking, and writing jointly and in counter-point." Although Wadud is not the only one doing hermeneutical exegesis, her enterprise is unique in that her female-inclusive Islamic formulations were created and applied in America under the influence of Western, and especially feminist thinking. Her contribution to the debate on Muslim theology is that she has introduced a new methodology of reading and understanding the Qur'an, which is identified by some authors (such as Asma Barlas<sup>196</sup> and Hibba Abugideiri<sup>197</sup>) as '*Wadudian hermeneutics*'.

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<sup>192</sup> Although 'Aisha Abd al-Rahman's mother was illiterate, she enrolled her in school while her father (who taught at the Domyat Religions Institute) was travelling. She eventually earned her PhD with distinction in 1950 and was appointed Professor of Arabic Literature at the University College for Women of the Ain Shams University. She began publishing her popular books in 1959; biographies of women in early Islam, including the mother, wives and daughters of the Prophet Muhammad.

<sup>193</sup> See Ahmed (1992:190) on 'Aisha Abd al-Rahman (also spelled as 'Aisha Abdel Rahman).

<sup>194</sup> See Ahmed (1992:196-202) on Zeinab al-Ghazali (also spelled as Zainub or Zaynab al-Ghazali). See also Fernea (1985:233-254).

<sup>195</sup> Other sources include, Stowasser (1994), Jeenah (2002), and Helie-Lucas (2003). See also Barlas (2002) who has taken up the challenge of recovering the basis of equal equality in Islam, and Abugideiri (2001) who singles out three of these exemplary Muslim women, Amina Wadud, Amira Sonbol and Sharifa Alkhateeb as new models of female Islamic leadership.

<sup>196</sup> See Barlas (2004:97). See El Dardiry (2005:4). Asma Barlas, another well-known Qur'an-only feminist beside Amina Wadud, was one of the first women to be inducted into the Foreign Service, in Pakistan, but was then removed by the military ruler General Zia ul-Haq for her criticism of him. She joined *The Muslim*, a leading opposition newspaper, as assistant editor. In the mid-1980s she left Pakistan for the USA, where she received political asylum. She obtained her PhD in International Studies. She has published as a journalist, poet, and short story writer. She is currently associate professor of Politics at Ithaca College, New York.

<sup>197</sup> See Abugideiri (2001:3).

### 5.3.4.2 Progressive position within Islam

This area of discussion is becoming increasingly vital as we see a rising number of Muslim women (many are converts to Islam) gaining significant leadership positions in a variety of Muslim organisations in North America, supporting the progressive approach in Islam. Besides Wadud, a member of the Progressive Muslim Union's (PMU) advisory committee<sup>198</sup>, these examples of leaders (all American converts to Islam), include Kecia Ali, a founding member of the (PMU), Laleh Bakhtiar, the first woman to publish an English translation of the Qur'an, *The Sublime Qur'an* (2007) and Ingrid Mattson, the president of the Islamic Society of North America (ISNA). In the words of Badran (2006:2):

In North America, women in immigrant (especially the second-generation) and convert communities turned to the Qur'an as a guide to life in new complex environments in which they did not have ready-made life-templates as Muslims. Convert women in western societies were faced with a painful contradiction between what they understood to be Qur'anic ideals of justice and equality and various patriarchal notions and practices urged upon them as novices by self-appointed custodians of Islam (Ibid).

The views of those who are identified with progressive Islam (i.e., Amina Wadud, Omid Safi, Farid Esack and Kecia Ali) are disagreed with and debated by some scholars who follow a traditional approach, including Haddad (the Institute of Traditional Islam Studies, ITIS), who are alerted to the growing influence of the PMU among the Northern American Muslims (see Baksh 2005:1).<sup>199</sup>

The progressives are determined to wrestle control of the interpretive process away from the *ulema*, the men and women most qualified to interpret the sacred texts. It is true that the *ulema* historically have made mistakes and in

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<sup>198</sup> Islamic feminism is part of the philosophy and politics of the movement of Progressive Islam. The term Progressive Islam first appeared in South Africa in the 1990s. The organisation of Progressive Muslim Union (PMU) was established in 2004, in the United States, as a forum for competing and complementary discourses on and by American Muslim women. Among its leading principles are the affirmation of the equal status and worth of all human beings. The main scholarly production of the PMU is a volume edited by Omid Safi *Progressive Muslims: on justice, gender, and pluralism* (2003a). Since then the Progressive British Muslims group was launched in London. The first international conference on Islamic feminism, in Barcelona (2005), drew participants from old and new Muslim societies (Badran 2006:3). It should be noted that although Wadud is a member of the advisory committee, she is not affiliated with PMU. Wadud (2006a:257) writes: "I will no longer self-identify as a progressive Muslim or as a participant in progressive Islam. . . . However, I will undoubtedly still be characterized under this name or as a member of these discourses" (Ibid:278).

<sup>199</sup> According to Baksh (2005:2), the supporters of PMU are mostly "young second and third generation Muslims schooled in the social sciences. This new cadre of reformers claim to know very little about Islamic law, theology or mysticism, but they are deeply familiar with the writings of Michel Foucault, Jacques Derrida, and Jurgen Habermas."

some cases their excesses in interpretation have caused juristic tension within the community of the learned. But not only were their mistakes caught and corrected by their peers, extremes in interpretation of sacred texts were tempered by conscientious objections from individual scholars and these opinions have been preserved and are still valid today. Unfortunately, the progressives' attempt to reinterpret sacred texts – much like an ice sculptor trying to do the job of a brain surgeon – will result in a religion with no legal boundaries. Progressives would have us believe that the pillars of Islam and mandatory forms of worship are all matters of personal choice (Baksh 2005:3).

The following three core concepts of Wadudian hermeneutics will now be examined: 'Qur'an-only', '*ijtihad*', 'gender justice' and 'gender *jihad*'.

There are variations on scholars' views and approaches in relation to reinterpretation of Qur'anic text, *Hadith* texts and jurisprudence. This debate is central as it challenges traditional interpretations. Mir-Hosseini (2006:4), for example, contends that patriarchal interpretations of the *Shari'ah* can and must be challenged at the level of *fiqh* (the science of jurisprudence). A number of scholars, including al-Hibri, undertake to flesh out a new exegesis of sacred texts as a means of arriving at an alternative view of relations between the sexes in society (i.e., marriage). Al-Hibri turns to the Qur'an in those cases where traditional law does not offer a resolution to the problems she sees. Others, such as Riffat Hassan, Amina Wadud, and Asma Barlas, focus on the Qur'an to the exclusion of jurisprudence (Ali 2003:181). Thus, not all progressive Muslims are Qur'an-only<sup>200</sup> supporters, but Wadud is – for her work predicates almost exclusively on the Qur'an. A significant recent source in the debate is *Hadith as scripture: discussions on the authority of Prophetic traditions in Islam* (2008:109) by Aisha Musa<sup>201</sup>, who through her inclusive research notes:

The 'Qur'an alone' is a historical and orthodox movement. . . It is not a Western movement, nor even a Western Orientalist caused movement, but an authentic Islamic movement based on its core text, the Qur'an. The

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<sup>200</sup> Different names are used: Qur'an-only', 'Qur'an alone', 'hadith rejection', 'Qur'anic Muslim', 'mostly focused on the Qur'an' and '*anti-hadith* Muslim'. Terms refer to Muslim who reject *Hadith*, or reported traditions of the Islamic prophet Muhammad, and follow the Qur'an exclusively. Many Qur'an alone Muslims do not distinguish themselves as Sunni or Shi'a or any other sect. This movement is a kind of a countermovement to some dismantlement of the *Sunnah* as the second source of Islam so as to clear the files and improve change in the onslaught on the Qur'an (Haddad 2002:1).

<sup>201</sup> Aisha Musa received her PhD in Arabic and Islamic Studies from the Department of Near Eastern Languages and Civilization at Harvard University. She is currently an assistant professor of Islamic Studies in the Religions Studies Department at Florida International University, in Miami.

movement is growing, not only because the Qur'an alone movement has sound arguments from the Qur'an itself and historical proof of false *Hadith*, but also because the Qur'an is accepted by all sects and movements in Islam, while there are many disputes on what and which *Hadith* and tradition is accepted (Musa 2008:109).

