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Guest Editor: Fatima Sadiqi

PART II
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PART III
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Guest Editor's Introduction

ISLAMIC FEMINISM – THEORETICAL AND SCHOLARLY CONTEXT

FATIMA SADIQI[1]

In presenting the foundation and evolution of Islamic feminism as a scholarly branch of knowledge, this introduction aims to establish the broad theoretical and scholarly context of this volume and set the stage for a good understanding of the ensuing articles.

As a scholarly branch of knowledge, Islamic feminism seeks to bring together Islam and feminism,[2] a goal that is often perceived as a contradiction in terms or an oxymoron. Like any scholarly discipline, Islamic feminism has a discursive and practical component. Margot Badran defines Islamic feminism as a "feminist discourse and practice articulated within an Islamic paradigm" (2002, 17-23 republished in 2009, 243-52). Such a paradigm is generally understood to include the Qur'an and Hadith (Prophet Muhammad's sayings and deeds), as the two foundational pillars of Islam and the main sources of content, meaning-making, and argumentation in Islamic feminism. In their quest for full equality between men and women in both the private (personal) and public spaces, Islamic

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[2] Feminism, a branch of knowledge that basically advocates for women's rights and equality between the sexes, remains a polysemous and context-sensitive concept. In the Middle East and North Africa (MENA), secular feminism started as part of nationalism and 'modernism,' and developed within the various frameworks of specific countries and ruling systems.

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feminist scholars seek to contextualize, interpret, and adapt the Qur'anic content and the spirit of Hadith from a feminist perspective that uses feminist conceptualization and scholarly argumentation. Discarding traditional *Fiqh* (Islamic jurisprudence) as man-made and male-biased, they aim to, for example, reform family-related laws from a feminist perspective and in accordance with today's Muslim women's experiences, conditions, and agency in their families and societies. Exegesis (*Tafsir*), contextualization and reform constitute, therefore, the main strategies that inform knowledge production and praxis in Islamic feminism.

The type of feminism that emerged from these endeavors started to attract attention in scholarly fields by the end of the 1980s and the beginning of the 1990s. The first manifestation of this feminism is widely associated with the work of Moroccan sociologist Fatima Mernissi, particularly her landmark *The Veil and the Male Elite* (1987/1991), translated into French as *Le Harem Politique* in 1987. In this book, Mernissi rereads selected male-biased Hadith, positions it within the context it appeared in, and argues against its relevance to today's Muslim women's political, economic, and social statuses. She underlines the need to reread this Hadith from a feminist standpoint where women's rights in Islam are highlighted. It is interesting to note here that Mernissi framed her initial feminist thought in a secular paradigm (Mernissi 1975), then reframed it within a broader paradigm that connects religion and feminism. In this regard, Rhouni (2010, 197) underlines how Mernissi discusses the "necessity to adjust [the] feminist language into more indigenous forms." Pursuant to Mernissi's ground-breaking book, a number of Muslim and non-Muslim feminist scholars started to engage in a search for equality between men and women within the Islamic paradigm, hence further developing and critiquing Islamic feminism from various perspectives. Some of these scholars include Amina Wadud, Asma Barlas, Aysha Hidayatullah, Aziza Al-Hibri, Leila Ahmed, Margot Badran, Miriam Cooke, Zainah Anwar, Ziba Mir-Hosseini, Kecia Ali, Amel Grami, Oumaima Abou-Bakr, Asma Lamrabet, and Mulki Al-Sharmani.

These and other scholars understood that feminist discourse needs to be connected and relevant to the region's culture and history, including religion. They also understood that the politicization of women's rights is part of the politicization of Islam, both seen as inherently conservative, male-biased, and patriarchal. As Islam is included in the laws and constitutions and, thus, in the creation of the social, economic, and theological order, Islamic feminists utilize it to fight for women's rights. Theirs is not a search for the authentic meaning of the holy sources of Islam, but a conversation about change and how society shifts and evolves, forcing religion to evolve as well.

From the 1990s onwards, Islamic feminist scholars have deepened feminist scholarship by creating new spaces of contestation, enlarging feminist conceptualization frameworks, and positioning gender equality and gender justice at the center of their reflection and praxis. Through a mixture of historical contextualization, intratextuality methods, and an analysis of women's evolving social status, these scholars opened new spaces in feminist research. The success of their overall project is enhanced by the twin facts that, on the one hand, religion plays a central role in the lives and experiences of men and women in today's Muslim societies and communities, and, on the other hand, the desire for social justice in these societies is real. Whether using 'equality', 'justice' and 'Tawhid' (oneness) as working tools or questioning archaic *Fiqh* (Islamic jurisprudence), these scholars engaged in serious knowledge production that targets the dismantling of patriarchal structures in Muslim societies within a reformist Islamic trend. For example, Islamic feminist scholars came up with significant clarifications of hitherto taken-for-granted concepts such as differentiating between Shari'a (divine law) and *Fiqh* (human understanding of Shari'a)[3] and highlighting the need to reform the male-biased laws. In so doing, they underline the new status of Muslim women as educated agents in their societies and cultures. This knowledge production also includes the highlighting of *Ijtihad* (free Islamic reasoning) in interpreting Islamic scriptures in societies where Muslim women have made genuine progress not only in the fields of education and academia, but also in those of economy and politics.

This type of innovative thinking and theory-making around hitherto 'taken-for-granted' male-biased stereotypes in Muslim societies and communities, allowed Islamic feminism to develop nationally and transnationally and reach out to ordinary women and men. By so doing this trend of knowledge is bridging the gap between theory and practice. Thus, some Islamic feminist scholars like Zainah Anwar, Coordinator of the 'Sisters in Islam' (SIS), a civil society organization in Malaysia that promotes women's rights within Islam and Universal Human Rights, are working on how to make Islamic concepts like *Qiwamah* (authority) and *Wilayah* (guardianship) trickle down to ordinary, usually religious, women. Similarly, in Morocco, the Forum al-Zahraa is an umbrella association that works with women on the ground using Islamic feminist concepts in a similar way. SIS and al-Zahraa are examples of practical Islamic feminism that challenge the laws and policies that discriminate against women, such as child marriage and polygamy. This 'praxis' aspect of Islamic feminism does not only seek to implement feminist theoretical concepts but also to involve grassroots associations in this endeavor and, thus, gain

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[3] See Musawah's website: https://www.musawah.org/

in dissemination and continuity. This goal is further enhanced through networking between transnational Islamic feminist organizations (International Non-Governmental Organizations – INGOs), such as Musawah (lit. 'equality' in Arabic), Women's Islamic Initiative in Spirituality and Equality – WISE) and Women Living Under Muslim Law (WLUML), and between these and local/national organizations. In both strategies, Islamic feminist scholars position justice and reform at an intersection between national and transnational Islamic feminism. Given that Muslim family laws operate more in Muslim-majority countries where Islam is the official religion, any *Ijttihad* (free Islamic reasoning) has to be sanctioned by the state. This is an area where more thinking and networking are needed.