Some Islamic scholars (i.e., Sheikh Ahmad Abdur-Rashid<sup>202</sup>) have indicated that they find Wadud's project exciting and refreshing; others (i.e., G F Haddad) regard it as radical, exclusive or even heretical (Bartlett 2005:3). By referring only to the primary source of the Qur'an, Wadud chooses not to review the traditional Muslim exegetical literature. Some scholars (i.e., Haddad and Ali) seriously object that the second primary source of Islam, the *Hadith*, is completely absent from her work.<sup>203</sup> Haddad strongly disagrees with Wadud's approach. In his article "Wadud's way" (2005b:1) he criticises her light use of some of the core concepts in Islam, such as *ijtihad* in her 'Qur'an-only feminist views'. This is not to say that Haddad thinks these issues (i.e., domestic violence or sexual abuse taking place in the midst of Islamic society) should not be addressed. As noted by Haddad (2005b:5) "They should be addressed, exposed, excoriated, but not at the expense of the entire Islamic tradition." He maintains that Wadud should not invoke only the Qur'an but also "*Hadith* for the main issues she raises and then only the strong and authentic *Hadiths*" (Haddad 2005b:3). Ali indicates in her *Sexual ethics & Islam: feminist reflections on Qur'an, Hadith and jurisprudence* (2006:xx) that "the scholarly tradition is one significant source of knowledge and wisdom; much is lost when Muslims – Qur'an-only feminists or pro-*Hadith Salafis* (reformists) – choose to bypass it for a literalist approach to source texts. A careful balance is required.

Furthermore, Kecia Ali (2006:136) states that the importance of the treatment of *Hadith* is "perhaps the most crucial methodological issue for contemporary Muslim reformist thinkers." This is where Ali concurs with Mernissi and differs from Wadud.

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<sup>202</sup> Sheikh Ahmad Abdur-Rashid is a Sufi teacher whom Wadud considers one of her spiritual teachers. See Bartlett (2005).

<sup>203</sup> Although, in Wadud's book *Inside the gender jihad: women's reform in Islam* (2006a) she occasionally resorts to simple analogies referring to *Shari'ah*.

Ali's discussion is deeply informed by her academic work<sup>204</sup> with classical Arabic sources, whereas Wadud's discussion is informed by her academic work with Qur'an-only. Wadud's decision to investigate gender issues exclusively within the context of the Qur'an, rather than within the Islamic context as a whole, is clearly inconsistent with the wider context of her own theology. From the selected four authors, the textual authority of the *Hadith* is challenged particularly by Mernissi. She raises questions about the authority and authenticity of certain *Hadith* typically used to justify a subordinate position for women. She notes that they were often given privileged status over *Hadith* with a stronger chain of transmission (*isnad*) that tended to be more favourable toward women (DeLong-Bas 2006:3). Her conclusion that the end result, a lesser status for women, is a consequence of male privilege in interpretational issues, has sparked additional research (Ibid).

Qur'an-only feminist scholars, who have taken up the challenge raised by Wadud, include among others two Pakistani women, Asma Barlas and Riffat Hassan (Ali 2003:181). Pakistani-American Hassan, from the University of Louisville, is the author of "Feminism in Islam" (1999), one of the pioneers in reinterpreting verses on the Qur'an. She has challenged the traditional interpretations of the Qur'an by expounding on the doctrine of God's justice which has no room for inequity of the sexes as well as the verses that highlight the equality of men and women. Yvonne Haddad<sup>205</sup> and others (2006:156) note that in the efforts to change the conditions of women in Pakistan, Riffat Hassan was one of the first feminist scholars to argue that religion is used as an instrument for the oppression of women rather than a way of freeing them from unjust legal and social systems.<sup>206</sup> In his article "A Qur'an-only feminist", G F Haddad (2002:1) offers critical fact-finding reflections on Hassan's work, stating that she claims to be "the only Muslim woman in the country [Pakistan] who had been engaged in a study of women's issues from a non-patriarchal,

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<sup>204</sup> Her impressive doctoral dissertation is on marriage in early Islamic law, in which she argues that some aspects of the classical legal construction of marriage and sexual ethics are irreconcilably dissonant with the values held by most modern Muslims (Katz 2006:111).

<sup>205</sup> Yvonne Haddad is a sociologist of American Islam who grew up in Syria and is married to a Jordanian. She moved to the United States in 1963. She is not a Muslim – but a Presbyterian.

<sup>206</sup> See also Sa'diyya Shaikh (1997) and Farid Esack (2002).



theological perspective.” Haddad (2002:2) continues to point out that one should not propose “one-eyed opinions” about Islam and Muslims:

They slap together some career with marketable rewordings for successful trends, such as the importance of developing what the West calls ‘feminist theology’ in the context of the Islamic tradition is paramount today in order to liberate not only Muslim women, but also Muslim men, from unjust structures and systems of thought which make a peer relationship between men and women impossible... such participation is imperative if Qur’anic Islam is to emerge in Muslim societies and communities. What about the brave Muslim women of learning and piety who have been fighting for Qur’an and *Sunnah* Islam to emerge in Muslim and non-Muslim societies?

Wadud’s feminist hermeneutic ideas support both the Qur’an-only view as well as the method of *ijtihad* in her process of implementation of solutions for change. Yet these two concepts are not ‘one and the same’ in progressive Islam where some like Wadud support both, whereas others, like Mernissi, only the latter. Wadud’s approach employs this principle of what she calls an alternative *ijtihad* (engaging in individual interpretation of the text). This is not an easy task, but includes continual and radical thinking about the text of the Qur’an (Haddad et al 2006:157). The topic is greatly debated among scholars. Many scholars, such as Badran (2004:2), note that the process of *ijtihad* is complex and complicated, since one has to “understand Qur’anic Arabic, modern Arabic and the context of revelation.” I shall not attempt to deal with the issue in all its complexities, but rather only look at it in the context as a way of implementing the proposed solutions to challenges faced by women. The issue of gender equality in contemporary Islam is extensively dealt with in serious scholarly works including Leila Ahmed (1984), Fatima Mernissi (1987a [1975]), Amina Wadud (1999 [1992a]), Nawal El Saadawi (1980), Mai Yamani (1996) and Farid Esack (2003).

Numerous women from Muslim backgrounds consciously avoid any attempt to locate their ideas in a rethought Islam, many others concerned with gender justice are confessional Muslims desperate to live in fidelity to both the basis of Islamic thought and practice and their commitment to their own liberation from gender oppression (Esack 2002:3).

In addition, there are differences in views among different Islamic traditions. Ziba Mir-Hosseini, for example, notes in her interview with Sikand (2010:6) that despite the presence and the possibility of *ijtihad* in the Shi’a tradition, the Iranian *ulema* have displayed no enthusiasm (as in Sunni Morocco) for legal reform for promoting

women's rights in Iran.<sup>207</sup> Some like al-Hibri (2000:55) link action with the development of a clear agenda of strategic goals and a definite program of action that prioritises these goals. Such programmes must take into account the differing needs and wishes of Muslim women in each country in question:

It must demand the proper and equitable implementation of Islamic laws. It must also stress the Qur'anic foundation for our demands and, simultaneously, actively encourage Muslims to re-engage in the process of *ijtihad* (al-Hibri 2000:55).

Safi (2003:iii) includes those dedicated to a new *ijtihad* (individual interpretation of Islamic law), in which the premise is that true justice for Muslims must be for all, and that includes Muslim women. Mir-Hosseini notes that although justice and equality are contested and relative concepts and also mean different things to different people in different contexts, feminist scholarship in Islam has a lot to offer both the understanding of religion and the search for justice (Sikand 2010:7). Wadud, however, goes a step further to claim that, "it is not that only the Qur'an has truth, or that it contains itself all truth, but that it establishes a vision of the world that can lead to certainly" (Haddad, Smith and Moore 2006:157). Wadud's approach is debated currently in North America and across the globe.

Fazlur Rahman (d 1988)<sup>208</sup>, a well-known scholar of Islam has been credited as one of the primary mentors and teachers of Wadud in her process of exegetical development. According to *Oxford Islamic Studies Online* (Anon. 2007c:2)<sup>209</sup> Wadud's female-inclusive hermeneutical approach to the Qur'an is "based in *ijtihadist* methods articulated by Fazlur Rahman, who "was forced to migrate from Pakistan because of his views about Qur'an and Qur'anic revelation."

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<sup>207</sup> See Sikand (2010:6). In Morocco the king, palace, parliament and women's groups were able to work together on this issue. The country now has a reformed personal law wherein women and men have almost the same rights.

<sup>208</sup> Fazlur Rahman (1919-1988), one of the great modernist Muslim thinkers, was born in the Hazara area of British India (now Pakistan). After he moved to the United States, he taught at the University of California, Los Angeles (UCLA) and University of Chicago where he was a Professor of Islamic thought. At Chicago he was instrumental in building a strong Near Eastern Studies Program. He also became a proponent for reform of the Islamic polity and was an advisor to the State Department. His well-known work *Islam and modernity: transformation of an intellectual tradition* was published in 1982. See Speight (1995).

<sup>209</sup> See Anon. (2007c). ("Wadud Amina" [online]. Available from: <http://www.oxfordislamicstudies.com>) [Accessed 23 October 2009].

Rahman's goal was to re-assess the Islamic intellectual tradition and provide a way forward for Muslims. In his view, a re-examination of Islamic methodology in the light of the Qur'an itself was a pre-requisite for any reform in Islamic thought. Also Rahman greatly stresses the ethical aspect of the Qur'an (Ibid).

The concept of 'gender justice' needs elaboration as one of the crucial terms when evaluating 'Wadudian hermeneutics'. It is but one, albeit significant aspect of her re-examination (Wadud 2006a:2). This 'social-justice' view of Islam plays a significant role in determining the way in which Wadud interprets Islam's sacred texts and Islamic history (Armajani 2004:9). In her view "a simple re-examination of the basic Qur'anic principles with regard to the worth of members of society" provides the most direct, effective and just method of ensuring that men and women gain and hold their rightful place and status in Islamic social systems (Wadud 1989:165). The concept was defined in chapter two when it was noted that it is one of the key concepts used in progressive Islamic thought (see section 2.6). Through her work, Wadud addresses 'gender' as one of the most important issues in Islam and a dynamic determining factor of Muslim identity and practice. Therefore, it is the premise from which a solution to problems concerning women's rights must proceed. She presents ideas on Islam and social justice in Islamic thought and praxis with reference to her own experience. To show how crucial the concept is, is suggested by a word-count: 'gender justice' is used 88 times in her book *Inside the gender jihad: women's reform in Islam* (2006a) using terms such as 'social justice', 'struggle for justice', 'stranding up for justice' etc. According to her, a 'gender *jihad*'<sup>210</sup> is needed in order to improve the status of women; '*jihad*' for her refers to 'effort' or 'exertion' and translates as a 'struggle' (Wadud 2006a:10). By 'gender *jihad*' she thus refers to the struggle to establish gender justice in Muslim thought and praxis (Ibid). Besides Wadud, other progressive feminists, such as Helminski (2003:4), use the term '*jihad*'; in her view the root of *jihad* means 'to strive' or 'to exert oneself' and has two manifestations: one internal and one external. The struggle to achieve perfection of the self has been called the greater struggle or greater 'holy war' in contrast to the 'lesser struggle',

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<sup>210</sup> See Esack (1996:107). The Qur'an itself uses the word in its various meanings ranging from warfare to contemplative spiritual struggle and even exhortation. Women and men engaged in gender struggle (*jihad*), or what Badran (2009:311) calls 'gender activism' are re-appropriating and rehabilitating the term in their internal struggles for gender justice. Badran (2009:321) notes "the term 'struggle' was used earlier by nationalists fighting colonial hegemony and later by the left to signify the battle against class and imperialist oppression."

which is against injustice and oppressors in this world (Ibid). Like the Sufi poet Rumi puts it, “The lion who breaks the enemy’s ranks is a minor hero compared to the lion who overcomes himself” (Helminski 2003).

Most of the scholarly writings on Wadud discuss (for and against) the exegetical model of interpreting the Qur’an, but little has been written on her views on other topics in the debate on women’s rights. My research aims to bring a different picture of Wadud’s work by analysing some factors affecting her hermeneutical approach. In chapter four it was stated that Wadud’s text touches everyday dilemmas of Muslim women particularly in certain areas of life. It was noted that her work hardly proposes any solutions regarding women’s political rights, probably because she has enjoyed political rights (i.e., right to vote) living in North America. Furthermore, it was noted that she pays little attention to single women’s issues, or women’s lack of control over fertility, in all probability because these issues have not been greatly influential in her life. Since she has been married and divorced several times and has five children, it is hardly surprising that she is interested in spousal maintenance, divorce and child custody rights.<sup>211</sup> Wadud (1992b:128; 2006a:146, 192, 203) registers particular concern about female abuse and violence against wives, because she has witnessed its harmful consequences for many contemporary women in North American Muslim communities. There is no clear evidence, though, that inter-spousal violence has affected her family beyond the immediate circle in which she grew up (Ibid:257). Also Mernissi (1991c:156-157) takes part in the ongoing debate on a husband’s right to his wife’s body (2:223) to refute that the Prophet condoned domestic violence. Another area of concern for Wadud relates to disability and disease such as seen in AIDS-patients. Farid Esack shares this concern as pointed out earlier. Therefore, Wadud’s work is not just theoretical, but touches on practical issues of women’s everyday lives by suggesting practical implementations of solutions to problems and encouragement for Muslim women living in the West.

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<sup>211</sup> Women who are single heads of families with children are twice as likely to be poor as are families with a male at their head (Giele and Smock 1977:337). A study conducted by Davis, Evans and Lorber (2006:294) support Wadud’s concern concluding, “ In the US single-mother households are particularly common among poor families” and need particular attention. Furthermore, it could be stated that Aulette’s (2002:294) study states that single African-American and their children are most likely to be living near or below the poverty line. It should be noted that the women researched were African-Americans and not necessary Muslims.

The 'women's mosque movement' is, in my view, one of the fundamental practical initiatives in Wadud's approach to implement change. Although in most branches of American Islam, *imams* or prayer leaders are always men when the congregation is of mixed gender, Wadud is by no means the only one calling for a women's mosque movement<sup>212</sup>, nor was her prayer the first woman-led mixed-gender congregational prayer, although it was the first to gain national and international attention. The example of Umm Waraqah, who was appointed by the Prophet Muhammad as *imamah* (female prayer leader) over her own mixed-gender household is one of the commonly used references by Islamic feminists supporting the women's mosque movement.<sup>213</sup> One of the prime movers for the mosque movement was South African Muslim women's rights activist, Shamima Shaikh (1960-1998). Per her wishes, one of the four prayers at her funeral was led by a woman. It was only a decade after the start of mosque activism in South Africa, that mosque-centred movements commenced in North America and Europe with women and men supporting the demand for female access to main mosque space during congregational prayer and providing child care to allow women to participate more fully in mosque activities.

Having performed the functions of *imamah* and *khutbah* (preacher of the Friday sermon) in South Africa in 1995, Wadud declared her spiritual fitness to do the same in an American setting, which she did in New York City in 2005.<sup>214</sup> She claimed, "I do not want to change Muslim mosques. I want to encourage the hearts of Muslims, both in their public, private, and ritual affairs, to believe they are one and equal."<sup>215</sup> Furthermore, she went on to declare that each man and each woman is his/her own *imam*, and that a mixed congregational prayer is in no way a precedence of sorts,

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<sup>212</sup> The 'mosque movement' in South Africa was a fulcrum for Islamic feminist demands for gender equality or gender jihad (a term coined by the imam Rashied Omar in South Africa) within the Muslim community (Badran 2006:5).

<sup>213</sup> There is debate among the scholars on whether her household was a female-household or a mixed-household she was leading into the prayer. See for instance DeLong-Bas (2006:3).

<sup>214</sup> The effort was sponsored by the organization called "Muslim Wake-up!" See Haddad, Smith and Moore (2006:65).

<sup>215</sup> See Anon. (2006b). ("Women as imams" [online]. Available from: [http://www.allexperts.com/e/w/wo/women\\_as\\_imams.htm](http://www.allexperts.com/e/w/wo/women_as_imams.htm)) [Accessed 12 March 2010].

but simply a public announcement that should lead to positive feelings. Her views were met with disagreement by many scholars, such as G F Haddad (2005b:6-7).<sup>216</sup>

While virtually all Muslim jurists agreed that Wadud had gone too far with her creative stand and that nothing in the law or *Sunnah* allows for this kind of worship, a few lone voices have attempted the same (Haddad et al 2006:65). Before Wadud, in 2002, a second year student at York University Toronto was the first woman to give a *khutbah* to a congregation of mixed-gender in America. In 2004 Yasmin Shadeer had led the night *'isha* prayer with her Canadian congregants including men and women.<sup>217</sup> This was the first recorded occasion in contemporary times where a woman led a congregation in prayer in a mosque. Other women performing these duties include Asra Nomani<sup>218</sup> in Boston in 2006. Kecia Ali became the first Muslim woman to officiate at a Muslim marriage, giving the sermon and administering the vows in 2004.<sup>219</sup> Ali's article "Acting on a frontier of religious ceremony: with questions and quiet resolve, a woman officiates at a Muslim wedding" (2004) is a self-critical analysis on women's legal and operative status in performing a marriage in Islam. Haddad and others (2006:66) note that in most Islamic centers and mosques in the US, major operational decisions are often made not by the imams but by lay leadership in the form of governing boards and committees. The reality of these boards is slowly changing.