Islamic feminism has evolved considerably since the 2000s. Consensus on the status of the Qur'an and Hadith as the two foundational sources of knowledge production no longer holds and an increasing number of critical voices are becoming louder. Some scholars, such as Saba Mahmood (2004), Fatima Seedat (2013), and Nimat Barazangi (2016), contend that while the Qur'an carries values of equality, the compatibility of Islam and feminism remains arguable. Seedat (2016) adds that the appellation 'Islamic feminism' encapsulates Muslim women's feminism in personal identity, in contradiction to feminism, which is basically associated with social practice. She sees 'Islam' and 'feminism' as two separate intellectual paradigms, with the space between them informing Muslim women's struggles against colonialism and neocolonialism. Seedat (Ibid) goes on to say that what should be highlighted is what Islam offers feminism; only this inscribes such feminism within the universal feminist movement. For this author, the convergence of the terms 'Islam' and 'feminism' will only allow male and female Islamists who seek political power to tailor their interpretations of the Qur'anic texts to their political goals, hence highjacking the feminist ideal.

Strengthened by these criticisms, Islamic feminism has continued to evolve by either deepening reflection on its nature and overall contexts or engaging in the actual interpretation of the Qur'an and reforming *Fiqh* (Islamic jurisprudence). It is perhaps this last characteristic that distinguishes it from secular feminism, which preceded it and with which it is often compared in the MENA region.

ISLAMIC FEMINISM VS. SECULAR FEMINISM IN THE MENA

The triangle 'religion, secularism, and gender' has constituted a persistent nexus of various contestations and entanglements in the MENA region. Within this nexus, both secular and Islamic feminist scholars have been trying to structure their content and knowledge production and to build power in and outside the institution. Both types of feminism have been

trying to move feminist reflection and praxis forward. However, while secular feminism has not led to full equality between the sexes, religious feminist approaches have been generally burdened with resistance from within.

Islamic and secular feminisms in the MENA region may be distinguished on a number of grounds. Firstly, on the historical level, secular feminism preceded Islamic feminism; it appeared at the end of the nineteenth century, amidst the decline of the Ottoman Empire and the emergence of Arab al-Nahda (Renaissance). During this period, some elite women started to voice their feminist stances outside religion and in a multi-ethnic and pluralistic context (Badran and Cooke 1990). As for Islamic feminism, it appeared at the end of the 1980s and the beginning of the 1990s of the twentieth century, almost one century later as a reaction to political Islam. Secondly, a more important difference between the two types of feminism relates to their foundational anchors. Secular feminism was instigated by a combination of multiple factors that ranged from the promotion of women's voices in societies where Islam was predominant, via nationalistic motives, aspirations to modernity, class issues, to Human Rights, and democracy. In such a broad context, secular feminist scholars were seeking a place for their voices in complex historical and shifting spaces of knowledge. In comparison, Islamic feminism was framed within the Islamic paradigm and centered the Qur'an as its source of meaning-making and knowledge production.

The relationship between secular and Islamic feminism has been impacted by three factors: political Islam, Islamist extremism, and the 2011 Uprisings. In its inception and pursuant to the success of the Iranian Revolution in 1979, political Islam created tension between secular and Islamic feminism (Ennaji 2012). This tension gave way to ambivalence as feminist reactions to patriarchal political Islam also came from both the secular and Islamic camps. As for violent Islamist extremism (terrorism), it turned the attested ambivalence into a 'rapprochement' between the two feminisms, and the 2011 Uprisings brought the rapprochement to some 'quasi-coalescence,' at least at the surface level. These developments have also been significantly impacted by postcolonialism, decoloniality, and the Intersectionality Theory.[4]

The three main factors that impacted the relationship between secular and Islamic feminism constitute the background on which the contents of this volume are based. The book is accordingly divided into three parts: Part I addresses political Islam and the contextualization of Islamic femi-

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[4] Given the scope of this volume, postcolonialism, decolonality, and the Intersectionality Theory are treated as 'parallel' factors and more focus is put on the role of political Islam, violent Islamist Extremism (terrorism) and the 2011 Uprisings.

nism, Part II deals with the goals and limits of Islamic 'feminism,' and Part III considers Islamic 'feminism' in non-Muslim-majority contexts. In the following sections, an overview of the articles that constitute the three parts is presented.

POLITICAL ISLAM AND THE CONTEXTUALIZATION OF ISLAMIC FEMINISM

The inception of political Islam created tension and ambivalence in the dynamics that juxtapose Islamic and secular feminism. Rooted in the success of the 1979 Iranian Revolution as mentioned above, political Islam quickly spread to the entire MENA region in the 1980s and 1990s.[5] Islamist political parties were either refashioned or created from scratch with the aim of obtaining power at the highest level: the state. Through ups and downs, these parties succeeded in Egypt and Morocco, causing a decade-long civil war in Algeria and a spectacular overhaul that led to the 2010-2011 Uprisings in Tunisia and their spread to the entire MENA. Such a trajectory of political Islam was bound to affect social movements in the region, one of which being women's movements. Self-identifying as 'secular' before the advent of political Islam, these movements were one of the targets of political Islam, a fact which created immediate tension between the Islamists and the secular feminists. The grim fate of Algerian women in general, and feminists in particular, is stark evidence of this reality (Smail Salhi 2010, Tlemçani 2016).

This dynamic is exemplified in Moha Ennaji's article "Feminist discourses in Morocco: secularism, Islamism, and activism," where the author localizes the parallel rise of conservative Islamism (political Islam) and progressive secular women's organizations in Morocco within a context of tension and confrontation. According to this author, it is this confrontation that pushed the state to promulgate the 2004 family law in an attempt to find a balance between the two parties and save its position as the ultimate 'arbiter.'

In seeking power in the name of religion, political Islam was not a threat to women's movements only, but also the MENA states. Thus, in Morocco, the state's 'arbiter' strategy included the adoption of the notion of 'Islamic feminism' as part of its 'moderate Islam' project, as shown in Souad Eddouada's article "Women, Islam and reform in Morocco", where the author qualifies Islamic feminism as a state-sponsored discourse that seeks to construct a 'women-friendly moderate Islam' in the face of politi-

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[5] Political Islam has a longer history in Egypt and other Muslim countries, but in this volume focus is put on the period where interactions with Islamic feminism are perceived.

cal Islam. She uses *sulalyyat* (women's land rights activists), to content that their demands are 'used' by both women's rights associations and the state to polarize the concepts of 'Islam' and 'feminism' and represent women's rights as either 'religious' or 'cultural,' hence excluding the *sulalyyat*'s precarious realities.