Surveys indicate that about half of immigrant mosques in America do allow women to serve on their governing boards. Such changes must be seen as revolutionary, because having a woman in a comparable leadership position in virtually any Muslim country is still unheard of. African American mosques, today have the highest number of women leaders – over 80 percent allow women on their boards – and profess themselves to be quite open to female participation. South Asians have the fewest female board participants, and

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<sup>216</sup> See other articles by the Institute of traditional Islam studies (ITIS) related to the subject (on [www.livingislam.org](http://www.livingislam.org)).

<sup>217</sup> "One for the Sisterhood: a documentary by Karin Wells." *CBC News* (23 October 2005).

<sup>218</sup> Asra Q Nomani, former *Wall Street Journal* reporter and author of the book *Standing alone in Mecca: an American woman's struggle for the soul of Islam* (2005) once requested Wadud's guidance, with the result that Wadud became a sort of spiritual friend to her. Late in 2005 Nomani asked Wadud to lead a mixed-congregational prayer in New York City. Contrary to news reports, Wadud had led men and women in prayer before in the US, but those prayers were held in private where no cameras were present, and no news conferences were called.

<sup>219</sup> Since then scholars have discovered that a few Sufi women also have performed Islamic marriages before.

Arab mosques are somewhat in the middle (Haddad, Smith and Moore 2006:66).

Furthermore, women have been calling for women's right to Qur'anic translation. Camille Adams Helminski was the first woman to translate a substantial portion of the Qur'an into English in her book, *The light of dawn: daily readings from the Holy Qur'an* (2000 [1998]) in which the 365 selected verses bring light to its readers for each day of the year. Iranian-American scholar, Laleh Bakhtiar<sup>220</sup> became the first woman to publish an English translation of the Qur'an, *The Sublime Qur'an* (2007) (DeLong-Bas 2006:2). Her translation attempts to bridge understanding between non-Muslims and Muslims. It takes female perspectives and admits alternative meanings to many Arabic terms. For example, in her translation the English word 'God' is used instead of 'Allah'. She takes the term, 'to beat' (4:3) back to its original interpretation, 'to go away'. She has been criticised for her inability to translate Arabic accurately by some conservative scholars, yet the Islamic Society of North America (ISNA) through its president Ingrid Mattson supported Bakhtiar's work.

Muslim women, even among those who follow 'progressive Islamic thought' debate which way or how far to go with alternative approaches like those discussed here. Kecia Ali identifies herself with progressive Muslims, although she does not hesitate to critique liberal and conservative orthodoxies. As noted by Katz (2006:109),

She is equally unwilling to countenance selectivity on the part of progressives, whom she criticizes for resorting to apologetic and denial in the face of the Islamic heritage uncongenial aspects.

Hibba Abugideiri (2001:14) indicates that as Wadud's female-inclusive Islamic formulation was created in America, it is related, in many ways, to postmodernist thought that has been prevalent in that country and which has allowed Muslims to be more critical of Islam and Muslims than may be possible in Muslim states. In fact, scholars, such as Ali Mazrui<sup>221</sup>, argue that American secular society provides fertile

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<sup>220</sup> Laleh Bakhtiar is a Muslim author, translator and clinical psychologist. She has translated and written about Islam, many dealing with Sufism. She was born (in 1938) to an American mother and Iranian father in New York and grew up in Washington as a Catholic. At the age of 24 she moved to Iran with her Iranian husband and their three children, where she began to study Islam. She converted to Islam in 1964. She divorced her husband in 1976 and returned to the United States in 1988.

<sup>221</sup> See Mazrui (1996). "Islam in a more conservative Western world." *American Journal of Islamic and Social Sciences* 13:2, 246-247.

grounds for a brand of Islam that is unfettered by the cultural baggage originating in Muslim countries (Ibid). On the other hand, Ahmed points out, as discussed earlier, that Sufism has become favoured among North American converts to Islam. Al-Hibri (1999:109) believes that Third World women tend to be quite supportive of the serious efforts of North American Muslim women in the debate to rid Islamic law of patriarchal cultural influences and their leading position on Third World women's rights. The various obstacles facing Muslim women abroad are recorded on the websites of the PMU and MWUIL and are followed by women internationally.

With regard to the question of how far to go, some recognise the need for change, yet in certain areas choose to use 'slow-steps' or a more conservative approach. Some scholars (i.e., Imam Zaid Shakir and Louay M Safi) who have been working to change mosque conditions for several years give guidelines for 'women-friendly mosques'. DeLong-Bas (2006:3) gives the example of Ingrid Mattson<sup>222</sup>, the president of the Islamic Society of North America (ISNA) (the first woman and the first convert to lead the organization) as a Muslim women leader (American) who has chosen to maintain male privilege in certain activities, particularly leadership of mixed-gender prayers. Mattson supports male privilege in leading prayers, based on her understanding of the *Sunnah* (Muhammad's example). Also Leila Ahmed prefers a more cautious approach to change. Ahmed touches on the issue of Wadud's 'imanhood' in her interview with Thomas Bartlett (2005:4), saying that the "prayer was probably a good thing" because it brought attention to the issue of women. However, although she deliberately attended the event, Ahmed did not choose to participate in the prayer led by Wadud because she suspected that, at bottom, it was motivated by the intention to promote sales of Nomani's memoir and Wadud's book (published June 2006), rather than a desire to exchange ideas. Thus, by withholding support from what she considers non-essential activities that serve essentially selfish

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<sup>222</sup> Ingrid Mattson (b 1963) is a Canadian Muslim convert, professor, and activist. Raised as a Catholic she abandoned her religion during her teenage years. In her senior year of college, she went to Paris and befriended several Muslim Senegalese, and in a year converted to Islam and began to wear the *hijab*. She is married to Aamer Atek, an Egyptian engineer. She was an adviser to the Afghan delegation to the UN Commission on the Status of Women. She earned her PhD in Islamic studies from the University of Chicago in 1999. She was accepted to the program by Fazlur Rahman, who however died before she arrived in Chicago, but his work and encouragement have inspired Mattson to become what she is. She is now Director of Islamic Chaplaincy and Professor at the Macdonald Center for Islamic Studies and Christian-Muslim Relations at Hartford Seminary in Hartford, Connecticut, the first Islamic chaplaincy program in the United States. See Anon. (2007a).



agendas, Ahmed signals her devotion and commitment to the active and undiluted furtherance of her cause. She agrees in Thomas Bartlett's interview (2005:3) that Wadud's gesture in general is needed and has drawn positive attention to the issues of women in Islam; however, she thinks that Wadud's motives for leading the public prayer were questionable. This is perhaps the best example of Ahmed's approach to implementing change that sidesteps the daunting prospect of challenging the fundamental structures of Muslim society. Even the Sheikh Ahmad Abdur-Rashid, a Sufi teacher whom Wadud considers one of her spiritual teachers, praises Wadud as "a great example of what a Muslim women or any woman can achieve," yet he notes:

Whether or not this was the right issue at the right time done in the right way is what I question, and that is what I have said to her, more step-by-step approach, he says, would have been more effective (Bartlett 2005:3).

In Morocco and Turkey, the question of female *imams* took to the national stage. The Moroccan Ministry of Islamic Affairs awarded diplomas to fifty female *imams* in 2006. That same year, the Directorate of Religious Affairs in Turkey appointed two hundred female *imams* as state employees and announced that passages discriminating against women or subordinating them to men would be deleted from the *Hadith* (DeLong-Bas 2006:3). Suah Salih, professor of Islamic jurisprudence at al-Azhar University and dean of Girls' College, also a daughter of a religious scholar, is leading a campaign for women to be appointed *muftis* in Egypt (Badran 2009:316). An unusual feature of Islam in China is the existence of *nusi*, mosques solely for women, where the *imams* (i.e., Jin Meihua) and all the congregants are women.<sup>223</sup> Female *imams* are a special Chinese development. In her interview with Lim (2004), Maria Jaschok states, "These are sites led by women for women, not overseen by male religious leaders. These mosques are independent, even autonomous. This is simply not the case anywhere else in Muslim countries." Scholars explain this as a result of the isolation of Chinese Muslims from trends sweeping through the rest of the Islamic world. Beside female imams (although just a handful), they have continued having female jurists, another ancient tradition which has been lost elsewhere (Lim 2004:2). According to Baksh (2005:4), "If Muslim women truly believe, as the Qur'an clearly states, that God deems them equal to men in His estimation, and if it matters so much where they stand when they worship Him, why

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<sup>223</sup> See Lim (2004). "Chinese Muslims forge isolated path." *BBC News* (15 September 2004).

not adopt the way of Muslims in China and establish women's only mosques with women only imams?" In recent years, efforts have been made to establish similar mosques in Iran and India (like the women's network led by Daud Sharifa) with some success.<sup>224</sup>

#### **5.4 Conclusion**

This chapter has evaluated the contemporary debate on women's issues through examples of gender activism and feminist work of different groups of Muslim women. The four selected scholars agree that Islamic knowledge should not be the exclusive and private domain of male scholarship, but an equal opportunity for both sexes. In fact, they agree with the conviction that change can come only through the full participation of women in the discourse. At the same time they greatly differ in the means of that implementation. Their approaches to implementation (historical, anthropological, socio-political and hermeneutical) were then evaluated in the light of other scholarly work, including some of the foremost thinkers in the Muslim world, with some who are in a position to question dogmatic constructs from within, with respect and critical acumen. It was clearly observed that the scholarship among diaspora Muslim women living in the West and those converted to Islam living in the West has increased in the recent years. It can be concluded in the words of Badran (2006:3), "It is in Muslim minority communities, especially but not only in the West, that moves toward new ritual practices where mosque-movement has been most apparent recently."

In Muslim minority communities, participation in mosque-centered activities – especially congregational worship – has an intensity of meaning and social significance different from that found in Muslim majority societies. In minor contexts, individual and collective Muslim identity is expressed and re-affirmed within mosque space. If they are made unequal in religious space it casts them as second-class Muslims. In Muslim majority societies, Muslim identity prevails in society at large. However, while they may be part of the religious majority, women have acquired greater equality in secular space than in religious space. Muslim women find themselves equal in the larger national/secular society and unequal in their own communal space (Ibid).

Consequently, the material published in the English language tends to focus on contributions these women have been part of, which might intentionally or

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<sup>224</sup> See Biswas (2004). "Storm over Indian women's mosque." *BBC News* (27 January 2004).

unintentionally overlook Third World Muslim women's contributions whose own implementation for change may not fit with agendas of Muslim women living in Western countries. Therefore, more research and translation work are needed in order to overcome this challenge. An understanding of this can lead to a greater appreciation of Third World Muslim women, such as Mernissi, and their scholarship on women's issues today.

The historical, anthropological, socio-political and hermeneutical approaches, presented in this chapter, are examples of contextual alternative approaches circulated among Islamic feminists in contemporary times, seeking to understand challenges and propose solutions without imposing Western explanatory categories onto the lives of Muslim women. The selected four women have not only inspired others to seize their rights to contribute to the process of defining what is Islamic, but they have also influenced Islam so that it is more pluralistic. These women are not alone in this endeavor, as noted by many others quoted in this chapter. Their contribution has been seen as part of a larger movement.

## **CHAPTER SIX**

### **CONCLUSIONS**

#### **6.1 Introduction**

The aim of the last chapter of this thesis is to outline the final conclusions of the study. The structure of the chapter follows the following sections: pre-study thought, the research process and limitations of the work, and finally, post-study reflections and recommendations for further research.

#### **6.2 Pre-study thought**

Islamic feminism is a new form of feminism, a new movement that is still evolving. As discussed in chapter one, the term was coined in its common use only two decades ago. I have been fortunate to follow the development of the debate from its beginning, yet more closely during this last decade. In a relatively short period of time much has taken place in the area of Islamic feminist study. During my master's studies towards the end of the 1990s, my research on Muslim women included works of women historians, such as Leila Ahmed, Margot Badran and Miriam Cooke. Pioneer scholars (i.e., Abu Hamid al-Ghazali [d 1111] who wrote on a wide range of topics including jurisprudence, theology, mysticism and philosophy) and more recent scholars from the twentieth century (i.e., Fazlur Rahman [d 1988] and Aisha Abd al-Rahman [d 1998] publishing under the pen name Bint al-Shati) have all played their part in the struggle for what women have gained today. The writings of these men and women activists captured my interest in the works of scholars who are contributing to change today, such as Mernissi, who from her native country of Morocco, writes about women's issues and women's activity in Muslim societies. The more I studied, the more I became interested in what Muslim women themselves have to say about their lives.

My initial intention was to study women's issues only in the countries with Muslim majorities. However, the recent and major shift in the geographic diffusion of Islamic women to areas beyond the traditional Islamic domain directly influenced my thinking. I changed my approach (including my title) to discuss women's issues not

only in Muslim societies, but Muslim women's issues in any society.<sup>225</sup> The latest developments in Islamic feminism has seen its public center move from the Middle East (Egypt and Iran) to the West, along with many Muslim expatriates or 'diaspora' immigrants and new converts to Islam. Scholars are no longer assuming that the Islamic 'centre' lies in the Muslim-majority countries of the Middle East or South and Southern Asia, but also with Muslims living and exerting influence in North America. Furthermore, literature contains examples of influential scholars in European France (i.e., Marie-Aimee Helie-Lucas and Mohammed Arkoun) and England (Ziba Mir-Hosseini) who are advancing autonomous and valid developments in Islamic thought and practice. In addition, South African Muslim scholars have been known for their pioneering scholarship in the field for some time (i.e., Farid Esack and Sa'diyya Shaikh). My intention was not to concentrate on Muslim women living in the West, but rather analyse objectively Muslim women's challenges across Muslim societies. However, there are Muslims whose voices are heard from outside of Muslim-majority countries and which are becoming increasingly vocal; their work is essential in understanding contemporary Islamic feminism. Therefore, it can be concluded that the contribution of women living in other than majority Muslim countries is needed in order to understand the broader picture. Similarly it was indicated by Shaikh (2002:96) that, "there are growing communities of Muslim in the West, many who are culturally western as well as religiously Muslim. These contemporary socio-political dynamics have especially strong ramifications for discourse of gender and feminism in Islam." By choosing the topic of Muslim women, I was aware that I was engaging with a subject requiring analysis of the latest developments. However, at the commencement of my study I did not realise how dynamic the term, 'Islamic feminism', actually was and that it required a constant watch on new developments taking place across the globe.

As far as I can determine, I am the first Northern European woman of Pentecostal persuasion who has carried out this type of research on Muslim women. I am not a

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<sup>225</sup> As mentioned in chapter one, the original working title as conceived of in the late 1990s confined the ambit of the study to an analysis of the challenges faced by women living in contemporary *Muslim societies*, but because the writings of the four selected authors focus on migration, globalisation and modern communications technology among the Muslim population, the purview of the title and the research had to be widened to include Muslim women across the globe, as well as women in secular societies in Europe and North America.

jurist or a Qur'anic scholar. I do not carry the title of anthropologist, historian, sociologist, or feminist (although these four disciplines touch this work closely). I am a lecturer in religious studies and a researcher of current debates on women's issues in Muslim societies. I argue that when it comes to Islam and Muslim women, people easily make a judgmental analysis or reiterate negative stereotypes without engaging the necessary levels of complexity and specificity. Islam is a world religion and a global phenomenon; the study thereof cannot be avoided by Western academe. As a Christian, I am an 'observer' when it comes to Islamic study; yet I have been privileged to work and study among Muslims in a variety of contexts which has broadened my understanding of diversity in regard to Muslims in the Ivory Coast and Indonesia or in Turkey and Toronto. Whether Muslims are in the minority or the majority, whether Islam is the state religion or not, issues like marriage remain normative and greatly debated. The feminist debates and arguments are far more complicated than they were fifteen years ago (see Maynard and Purvis 1994:1). I have tried to indicate alternative approaches to this debate without taking any position. My sincere hope is that this thesis will be taken as an invitation to conversation and a fruitful, although tentative, step on the path of inter-religious dialogue (Christian-Muslim relations) on women's issues among academics.