By the end of the 1990s or so, Islamic feminism, as scholarly knowledge production, continued to highlight equality between the sexes as its main target. This attracted a number of women from Islamist political parties and associations. Examples from Morocco include names such as Nadia Yassine from the banned Islamist association 'al-Adl wa al-Ihsan' (Justice and Benevolence) and Bassima al-Haqqaoui from the Parti de Justice et Développement (Justice and Development Party). In parallel, some secular feminists, such as Latifa Jbabdi, started to acknowledge the central position of religion in women's lives and experiences. These realities brought about new reflection on the historical commonalities between the two types of feminism. In her article "Contextualizing Islamic feminism in Morocco," Fatima Sadiqi captures this 'transition' in Moroccan feminist thinking and repositions it in the recent history of Moroccan feminist thought. She argues for the 'homegrown' nature of this feminism and underlines how this fact contributed to bringing the proponents closer to a common resistance to patriarchy and political Islam.

The transition from secular to Islamic feminism was accompanied by ambivalence, often fueled by 'louder' conservative Islamists and radical secularists. This moment is documented in other MENA countries but not addressed by the authors of this volume. However, a few authors captured the 'line crossing' moment between the two types of feminism without highlighting it. Thus, in her article "Egyptian women imprisoned within the public-private paradigm," Sara Abdelghani argues that Islamic feminist theory, especially the problematization of the concept of *Qiwamah* (authority), may be used to deconstruct and weaken the legal basis of the patriarchal public/private dichotomy which is adopted by the state. Along similar lines, Islamic feminist theory is advocated by Reem Maghribi in her article "Islamic feminism in a multi-confessional patriarchal system: the case of Lebanon," as a way of enhancing justice for Muslim women (Sunni, Shi'a, and Druze) in a country with several other confessions. Equality-based interpretations of the Qur'an are presented as viable attempts that may advance reform and dispel the notion that Islam is incompatible with feminism.

The same idea is tackled from a different perspective by Tunisian author Olfa Youssef, who presents herself as both Muslim and feminist. She uses Prototype Psycholinguistics, according to which a prototype is the most representative of its group, to deconstruct the perspective of medie-

val *fuqaha*'s (religious scholars') generalizations, and present her own psycholinguistic interpretations of some women-related verses of the Qur'an.

VIOLENT EXTREMISM AND THE 2011 UPRISINGS: A RAPPROCHEMENT BETWEEN SECULAR AND ISLAMIC FEMINISM

Paradoxically, the tension between the secular and Islamic feminists that was caused by the emergence of political Islam and the advent of the 2011 Uprisings brought the belligerent camps closer to each other. Indeed, the contradictions, ambivalence, and challenges forced a 'conversation' between the two feminist trends. This rapprochement was accelerated by the rise of violent Islamist extremism in the MENA.

In retrospect, the Algerian 1990s civil war (also called 'the black decade') was an opportunity for violent Islamist extremism (terrorism) to extend the already dramatic situation in Iraq and Syria to North Africa. In this process, extremist versions of the Islamic religion were used as a means to 'terrorize' societies and crack down on feminists, demonized as 'servants of the West.' This fact led to a backlash not only on women's hard-won rights but also on their lives. In Morocco, the May 16, 2003 Casablanca terrorist attacks perpetrated by young Moroccans, killed over 40 Moroccans.[6] An important consequence of this was what I may term a 'double visibility' of Islamic feminism, namely at the state and the scholarly levels. On the one hand, the states in countries like Morocco and Egypt, started to 'co-opt' the concepts and core ideas of Islamic feminism and use them as tokens of 'moderate' and 'just' Islam; and on the other hand, in their search for asserting themselves in their societies and garnering support from these societies, Islamic feminist scholars became increasingly inclined to 'tune' their ideas with what was happening on the ground. Both of these led to a tangible rapprochement between secular and Islamic feminists.

In my 2020 article, I call this dynamic 'The Center' and define it as an ideological middle-ground space between antagonistic ideological paradigms (the secular and the Islamic) that created change amidst uncertainty. This idea is corroborated by Rachid Touhtou's article "Islamic Feminism and decolonial practices in the post Arab Spring," where the author locates the rapprochement in an intellectual and practical space that seeks

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[6] Violent Islamist extremism is a real concern in the region, posing a serious threat to both women, feminism, and even political Islam (Sadiqi To appear).

to reread the Muslim sacred texts from an egalitarian gender perspective. As both camps position gender justice at the service of feminist goals, the secular/religious divide was weakened, if not substantially neutralized.

In their search for some 'reconciliation,' secular and Islamic feminists started to look for what may be termed an 'in-between' or 'middle' space where they can 'meet' and 'converse.' In Morocco, this new space is called the 'third way' by Asma Lamrabet, Doris Gray, and other feminists. The third way is neither wholly Islamic nor wholly secular. Two articles in the volume contextualize and address this space in some detail. Ilyass Bouzghaia's article "In search of 'third way' Islamic feminism: approaches and strategies of a rising discourse" uses various sources to present Islamic feminism as a 'third way' within the spectrum of Islamic/ist discourses on women's rights and gender equality. The 'third way' uses hermeneutics to bridge the gap between Islam and feminism. In the same vein, Mohammed Yachoulti's article "New Islamic feminist voices in Morocco: The Case of Asma Lamrabet" surveys Islamic feminist practice in Morocco with a focus on the trajectory of Asma Lamrabet.

Post-uprisings feminist voices generally consider Islamic feminism a decolonial way of theorizing women's issues in the MENA. Often critical, these voices see, however, that the newly created spaces, such as the 'third way,' carry a genuine potential, but run the risk of being co-opted by the state, as Meriem El Haitami's article "Islamic feminism in post-2003 Morocco: potential and limits" underlines. The author centers on the post-2003 religious reforms in Morocco to examine the development, promises, and limitations of Islamic feminism. One of her conclusions is that as a source of knowledge production and intellectual activism, such a type of feminism does not really challenge the systemic order, but rather maneuvers to locate itself in the state's plan to have a monopoly of the religious field.

Like political Islam and violent Islamist extremism, the 2010-2011 Uprisings impacted Islamic feminism in no trivial way. The Uprisings started in Tunisia and quickly spread to the region. The most characterizing aspect of these dramatic events is the propelling of religion into the public sphere where demands for civil rights had been dominant for decades. The feminist theorizing and engagements that ensued did not only bring secular and Islamic feminist concepts and stances together but also bridged the gap between feminist theory and practice (grassroots). Feminism in the region switched to a quest to deconstruct various entanglements in which women's issues have been hitherto intentionally or unintentionally involved (Elsadda 2018 and Abouelnaga 2019). In these new feminisms, the Qur'an continues to be central in the Muslim feminist meaning-making and gender justice is increasingly being open to more understandings. Secular and religious concepts coalesce and intermingle

with women's daily experiences. As a consequence, the core concepts of Islamic feminism, such as 'social justice,' '*Qiwamah*,' (male authority over women), and '*Ijtihad*' (interpretation of the sacred texts – especially the Qur'an) are used by secular feminists, and the core concepts of the latter, such as 'equality', 'human rights,' and 'universal laws' are used by the former.