### **6.3 Research process and limitations of the work**

My research topic is part of a contemporary study of Islamic feminism that is only two decades old and is resolutely on the move. New questions continue to be asked and new methodologies to be devised as the field is constantly expanding.<sup>226</sup> In my overview of the field, I concluded that Western feminist scholarship is not adequate to study the Islamic context. Instead feminist scholarship in Islam should be used since it can offer a contemporary understanding of religion and contribute to the search for gender justice. Through the critical analysis and evaluation of the work of four women as a composite body of research subsumed under both women's studies and Islamic studies, I aimed to represent an essential but far from sufficient

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<sup>226</sup> I have noticed that the field is continually expanding with new ideas that have not been covered in this work because of limited space. For example, according to Winter (2006:98), a leading British Islamic scholar and convert to Islam, Islamic feminists have engaged in debates that cut across different religions – the question of interpretation and authenticity of religion texts, the challenges of secularism and atheism, the search for a spirituality meaningful to women, and the place of lesbians in religion traditions that condemn homosexuality (Ibid).

theoretical contribution to Islamic feminist studies and the contemporary debate. The selection of four scholars in Islam comprising Leila Ahmed, Elizabeth Fernea, Fatima Mernissi and Amina Wadud was integral to this discussion on women's issues. The writings of Fernea and Wadud presented the views of women born and raised in the West – the former a Christian; the latter a Christian convert to Islam – on the debate. Through Wadud's writings an understanding was gained how a modern convert to Sunni Islam appropriates the sacred texts and religious thought of religious tradition as she constructs her visions for Islam in the modern world. Fernea combined feminism with anthropological understanding and appreciation of socio-culture issues and people's religious thought. Furthermore, Ahmed and Mernissi were particularly intriguing as they represented the work of first generation of Muslim scholars influenced by Western thought who have written a significant number of works in the English language. All four intellectuals speak of 'gender justice' and 'equality' for women, although they do not always agree on how to attain this. The analysis of their consensus and divergence was part of my inquiry. This work has had four parts.

In the first part of the thesis, I looked at a number of factors which determined theoretical and methodological considerations for the research. Careful attention was paid when defining feminism and feminist research and developing an understanding of feminism and Islam. Important contributions to the feminist discourse were discussed, like black feminism, Third World or colonial feminism and Islamic feminisms. It was noted that Western feminists have developed an analysis suited to their needs, yet which is all but irrelevant to the lives of the majority of women the world over (Afshar 1996:123). It was also noted how black feminist activists (i.e., Audre Lorde) criticized mainstream feminist literature of the 1960s for its focus on the experiences of white, middle-class women and their values, and how colonial/Third World feminist activists (i.e., Chandra Mohanty) in the late 1980s and early 1990s offered a potent critique of the complicity of feminism and colonialism. Similarly, it was concluded that Islamic feminist activists have aimed to develop feminist theory suitable to their cultural and religious contexts while reflecting on history and politics as well as social and economic contexts. It was shown that not only are women part of this debate, men have also joined and raised the banner of 'gender *jihad*'. Furthermore, some useful terms which capture the complexity of Muslim women's position were defined, such as 'Third World women'. The latter term was used when

determining the research group under study. This term, however, was later seen as somewhat limited, as increasing numbers of First World Muslim women (through immigration to the West or Western converts to Islam) have become actively involved in the debate on women's issues. Also the terms, such as 'patriarchal bargain' (presented by Deniz Kandiyoti) and 'multiple critiques' (presented by Miriam Cooke and by Sa'diyya Shaikh) were discussed and defined. It was noted that Islamic feminism is not one voice, but many voices using a variety of feminist research methods.

In the second part, I defined the framework of the study. It was seen that there were few who did not contest that Muslim women's rights are challenged; yet there has been less consensus regarding a framework that can provide the most comprehensive account of challenges faced by women. It was my aim to develop a framework that could show its usefulness in identifying the most pressing challenges faced by Muslim women in contemporary societies. In forming the framework a great deal of background study was done to identify the common challenges in women's lives. In addition, more detailed in-depth study was done to specify 'life challenges' particularly faced by Muslim women. In the process several sources of information were used to define the most crucial contemporary challenges, including: the United Nations' statistics, Freedom House statistics on the status of women, and theories with regard to women's status (i.e., state theory and citizenship theory). For objectivity and relevancy, the framework needed to be wide enough to cover a variety of Muslim contexts both in the West and within dominant Muslim areas. For this, critical steps were taken to analyse the most burning challenges faced by contemporary women objectively while recognising the diversity of Muslim women regarding geographical location, age, educational level and religious sect. Furthermore, it was understood that when forming the framework a too limited background theory would not cover the research group adequately; too broad a framework would cause difficulties in the research process. Therefore, it was decided to select three social scientists (Giele, Smock and Engineer) and use their work as the background for forming the framework. Also the limitations of this selection were indicated by answering questions such as, "Why these three?" "Why not someone else?" Giele was selected because her research produced a theory, which has been tested and proved over a period of thirty years by many experts



because of its usefulness and adaptability to a variety of societies. Smock was selected because of her broad research along with Giele, yet with a particular specialisation to the Muslim context in Ghana and Bangladesh. Why then Engineer? As there could have been other alternatives to the choice of Giele or Smock, so there could have been other alternatives to the choice of Engineer. Perhaps another male scholar from among the leading intellectuals, among others Fazlur Rahman, Farid Esack, Omid Safi or perhaps a more liberal activist, Mohammed Arkoun, could have been chosen to enrich the debate. I chose Engineer, however, because of his worldwide public and substantial web-publicity on women's issues in English. The impact of Engineer bringing a limited view of the Indian subcontinent to the debate was discussed as a limitation of a study when forming the framework. However, it was also noted that Smock presents the Muslim women's issues related to Ghana and Bangladesh and Giele transcends cultural limits. As my research progressed, I was satisfied with my choice of Engineer together with Giele and Smock.<sup>227</sup> Thus, together these three selected social scientists formed a framework, a theory, which was tested in its contextual competence and deemed suitable to the present study.

Furthermore, in forming the Giele/Smock/Engineer framework, the 'five life challenges' were determined, defined and analysed (because of limited space and the scope of the research, the challenges were limited to five areas) as follows: civil rights (political rights, the right to inherit, the right to own property, the right to bear witness); educational rights; work-related rights; family rights (the age of marriage and choice of partner, control over fertility, the right to spousal maintenance, rights in a polygamous union, divorce and custody rights); and finally, rights to cultural expression (veil and socialisation). Admittedly, these five items provided a limited index of challenges faced by women. There were other aspects of the concept that were not covered; nonetheless, the index was useful in analysing the five challenges that provoke strongly reactions in Muslim societies. In fact, through the research process, it became extremely rewarding to understand how the selected five areas of 'life challenges' proved to be the core challenges discussed by a variety of experts in

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<sup>227</sup> I was in e-mail contact with both Giele as well as with Engineer during my research process.

a range of Muslim contexts (across national and social-class lines).<sup>228</sup> Therefore, it can be concluded that although limited, it was the careful groundwork that brought results as the relevancy of the framework became apparent within the progress of the research.

As the third part of the thesis analysed the writings of the four prominent authors, it became evident from the many examples given in chapter four that women's rights have different interpretations and challenges from society to society. Islam provides women with many rights, yet particular evidence of the acknowledgement of these rights is lacking in a number of Islamic contexts. Although the authors indicated the 'five life challenges' as the main problems in women's lives, the pressure or urgency of these challenges varied greatly from society to society. The research on the writings of the four selected women authors showed that the most progress where Muslim women's rights were concerned, has been made in the area of educational rights<sup>229</sup> and work-related rights. It was shown that educational benefits brought women's greater participation and increased sharing of authority within the family unit and correlated positively with lower fertility patterns. It also provided more continuous employment in professional and technical occupations and greater participation in social activities. However, it was also indicated that although women have gained greater access to education and social activities, their entry into political life (particularly to higher positions) has met with stiff resistance and women are unevenly recognised for public service in Muslim societies. It was pointed out that upper-class women have more mobility and higher educational status and are often more tolerant of change than lower-class women. Political expression seems to be

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<sup>228</sup> For instance, Benazir Bhutto's *Reconciliation: Islam, democracy and the West* (2008:57-68) follows a similar thematic line when speaking about women's challenges in Pakistan: political participation, inheritance, education, work, family issues such as maintenance and cultural expression as veil. Her book was published in 2008, years after the beginning of my research, which confirms that the challenges chosen are valid today.