In this emerging context, the notion of 'third way' is being supplemented by the notion of 'decolonial'. Both secular and Islamic feminist scholars refute that feminism is a Western movement. Decoloniality is a school of thought that 'untangles' the production of knowledge from the Eurocentric episteme (perceived as universal). This school of thought first appeared in Latin America as part of a larger trend that challenges the hegemony of Western imperialism (LeVine 2005, Quijano 2007, Mignolo 2011). Scholars of decoloniality contend that colonization did not disappear after decolonization, and hence exposes the dark side of modernity, a notion often associated with women's status. Decoloniality and decolonial feminism relate in the sense that 'local feminisms' in the MENA increasingly root their arguments in the Islamic, as opposed to Western, paradigm, and, hence, seek to expose their own modernity.

In sum, the articles In Part I and II deal with Muslim-majority contexts and show that Islamic feminism has had to interact with secular feminism and that this interaction has been impacted by the rise of political Islam, violent Islamist extremism (terrorism), and the Uprisings. These interactions went from tension and ambivalence, to rapprochement and quasi-coalescence. This trajectory reflects continuity in feminist knowledge production. The fate of Islamic feminism in the region is also related to the transnational dimension of this branch of knowledge, a dimension that is also addressed in this volume.

ISLAMIC FEMINISM IN NON-MUSLIM MAJORITY CONTEXTS

The transnational dimension of Islamic feminism is researched in six articles. Four articles take a theoretical stance in positioning Islamic feminism, and two highlight the agency and perseverance of Muslim feminist in the diaspora. In her article "Islamic feminism in a social movement lens," Connie Christiansen presents transnational Islamic feminism as a social movement which aims at full equality between men and women and seeks to expand. As for Heidemarie Winkel's article "The many altars of feminism: Secular feminist thought in Europe and its relation to Islamic feminism," it situates Islamic feminism vis-à-vis Western liberal thought, the secular/religious divide, and the colonial knowledge and racialization of Muslim women in the secular schemata. On the other hand, Sylvia Pritsche's article "Representation of difference and mediation. Threshold

positions of the Muslim girl and the German nation" focuses on the politics of representing Muslim women in the German national narratives and discourses, where they are not depicted as belonging to the German nation. For this author, the use of racism and the instrumentalization of head covering is the façade that hides the 'un-German' status of Muslim women. Touria Khannous' article, "Liberalism and religious reasoning: Cross-cultural interviews of Islamic feminists in Europe" uses cases of white males interviewing Muslim feminists in Europe to shed light on the discrepancy between the worldviews of the interviewers and interviewees and address the 'subordination' prejudice that characterizes the white male's style and questions.

On the other hand, Malika Hamidi's article "Feminists and Muslims in Europe: From subordinates to Muslim post-feminists" uses French-speaking Europe as a case to underline the increasing number of Muslim women that are securing a place for themselves within civil society as emancipated subjects. Finally, Zaheera Jinnah's article "Islamic agency in diaspora: Somali women as migrants and Muslim in South Africa" uses the case study of Somali migrant women in Johannesburg to show how these migrant women navigate between Islam and feminism to accede sexual and reproductive health services, amidst a constrictive legal and policy environment in South Africa.

Taken together, the sixteen articles that constitute this volume center on Islamic feminism to locate gender and localize engagements locally, regionally, and transnationally. These critical contextualizations of Islamic 'feminisms' within various geographical settings do not only depict the viability of this branch of knowledge and its interactions with secular feminisms, but also its complexity and plurality. This is a remarkable evolution in the concept and its praxis. The rapprochement between Islamic and secular feminisms is reshaping religious and secular gender conceptions along with gender justice in various contexts, especially at the level of secular and theological knowledge production. It interrogates the main power structures, demands rights and recognition and takes over social space in the religious and non-religious spheres. Islam in these attempts is experienced and practiced as a source of emancipation, lived equality, freedom, and/or resistance. In other words, Islamic feminists seek to transform the notions and semantics of women's rights across ideologies. However, whether Islamic feminism as a branch of knowledge has succeeded to carve a place for itself in universal feminism remains an open question for future research.

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PART I

POLITICAL ISLAM AND THE CONTEXTUALIZING
OF ISLAMIC FEMINISM

FEMINIST DISCOURSES IN MOROCCO:
SECULARISM, ISLAMISM, ACTIVISM

MOHA ENNAJI

Abstract: This article contextualizes secular and religious debates over the feminist movement and the status of women in Morocco and their challenges in relation to the contemporary political history of the country. As an attempt to find a balance between the perspectives of the more conservative Islamic feminists and progressive women's groups, the new Family Code was established and significantly improved the legal status of women. To fully understand the significance of Moroccan feminism, it is essential to relate it to the rise of Islamism in the region and the role of women's organizations in the struggle against gender discrimination. The article shows that while Islamic women's associations work within the framework of Islam and aim for the Islamization of the country, secular women's organizations struggle for a liberal societal project, reaching out to Islamic organizations and at times using their discourse to reach the masses. The two trends basically address the same issues in different packagings.

Keywords: Secularism, Islamism, activism, Morocco, women's movement, social movement.

INTRODUCTION

This article considers the impact of secularism and Islamism on feminist discourses and activism in Morocco. It shows the positive role that Moroccan feminist organizations and the feminist discourses that transpire from them, secular and Islamic, have been playing in the struggle for legal rights and social change. It also shows that women's gains are irrevocable and that the future of the country is significantly linked to the fate of women's movements and women's emancipation from oppression (Mullings 1996, Hill Collins 2008, Inhorn 2015). According to the Constitution, amended in 2011, Morocco follows the Maliki School of Islamic jurisprudence and Sunni Sufism. Article 19 guarantees women's rights and political participation. The king is Commander of the Faithful and one of his duties is to arbiter the various discourses that

Moha Ennaji has published extensively on linguistics, gender issues, and migration in North Africa. His most recent books include *Muslim Moroccan Migrants in Europe* (Palgrave) and *Multiculturalism, Cultural Identity, and Education in Morocco* (Springer). He has also edited several books the most recent of which are *Multiculturalism and Democracy in North Africa* (Routledge); *Minorities, Women, and the State in North Africa* (Red Sea Press); and *Moroccan Feminisms* (Africa World Press).

shape the religious discourse on women. Morocco's moderate Islam is supportive of women's rights, as we shall discuss in the body of this article.

Conceptually, the terms 'feminism' - advocacy for women's rights - and 'feminist' - a person who defends women's rights - are complex and can have several meanings. I will use them to describe both the militant movement for the improvement and extension of the role and rights of women in society and "the ideas which advocate the emancipation of women" (Offen 1987). Likewise, a distinction needs to be made between the notions of 'secular,' 'Islamist,' and 'Islamic.' The term 'secular' describes a person or a system that is not subject to the rule of a religious order. It belongs to the secular world and not to the Mosque or the Church; it also signifies the separation of the state from the Mosque or the Church. The word 'Islamist' refers to an orthodox Muslim person or entity committed to the values of Islam and eager to impose the traditional dogmatic conventional principles of Islam which date back to the seventh century. The term 'Islamic' refers to a person or entity that adopts a re-reading of Islamic texts in the light of modern times and attempts to make Islam compatible with the Universal Declaration of Human Rights and with the values of democracy, freedom, justice, and equality. Islamic feminists like Amina Wadud, Fatima Mernissi, and Asma Lamrabet have called for *Ijtihad,* that is, a reinterpretation of the Qur'an and the Hadith (the words and deeds of Prophet Muhammad) taking into account the new needs and concerns of women in the modern world (Sadiqi 2003, Abdellatif and Ottaway 2007, Gray and Sonneveld 2018). Islamic feminism is considered by some of its advocates as a 'third way' between secular liberal feminism and conservative 'Islamist' feminism.

Most of the Islamist and conservative scholars put forward the idea that Islam gives women rights. Reformist Muslim scholars and activists assume that it is possible to be both pro-faith and pro-feminism (Mir-Hosseini 2006, Gray and Boumlik 2018). Some secular scholars and activists challenge the concept of Islamic feminism because they view feminists as de facto secularists who consider religion an obstacle to women's freedom and empowerment (Abou-Bakr 2001, Abdellatif and Ottaway 2007, Hatem 2002).

While the distinction between 'secular' and 'Islamic' feminisms makes sense, it remains evasive and complex because secularism in Morocco is bound to involve some aspects of religion given that the latter is embedded in the state, as well as in everyday practices and languages. Although it is theoretically possible to differentiate between these two categories, the distinction does not have much traction in Morocco, because Islam is part and parcel of Moroccan cultural patterns and traditions. Yet, one could attempt to make such a distinction for descriptive

and analytical purposes. For practical purposes, the vast majority of women who are involved in public conversations on the topic are Muslim. Most of the debates are among different tendencies of Muslim women, some of whom being more conservative than others. Without insinuating any value judgment, the issue is not whether women should or should not be secular, or whether it is important to have secular voices, it is simply where the current debate between liberal progressive women and conservative women in Morocco is leading the women's cause.

The questions to ask are: What is Islamic feminism? How does it differ from other types of feminism? These interrogations can best be answered by observing the subtleties of Islamic feminism and its impending role in a Muslim community. It is challenging to classify the evolving feminist expressions in Islam into well-ordered groupings and to attempt to generate a characterization that mirrors the multiplicity of attitudes, practices, and perspectives of Islamic feminists. By and large, they all struggle for social justice, gender equality, and women's empowerment; but, they are not on the same page as to what 'justice,' 'equality,' and 'empowerment' entail or the most efficient strategies to achieve them. According to Mir-Hosseini (2006), to apprehend the Islamic feminist movement which is still nascent, one may examine the parties which oppose it and against which it has been obliged to fight. Globally, challengers of the feminist movement in Muslim communities fall into three general types: Muslim conservatives, Muslim fundamentalists, and secular fanatics. Muslim conservatives battle any reforms, principles, or laws which they consider to be everlastingly binding ways endorsed by an assumed 'static' Shari'a. Muslim fundamentalists aim to alter existing practices and behaviors by a return to the traditional, assumed 'correct' form of Islamic law. As for secular fanatics, who are often as radical as Muslim fundamentalists, they de facto disapprove that any Islamic law or social conduct can be impartial or equal. Despite their adherence to very dissimilar philosophies and intellectual backgrounds and pursuing very disparate plans, all these adversaries of the feminist movement in Muslim communities have one thing in common: an essentialist and superficial understanding of Muslim religion and Islamic law. They do not admit that norms and rules about gender in Islam are socially constructed and consequently generally changing over time, thus subject to compromise. They attack understandings of the Islamic law that view it like an ordinary structure of law and mask their opposition by adding more confusion and distortion.

While being selective in their opinions and strategies, the three types of challengers to Islamic 'feminisms' have recourse to the same forms of illogicality (Mir-Hosseini, Ibid); for example, they aim to clinch a discussion by citing Qur'anic verses or Hadith (Prophet Muhammad's sayings and deeds) generally taken out of context. Muslim conservatives and

Muslim fundamentalists follow this method in order to curb any expressions and 'misuse' of the power of the scriptures for totalitarian goals. Secular fanatics adopt the same strategy, but in the name of modernity and development while disregarding the historical circumstances in which the scriptures were created, as well as the presence of substitute scripts.

This article is based on a larger research project among women activists which I carried out between 2011 and 2018. The findings are derived from semi-structured interviews of women and feminist leaders in Morocco and from my previous research and readings. The ethnographic interviews were conducted with 49 women from Morocco, most of whom were aged between 25 and 69. The interviews were conducted in colloquial Arabic, French, English, or a mixture of French/English and Arabic, depending upon the principal language and first choice of the interviewees. intersectionality theory, which was first proposed by black feminist scholars to understand the interconnection of various forms of oppression faced by black women in America (Crenshaw et al 1996). Intersectionality theory covers the concurrent and intertwined types of oppression based on variables such as gender, race, class, age, ethnicity, religion, citizenship, or appearance. These regular types of oppression are assumed to crisscross individuals' lives, leading to complex impacts. For example, being a Muslim woman and being poor may correspond to overlapping types of oppression, which aggravate gender-based discrimination facing North African women in a male-dominated region (Sadiqi and Ennaji 2006).

In light of these characterizations of feminism, this article is designed into three sections: secular feminism, Islamic feminism, and a reading of the evolutions and shifts between the two paradigms in Morocco.

SECULAR ORGANIZATIONS AND DISCOURSE-MAKING

After the end of the French colonial period in 1956, a reactionary Family Law was established in 1957, which denied women many basic rights. Ever since, Moroccan secular feminism has been developing. However, when women had more access to education and the labor market, these basic rights became vital to their struggle. In such a context, women's rights have gradually become closely linked to democratization and political liberalization. The greatest success of the Moroccan secular feminist movement lies in the fact that it has brought a hitherto presumed 'holy' text (the Moudawana) to public debate. The movement's use of universal values and socially acceptable local strategies have succeeded in impacting the main political actors in the promulgation of substantial reforms that the Family Law enacted in 2004. The Moroccan feminist movement has managed to demystify the 'holiness' of Shari'a (presented as 'Islamic

law'), a fact that contributed to the democratization of the public sphere and the practice of human rights in daily life (Sadiqi and Ennaji Ibid).

The sociopolitical context in which the struggle to amend the Family Law was controversial with strong opposition, stemming from the organizing efforts of Islamist associations and factions. Before this enactment, the conformist mentality and institutional environment were unfavorable to lobbying for women's legal rights and progressive legal reform. However, secular women's NGOs managed to draw the attention of decision-makers and civil society to the urgency of the reform. At the outset, liberal feminists used only secular arguments to advocate women's rights, but later on, under the pressure of Islamists, they combined their demands for reform based on universal human rights with Islamic arguments. Their struggle highlights the extent of their determination and their capacity to mobilize the masses, both of which eventually bore fruit and brought the reform of the Moudawana. To historicize the genesis of the reform, a contextualization of the events that led to it is in order.