<sup>229</sup> My research indicates clearly what strides have been made in the education of women since the research by Giele and Smock in the late 1970s. Naturally, the educational development has not only taken place in the Muslim world. For example, in my family, my father attended school until the age of fifteen, whereas his mother (my paternal grandmother) only attended school for one day (she did learn to read and write on her own because of her interest in knowledge). Education was limited also because of a refugee status in the early twentieth century. My father-in-law was a refugee who had to leave his home and school at a young age (from Karelia, former part of Finland). Through the life-stories of my family members, I have come to appreciate the work of those bringing change, promoting equal rights and gender justice for the future generation in Finland.

more intense among the educated younger generation and upper-class women than among lower-class women. In this regard Mernissi warned against the 'educated upper-class phenomenon'. Along similar lines, Fernea indicated the need for more involvement in human right activism and social agencies with regard to developmental planning in societies. This is particularly necessary in areas such as, advanced horticulture, agriculture and early stages of industrialisation (of which there is evidence in many Muslim countries). These areas are most important for women who have particularly low status in societies at an intermediate stage of development. Furthermore, it was also found that where women have had a tradition of political rights and participation (regardless of societal development), they have also shown a greater possibility of maintaining these rights. Women leaders contributed to political events in many cases where they were mothers, wives or daughters of important political leaders (i.e., Khaleda Zia, Benazir Bhutto or Megawati Sukarnoputri). Although the authors indicated that civil rights need reform in many Islamic countries today, they did not believe that reform in this area alone would be enough to eliminate the oppression of women. Urgent attention was required with regard to women's rights to a just and fair treatment before the law. The issues in relation to family law, even revised family laws, included a broad category of women's rights' issues, from the marriage contract to maintenance and to polygamous unions. All four authors considered women's rights in matters of divorce and custody rights greatly challenged (including ethical, psychological, sociological and economical challenges) in societies under Islamic family law. Finally, the contemporary debate on the issue of the veil was analysed linking the discussion with religious, political and economic factors. Also the concept of socialisation (social contracts) in the area of cultural expression was discussed and analysed. Besides analysing women's rights and constraints on female behaviour in social interaction, the framework included challenges with regard to freedom of movement and women's rights in public worship. In conclusion, I note that the most crucial issues are no longer in the areas of work and education (as they were just one or two generations ago) because these rights have been gained by most women who form part of the Islamic feminist discourse, but in the areas of family law (i.e., divorce and child custody), political rights, and religious participation (religious professions and mosque ritual).

In the fourth part of the thesis, with the help of the Giele/Smock/Engineer framework and of the analysis of the writings of the four authors, I critically evaluated the solutions and strategies suggested by the authors to these challenges. It was here that the importance of Islamic feminism as implementation to solutions was discussed. Islamic feminism is a fairly recent concept in academia and is often used (among academics and non-academics) as a broad umbrella term to label the work of almost anyone who advocates for women's issues outside of the traditional Islamic view. Because of this I saw it necessary to define and evaluate some of interpretations and approaches that have been developed around it as seen related to my research (cf. also Cooke and Badran who through their historic-feminist research have shed light on Islamic feminist knowledge).<sup>230</sup> In doing so, I used a woman-centred approach to evaluate the different views held by four selected scholars. The key mechanism for each author's solution and ways of implementation was found in the area of her specific focus and approach that greatly differed from each other. The four approaches discussed were the historical, anthropological, socio-political and hermeneutical approaches.

By presenting and assessing these different approaches, I evaluated not only the approaches but also the solutions and their effectiveness in finding justice for women. Whereas Ahmed proposed an indigenous history-based approach (looking back); Fernea presented an anthropological approach (looking inside Islam); Mernissi presented a socio-political approach (looking within); and Wadud proposed a hermeneutic women's leadership-based approach (looking forward). This part of the research process required discipline in the process of evaluating quantities of material covered, dealing not only with the four alternative approaches (four disciplines) but with the number of examples of other scholars who have expressed themselves on the issues. This discussion integrated feminist knowledge with practice. Therefore, it can be concluded that these four approaches as proposed by the four authors, bring together the central concepts from which most of the current women-centred discourse is drawn (history, anthropology, sociology, politics and/or

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<sup>230</sup> See for instance Badran (2004:2). At one point she stopped using the term Islamic feminism and instead used 'gender activism'. She uses it now, because increasing number of Muslims are using it themselves and people have a better understanding of the concept.

Qur'anic hermeneutics). Therefore, this limited enquiry (writings of four scholars in Islam) on four alternative approaches, has clearly shown the breadth of Islamic feminism and how richly varied it is in methodologies used by scholar-activists across the Muslim world. Esack (1996:10) has indicated the necessity of such research, stating that while many disciplines from which a women-centred discourse is drawn are well developed, the "idea of bringing them together in an interdisciplinary fashion is rather novel." Thus, while acknowledging the limitations, my hope is that my analysis and evaluation of these writers' approaches have enriched the debate in Islamic feminism in this interdisciplinary fashion.

With building on arguments offered by the four selected authors, I then moved beyond particular cases to an integrated analysis, to see how the authors are situated in relation to other scholars on the field. I endeavoured to show the opinions and approaches of a variety of women in a variety of locations in the Muslim world, such as Chinese feminist *imams*, female political leaders, women's rights activists, religious sects (Sufi, Shi'a and Sunni Islam). Alternative examples were researched, such as the phenomenon of female *imams* in China and the phenomenon of Sufi groups practising inclusive ritual prayers in Germany. Helminski highlighted important Sufi opinions and approaches, as did Mir-Hosseini who provided the Shi'a perspective. The Sunni approach was represented, for instance by Mernissi and Wadud. Moreover, different approaches towards *Hadith* and 'the Qur'an-only' views were indicated and discussed in order to evaluate different understandings on solutions and their implementation for change. Within this argumentation, it was noted that although the authors are individual scholars, they do contribute to Islamic society as a whole. As indicated, they have spent their lives building a literature and a practice within Islam. Their work is studied and commented upon by many other scholars. They have influenced and continue to influence Islamic as well as Western society with their writings about Islam. In this way they have broken through social, ethnic and racial barriers and have become role models for Muslim and non-Muslim women alike.

Having said this, I recognise the contextual limitations on the work; four selected authors do not amount to a 'universal' conceptual overview of women's challenges in

Islamic countries. I have stressed that it was not my intention to suggest that the authors under review and their research findings are representative of the whole of the contemporary Muslim world. As about 450 million women live in Muslim countries and communities in five continents (Helie-Lucas 2003:189), regardless of multiple examples from a variety of contexts, this study is not relevant to all women in every Muslim context. However, as indicated, the authors do offer overlapping perspectives on critical issues that challenge women in Muslim communities in different parts of the world today and this is supported by the voices of other scholars who take their work seriously. Despite their achievements, I should add that many more women and men have also applied their knowledge and contributed to the international discussion. Because of this, I have endeavoured to recognise some of the growing number of scholars who are engaged in international debates currently in order to situate the writings' of the four selected authors in the current debate. The scholars discussed in this work included, among others, Haleh Afshar (Iranian), Kecia Ali (American), Farid Esack (South African), Marie-Aimee Helie-Lucas (Algerian), Camille Adams Helminski (American), Ziba Mir-Hosseini (Iranian), Aziza al-Hibri (Lebanese), Kumari Jayawardena (Sri Lankan), Deniz Kandiyoti (Turkish), Chandra Talpade Mohanty (Indian), Sa'diyya Shaikh (South African). The writings of these leading intellectuals, among others, have been used to reflect a variety of geographical areas as well as variety of approaches to the debate. In fact, it is this scholarship, which has made my argument possible. Without the analytic insight and scholarship of these scholars my attempt to understand and stitch together the lives, struggles, solutions and suggestions proposed for Muslim women in different geographical spaces would have been sharply limited.