The first Moudawana (1957-58) was called the 'Personal Status Code.'[1] It was drafted by an all-male committee of religious scholars and thus was strongly based on Islamic law. It was a patriarchal Code, with the husband being described as the head of the family, and the wife a dependent minor under the male responsibility. Women were treated more like men's property than independent individuals. A woman, no matter how old she might be, was under the guardianship of her father until she got married, and then she fell under her husband's authority. A wife could be repudiated or divorced by the husband without any justification, and without providing any compensation for herself and her children. It was enough for the husband to disavow her verbally. She could ask for divorce only under special and restricted circumstances, such as being abandoned without any financial support for a long period by the husband or only if she paid her husband material compensation (Ennaji 2012).

Since the early 1960s, secular women's NGOs have been fighting for reforming this Family Code to guarantee equal rights for men and women. Two major secular feminist leaders, Latifa Jbabdi and Zhor Rhiwi, have led and impacted women's rights NGOs, such as the 'Association Démocratique des Femmes' (ADFM), and the 'Union de l'Action Féminine' (UAF), and their allies campaigned to reform the assumed excessive laws and ensure equal rights for women under the Family Code, thus giving momentum to the Moudawana reform movement (Ennaji 2010).

One of the most significant strategies and forms of activism at the time was the campaign of 'One Million Signatures To Reform the Mou-

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[1] Work on the Code started in November 1957 and the law became official in February 1958.

dawana'. This campaign, which was national and massive, was initiated by UAF in 1992, through its newspaper called '*8 Mars.*' The campaign was a spectacular victory and gained huge public support in and outside the country. Subsequently, the late King Hassan II ordered that a reformed Code be drafted in consultation with some women's groups. The reform, which was enacted in 1993, included a few changes deemed beneficial for women. For example, women were then allowed to designate the guardian or tutor who would approve of their marriage, fathers were no longer allowed to compel their daughters into marriage, and polygamy became slightly restricted and subject to the agreement of the first wife (Ennaji and Sadiqi 2012).

In the face of Islamist contestations against the campaign, women's NGOs continued to lobby the government by raising awareness about women's rights, gender-based discrimination, and domestic violence. They continued to strategize and campaign for broader legislative changes and altered their communication capacities to integrate a human rights agenda and democratization arguments together with the necessity to re-interpret Islamic laws (Pittman and Naciri 2010).

Advocacy campaigns intensified under the socialist-led government, and after a heated debate with Islamist groups, a new Moudawana was passed in 2004. Unlike the previous reform, the new Moudawana advanced women's rights and eliminated many discriminatory provisions. The minimum age for women to marry was raised from 15 to 18, the same as for men; women no longer needed to obtain permission from a guardian before marrying; men were forbidden from unilaterally divorcing their wives; women were given the right to file for divorce and restrictions were imposed on polygamy, such as the approval of both the first wife and the second would-be wife, along with required approval of a judge.

Feminist activists were also aware of the fact that for the new Family Law to be effectively implemented, two mechanisms were to be put in place: men and women needed to become sensitive to the significant changes achieved, and judges needed to leave prejudice aside and join in the implementation of the new law. Public debate on the Moroccan family's private issues helped the Moroccan society to be prepared for the challenge facing the country's feminist movement, particularly the rise of radical Islamism and the role of religion in an ever more secular public space within a context in which women were acquiring new public visibility.

It is important to understand that predating the 2004 Moudawana, an Islamist counterattack intensified from 1999 to 2000, increasingly charging secular activists and their allies with being anti-Islam and 'sold to the West'. Consequently, secular women's NGOs faced a strong countermovement that clearly diverged from their secular progressive aims. Tra-

ditionalists and Islamist political factions began to deploy religion to "sturdily refute the secular women's struggle for gender equity."[2] Fanatic religious scholars claimed that any Moudawana reform would oppose Islam. Instead, they insisted that there should be more respect for Islam and its customs. Likewise, political Islam proponents characterized the reforms advocated by secular NGOs as part of a Western conspiracy with the purpose to demolish Muslim values and family structure. Islamic progressive feminists engaged in a debate with Islamists and secularists to discuss the compatibility of Islam with women's rights, and to propose middle solutions that can be accepted by public opinion and by the masses, as I will argue in the following section.

ISLAMIC FEMINISM

Characterizing Islamic feminism in Morocco needs a historicization of the relationship between the state, Islam, and women's public voices. In retrospect, Muslim Moroccan women, who developed a feminist awareness in the 1960s and who fought for equal rights, conformed to nationalist priorities and adopted the secularist, modernist, yet despotic plan of the newly independent state. Mir-Hosseini (2006) has argued that since the mid-twentieth century, the borderline between Islam and feminism "was not so clearly marked and women often tried to change traditional laws by invoking and relying on Islam's sacred texts."[3] Nonetheless, women were viewed as symbols of the cultural heritage and identity of the nation and transferors of the religious tradition and Moroccan way of life. This entailed that any opposition on their part could be interpreted as a form of disloyalty or could be muzzled. For the modernizing secularists, Islamic law was the epitome of a retrograde system had to be precluded or reformed for the sake of progress and development. For many nationalists, feminism was a colonialist political agenda that had to be repelled. In the meantime, the autocratic Muslim modernist elite offered a new legal dynamism to the gender discriminations recommended by conservative Islamic jurists. As a result, Moroccan Muslim women faced a hurting dilemma, as they were squeezed between the devil of the nationalists and the deep sea of the modernist despots (Ahmed 1984). Likewise, they had to choose between their Muslim authenticity and their new gender consciousness. Yet, by the end of the twentieth century, this impasse drew to a close due mainly to the impact of the Iranian revolution and the rise of

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[2] For comparison's sake see similar situations of women's movements and counter-movements in the Middle East, as tackled by Claudia Derichs (2014) and Shröter (2014), for example.

[3] On Morocco, see Sadiqi (2016), and on Egypt see Badran (1995) and Ahmed (1984).

Islamism in North Africa and the Middle East. One ignored and puzzling outcome of the upsurge of political Islam was that it facilitated the opening of a space in which Muslim women could attune their religion and identity with a fight for their rights.

This debate occurred even though the Islamists did not provide a fair and democratic agenda of gender affairs. On the opposite, their sociopolitical program was based on the need to return to Shari'a, and their endeavor to render into policy the patriarchal gender ideas intrinsic to Islamic law incited countless women to swelling condemnation of these views and impelled them to advocate more activism. Many women realized that there existed no in-built or reasonable relation between Islamic ethics and patriarchy, no inconsistency between Islam and feminism, and decided to rid themselves of the chains of past nationalist and anticolonial narratives. Using the discourse of Islamists, some Islamic feminists had the opportunity to challenge gender discriminations in Shari'a in ways that were until then unimaginable.