The analysis of the writings of the four authors indicate that women's contribution to change is not an instant process, but a combination of long-term macrolevel processes that take place on various fronts simultaneously, emphasizing the importance of change and transformation particularly for the next generation. Furthermore, there is nothing final or fixed about the solutions that the authors promote or the ways of implementation that they suggest. In all the areas discussed (civil rights issues, educational rights, work-related rights, family rights and rights to cultural expression) it was noted that challenges also underwent changes. Sometimes the change was caused through the adoption of new value systems,

other times through improvements in technology (i.e., modernization of agriculture, industrialization). At other times change was caused through political revolution (e.g. Iran in 1979), legislative reforms, expansion of education systems, demographic transitions, migration, international awareness, academic interventions or through the endeavours of women's associations, organizations and movements. For example, the research indicated that women have adopted innovative forms of organisation suitable to contemporary needs (i.e., Sisters in Islam in Malaysia and Women Living under Muslim Law, WLUML, in France). In addition, important contributions were made beside the publication of books, such as by film production and journalism (i.e., *Zanan* in Iran). Further, individual women activists made important contributions in the area of human rights within an Islamic framework (i.e., Shirin Ebadi).

One of the obvious limitations and challenges of the study was to stay current with the constant developments in the field of women's studies in an Islamic framework. The scene of Islamic feminism is constantly shifting with new developments, movements and contributors to the dialogue. To eliminate this problem, I used methodology suitable for the study of current developments. Also my framework was flexible enough to study current topics relatively objectively. Although, in this research process, I endeavoured to keep an open mind when observing new developments; yet I recognise that no single study can do justice to the opinions and activities of many individuals who make up the growing body of Islamic feminists. It is my hope that my work has shed new light on the inter-religious (Christian-Muslim) dialogue among academics on the issues of Muslim women by building trust and by questioning the most common stereotypes and misunderstandings which may have limited the dialogue in the past.

#### **6.4 Post-study reflections and recommendations to further study**

What has emerged from this study is that more discussion and research is needed on what is meant by 'doing Islamic feminist research'. Increasing numbers of women are doing Islamic feminist research. It cannot be denied that feminist/women's studies are one of the most challenging fields within the social sciences (Davis et al 2006:ix). The dynamics of gender relations added to the social, cultural and religious implications of gender constructions in Islam suggest a dynamic forum for debate

and thus require continued research. As Islamic feminism is spreading across the globe, and more and more literature is published in its name, the necessity of critical analysis and academic research by Muslim and non-Muslim alike on the methods (techniques for gathering research material) and methodology (theory and analysis of the research) are essential. For a future study, this work has provided a literature survey useful for further research.

By choosing Ahmed, Fernea, Mernissi and Wadud, I chose to listen to both insiders' (participants') and outsiders' (onlookers'/observers') voices to this debate. Analysis and discussion of the four authors' work has revealed a complexity of perspectives – also between different insider-scholars within a single religion. Along with this I have elaborated on issues concerning my personal position as a researcher who is an 'outsider' (see section 1.4.5). My 'position' as a Christian woman raised in Europe (Finland) was complex, but did not constitute an impossible barrier when using 'outsider-within' status. With this view, my attempt to immerse myself in and become familiar with the mechanisms and sensibilities of a religion or a religious orientation that exemplifies a cultural heritage different from my own, proved useful in academic research (particularly in religious studies where it is not as common as in anthropological or sociological studies). Therefore, I do not regard my 'outsider' position as a limitation, but rather as an opportunity, a position which I can recommend as a feasible method to those interested in inter-religious dialogue in future research. For a long time it has been claimed that only those from the inside (adherents) have real insight and 'authority' to contribute to the study of Muslim women, which might be a counter-reaction to the long colonial and imperial dominance of research on Muslim women. However, as stated in this work, it has become more and more acceptable to include a non-Muslim voice in the debate on women's issues. This thesis has been a study geared toward equipping a generation of women scholars to understand women's issues in a religious setting, as 'outsiders' (as non-Muslims), yet from an 'outsider-within-standpoint.' I would recommend the increase of such studies in order to enrich the inter-religious-dialogue on women's issues. Having said this, I believe that the hypothesis stated in the beginning of the work (chapter one) has been confirmed: a Western feminist framework for understanding and transforming Muslim women's issues is inadequate. Therefore, I have used the 'outsider-within-standpoint' instead of using a Western feminist



framework to analyse and evaluate women's issues from the Muslim women's point of view. Although Muslim women located in the West have enjoyed a great amount of publicity in recent years (as a result of finances and easier access to publishing houses), at the same time more attention should be paid to research and development of scholarship among Third World Muslim women scholars and their approaches to the current debate. My hope is that the framework developed in this thesis will encourage academics to conduct research on women's issues in this regard. The framework could be used to study Muslim women's issues by adding different voices into the debate, but it could also be used to study women's issues in other societies (i.e., women's issues in Hindu or Jewish contexts).

Looking back on the writings of the four selected authors, it is thrilling to see how young the scholarly field of the Islamic feminist study actually is. For example, for those starting out in the 1960s, like Mernissi and Fernea, it was two decades before the construct 'gender' was devised as an analytical tool in academe (Badran 2009:7). In the 1960s there was no internet or computer to use, yet they were linked with the international network. In fact, Ahmed, Fernea, Mernissi and Wadud are all pioneering figures who have shaped the debate on women's issues in their specific areas of focus. When Ahmed, Fernea and Mernissi started to explore the evolution of the organized feminist movement, they were moving in largely uncharted territory. Now, they are recognised as pioneers of Islamic feminist thought. In a fairly short period of time, the four authors, among others, have played a significant part in forming the understanding of feminist knowledge in Islam (with perspectives on anthropology, history, sociology and hermeneutics). With regard to recommendations for further research, it is time to move from the pioneering stage to research about Muslim women's contemporary drive in areas other than those included in this study.

I would propose that further research is necessary in order to analyse the relationship between alternative approaches and conservative thought. This is particularly important, because the gap between progressive thinkers who promote and assert women's rights in Muslim societies, infusing a significant element of Islamic feminism (within the Islamic legacy and inheritance) into the whole spectrum of women's activities and modern social developments and conservative thinkers

has widened. Those promoting alternative views may be looking for common ground. However, as indicated in chapter five, the re-reading of the Qur'an has challenged entrenched structures of patriarchal power, which has frightened conservatives and widened the gap between the two camps. Although significant strides have been made in the insertion of women's voices into Islamic debates, some challenges have remained; particularly in widely accepted conservative interpretations that appear to be supported by Qur'anic texts. More research is needed to evaluate how women in a variety of contexts (conservative thought and alternative thought) improvise and combine the old and the new in women's activities with a view to creating their own unique forms of transformation. As suggested, where the dynamics of the Muslim community in America remain the focus of scholars, the focus should be broadened to the feminist debate in Europe (e.g. where the debate on the issue of the veil is extensive and controversial). As a European myself, I propose further research on the development of the feminist debate in Europe (i.e., Belgium, England, France and Scandinavia). More research is necessary to examine the significant developments taking place in the Muslim community in Europe similar or perhaps different to those in North America (e.g. the new converts to Islam in Europe with reference to their influence in politics or leadership positions among Muslim communities, as it was indicated in relation to Amina Wadud, Ingrid Mattson and Camille Adams Helminski).

In the light of the 'five life challenges' defined and identified and the solutions and their implementations proposed to the challenges as analysed and evaluated in this work and in the light of developments in Islam and with regard to women in Islam during the last ten years, I have concluded that there has never been a time before when women in Islam have enjoyed the freedom that they do today worldwide. For example, at the time of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, women activists were often limited in their education and training (with exceptions). This obstacle has been overcome in most parts of the Muslim world today as seen in the level of significant involvement of women (i.e., Wadud) in the interpretation of the sacred writings (Badran 2006:3). There are many more indications of this increased involvement, such as Muslim women who are reading, discussing and consulting about many topics related to their lives via the internet; they are reading women-centred Qur'anic

translations (i.e., published by Laleh Bakhtiar); they are reading women-centred Qur'anic devotional books with verses for mediation for each day of the year (i.e., published by Camille Adams Helminski); they are married by women ministers (i.e., by Kecia Ali); they are involved in mosques where prayers are led by women (i.e., Amina Wadud); and they are participating in public debates rarely heard of before (i.e., Hissas Hilal). Fundamental changes have taken place in some of the most conservative areas of Islamic leadership and Muslim women have been part of that change. Yes, many of them have faced struggle (*jihad*) and difficulties; yet, women have taken steps forward which are just a beginning. My hope is that my work will have shed new light on issues crucial to the contemporary debate on women in Islam and have contributed to inter-religious understanding.

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