By the early 1990s, there were strong signals of the development of a new cognizance, a new way of discerning, a gender narrative which is feminist in its ambition and demands, "yet Islamic in its language and sources of legitimacy" (Mir-Hosseini Ibid). This is how Islamic feminism came to be. Islamic feminists seek to incorporate a gender-egalitarian discourse within society. Nevertheless, the bulk of Islamists, as well as many liberal secular feminists, view the concept of Islamic feminism as a contradiction in terms, as in their opinion, it opposes their respective attitudes or beliefs. As a consequence, they ended up having an essentialist position, thus emphasizing dissimilarity and reproducing "a crude version of the Orientalist narrative of Islam" (Mir-Hosseini Ibid, Moghissi 1999).[4]

These views are in opposition to political Islam. In Morocco, the contemporary Islamist movement is often referred to as a conservative and patriarchal force. It regularly clashes with the Islamic reformist feminists, as well as with the liberal secular feminists. The latter organizations are perceived by large parts of Muslim fundamentalists or Islamists as representing a foreign 'feminist' approach, which threatens local culture, values, and religion, as mentioned above. The Islamist women's movement, which was particularly dynamic before the Arab Spring, has lately started

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[4] In Morocco, the Islamist movement includes groups which recognize monarchy as legitimate and operate within the political system, such as the Justice and Development Party - PJD, and others which oppose the regime and operate outside of it, such as the Justice and Charity Association. These two currents do not share the same political strategies. While the latter is an opposition movement which struggles for the transformation of Morocco from below and make it an Islamic state, the former seeks to make a change within the system and is officially accepted as it endorses the state's political authority.

to lose its appeal, in the sense that it was co-opted or used by the wider Islamist movement, given that the two Islamist-led post-Arab Spring governments have not championed women's rights or other related major reforms. Despite the reduced popularity of the Islamist feminist movement after Islamists took power, Islamist women's rights activists still enjoy broad local popularity as they appeal to the masses and to the religious sections of the population. Their activism also challenges existing conservative and fundamentalist groups in new ways and in so doing partakes in the national debate on women's rights and in the endeavors to improve women's living conditions in society (Pruzan-Jørgensen 2010).

While the Islamist feminist movement is heterogeneous and encompasses a wide range of organizations and individuals, it displays two trends. The first trend is related to the Muslim fundamentalist Movement of Reform and Unity (MUR), or *Harakat al-Islah wa-at-Tawhid,* and the second trend is represented by the moderate Party of Justice and Development (PJD), called *Hizb al-Adala wa-al-Tanmia.* The latter is ideologically related to the Justice and Charity Association (*Jama'at al-Adl wal-Ihsan*).[5]

Both groups advocate gender equality and social justice within an Islamic framework and allow women opportunities for political participation and leadership in politics. However, these non-liberal Islamic activists claim that there is a complementarity between men and women and between rights and obligations. Women have the right to be provided for by their fathers or husbands, but they are also obliged to obey them and to take care of their families and children. Liberal Islamic feminists claim that complementarity involves only the private sphere and that, even there, domestic tasks should be shared by husbands and wives (Ouguir 2020). Moreover, many of the non-liberal Islamist activists argue that they center on the 'real' issues of Moroccan women, such as poverty and illiteracy, while accusing secular women's rights activists of addressing 'fake' problems. For instance, during the struggle for the Moudawana reform, conservative activists belonging to the Organization for the Renewal of Women's Awareness, ORWA (*Munaddamat Tajdid al-Wa'i al-Nisa'i*), rejected liberal demands for the eradication of polygamy on the grounds that it was an uncommon practice in Moroccan society.[6]

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[5] In Morocco, the Islamic movement includes groups which recognize monarchy as legitimate and operate within the political system, such as the PJD, and others which oppose the regime and operate outside of it, such as the Justice and Charity association. These two currents do not share the same political strategies. While Justice and Charity is an opposition movement which struggles for the transformation of Morocco from below into an Islamic state, the PJD seeks to make a change within the system and is officially accepted as it endorses the state's political authority.

[6] Around 700 men are recorded to be polygamous in the whole country (Yafout 2016 and Ennaji 2015).

ORWA, presided by the ex-Minister of Women, Family, and Solidarity, Bassima al-Haqqaoui, became popular during the hot debate on the Moroccan Family Code, the period between 2000 and 2004, by their strong disagreement with a number of amendments proposed by the progressive socialist government of that period.[7] They opposed these demands because they believed them to be in incongruity with Shari'a and with Moroccan cultural structures. Nevertheless, they were 'obliged' to accept the reform proposed by the royal commission in 2004. This reform, which substantially improved the status of women, was approved by moderate Islamist groups, because they claimed that it was different from the initial proposal of the socialists, as it was partially based on Islamic law.

Islamist activists today disagree with claims by Islamic feminists and liberal secular forces to revise the Moudawana again in order to change the inheritance laws by stressing that this is a false problem, because many women, especially in rural areas, do not even receive their share of inheritance already guaranteed by the Islamic law. In fact, they prefer to focus, not on the situation of women, but the problems of the family and society as a whole. They argue that it is more urgent to address issues of corruption, unemployment, and poverty which are the real causes of women's suffering. They adopt an approach based on reconciliation, rather than addressing solely the rights of the individual woman, because for them, preservation of the marriage structure and family unity need to be prioritized.

Two Moroccan Islamic feminists have been impactful on the feminist movement in Morocco, namely Fatima Mernissi and Asma Lamrabet. For Mernissi (1991), an eminent sociologist who published extensively on gender relations examined the impact of broader societal changes on women, the first step towards gender equality and social justice is the achievement of individual autonomy through education and work outside the home. She argues that sacred texts have been used as a political weapon to treat women as minors (Ennaji 2020). Asma Lamrabet, a disciple of Mernissi, has several publications on women in Islam. She is a women's rights advocate and a public figure. She is a proponent of moderate progressive Islam. She questions traditional Islamic thought and addresses practical current issues like divorce, polygamy, and the veil.

Lamrabet was head of the Research Group on Women within the Rabita Mohammedia of the Ulema, an official center dependent on the Ministry of Religious Affairs, until she was forced to resign from this posi-

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[7] In addition to ORWA, numerous local women's associations are part of the Islamist women's network referred to as al-Zahraa, which is formally dependent on the MUR. Most of these associations focus on women and problems facing youth and society in general.

tion as a consequence of a disagreement with her male colleagues on the need to reform inheritance laws. On her website, she explains how to be a Muslim and a feminist, and that Islamic feminism, as a third way between secular and Islamist feminisms, is perhaps the best way to go:

> This third way is a movement of women from different backgrounds and experiences, cultures and spiritualities who dare to question the concept of the religious patriarch. These women are reclaiming their right to reinterpret fundamental religious texts and condemn sexism and discrimination in some religious interpretations.[8]

In her 2018 book, lamrabet argues that it is the human interpretations of the scriptures that devalue women, while the sacred text (the Qur'an) reveals clear empowerment of women and equality of all believers, be they, women or men.

By both reinterpreting Islamic sacred texts and taking into account their historical context, Islamic feminist academics attest that the gender disparities rooted in *Fiqh* are neither sacred nor divine, but socially constructed. They argue that these imbalanced social constructions contest the core of divine justice as shown in the Qur'an and how Islamic texts have been stained by out-of-date ideologies (Mir-Hosseini 2003). For example, they argue that men's autarchic rights to divorce (*Talaq*) and polygamy were not allowed to them by God but by Muslim male conservative jurists. Most of these Islamic feminist intellectuals have devoted their time to the domain of Qur'anic rereading (*Tafsir*) and have effectively disclosed the Qur'an's democratic spirit. They also reveal that gender discrimination in Islamic law can be traced back to the traditional cultural customs of early Muslim societies.

While the principles of Islam plea for equality, social justice, and freedom, old traditions and social patterns in the initial years of Islamic law obstructed their implementation. These old rules were integrated into Islamic legal structures with the help of a number of dogmatic, legal, and social notions grounded in such underlying assumptions as women are created for the happiness of men; women are second-rate to men; women should be sheltered; men are custodians and defenders of women; male and female genders diverge; and female sexuality is a threat to the establishment. These pre-assumptions and notions have impacted the laws concerning marriage and divorce, by which gender disparities are main-

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[8] See http://www.asma-lamrabet.com/articles/asma-lamrabet-explains-how-to-be-muslim-and-feminist/ (accessed on Nov. 6, 2020).

tained in modern Muslim-majority societies. I have discussed above that the reform of the Moudawana in 2004 used these legal arguments to prove that Islamic jurisprudence must not be based on outdated legal assumptions, which contradict the Qur'an's core values of equality, *Ijtihad*, justice, and freedom (Ennaji 2018, Mir-Hosseini Ibid).

CONCLUSION

The question to be raised at this juncture is: Can Islamic law and feminism cohabit? If yes, in what way, and by what methods and tools? The multiplicity and diversity of feminist movements in Morocco are part and parcel of a larger scholarly and ideological debate among Muslims over two conflicting interpretations of their religion and two means of connecting to its texts. The first one is an orthodox legalist Islam, as constructed and delineated in old *Fiqh*, which is not open to modernity and does not address the needs and ambitions of the Muslim population. The second one is a multicultural and easy-going soft Islam that is open to the modern world and its values, including gender equality. The rise of different Moroccan Muslim women's voices since the early1980s was the beginning of a new phase in this dichotomy and struggle. By backing a kind of feminism that takes Islam as the foundation of its validity, these feminist activists are efficiently fighting against the power of patriarchal understandings of the Islamic law and the legality of the interpretations of those authoritarian males who exploit Islam to maintain power. This challenge is the outcome of the Islamists' call for returning to Islamic law and their efforts to implement antiquated jurisprudence on gender relations. This attitude has strongly motivated Islamic Feminism to impose a rereading of Islamic law, disclosing the inequalities rooted in existing *Fiqh*'s interpretations of this law, as assumptions made by male jurists rather than expressions of the divine power. As a result, Islamic feminists recommend going beyond anachronistic *Fiqh* codes in search of new interpretations and new solutions.

The subsequent question to ask is: can Islamic feminists come up with progressive interpretations of the sacred texts and *Fiqh* and develop a gender narrative that meets women's expectations and needs for justice and equality? My response to this query is yes, providing they have experts able to reread the sacred texts and challenge the legalist orthodox tradition, as Fatima Mernissi did in her publications, such as the *Veil and the Male Elite*. Or else, Muslim women will remain at the mercy of traditional male jurists and their patriarchal interpretations of Islamic sacred texts. In my opinion, secular feminists, Islamic, and Islamist feminists should join forces and engage in a serious dialogue and debate by encouraging women to study and reinterpret these texts from a feminist point of

view, and by paving the way for women's empowerment and political participation. Islamic Feminism may be instrumental as a way out of the tension between Islam and modernity, as it can play a constructive role in bringing together all feminists whatever their beliefs and convictions to fight for the improvement of the lot of women.

In Morocco, secular feminism has adopted Western feminist views while maintaining national and cultural identity. Its proponents think that, although feminism can be easily refuted in the name of ideological conservatism, it cannot be simply refuted in the name of cultural authenticity. Islamic feminists preach the empowerment of women within the precepts of Islam and emphasize the Islamic character of their feminist activities, which, according to them, is a guarantee to women's liberation. They also think that the state regulates public life, but religion regulates family life, as Islam has been used to shore up family-based patriarchal controls and prerogatives. By contrast, many radical secular feminists adhere to the view that Islam is incompatible with feminism. For them, women's liberation requires a thorough de-Islamization of all aspects of life. In fact, a number of radical secular scholars attribute the problems of contemporary Arab women to Islam (Tibi 2009, Sadiqi 2014).

While not rejecting the text, reconciliatory Islamic feminists adhere to the view that Islam as a culture is compatible with feminism. They, in a way, compromise the views of both the moderate Islamists and the radicals. As mentioned above, the Moroccan scholars Fatima Mernissi and Asma Lamrabet are good cases in point. In her new introduction to the second edition of her book, *Beyond the Veil* (1975), Fatima Mernissi argues that women's powerful presence in over 500 Arab satellite TV channels, including as news presenters, commanding show anchors, film and clip stars, supports her theory that Islam as a religion celebrates female power (Yafout 2016). For some Egyptian secular feminists like the scholar and activist Nawal al-Saadawi, Islam is not the only culturally legitimate framework of reference (El Saadawi 1997). She argues that present-day feminists from the Arab-Islamic world need to re-read their history, in order to understand their culture.

A natural consequence of these feminist discourses has been the expansion and development of polyvocal feminist activism through women's NGOs. These associations attest to the dynamism of the feminist movement in Morocco. Most associations, which struggle for secular feminism and civil rights, are mainly led by upper and middle-class women (Ennaji 2016). These middle-class feminists play a major role in the democratization process, and they fill a gap, as they are part of an elite that is struggling to keep a balance between secular and Islamist groups and to enhance women's legal rights and political participation (Moghadam 2012). Thanks to their resilience and struggle, Moroccan women have suc-

cessfully contributed to the reform of the Family Code, the penal Code, and the constitution, as well as consolidated women's participation in political power. However, the tendency is a convergence of both movements despite generational differences among feminists on either the secular or the Islamic sides.

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WOMEN, ISLAM, AND REFORM IN MOROCCO

SOUAD EDDOUADA

Abstract: The purpose of this article is to engage with Islamic feminism from the perspective of women land rights activists' stories on communal land grabbing, the Moroccan state, and urban feminists' narratives on women's rights. Building its analysis on recent scholarly critique of the rights framework (Grewal 2017, Abu Lughod 2013, Masad 2015, Shaikh, 2015), this article's focus is not on whether Islam is or is not compatible with women's rights, but on Islamic feminism as a discursive regime of truth about a women's friendly 'moderate Moroccan Islam. The overall objective of this article, then, is to show how general terms such as 'Muslim women's rights' abstract the population in question from the concrete socioeconomic circumstances of their lives, which are often characterized by precarity. This article explores the significant distance between the paradigms for Islam and feminism and the lived experiences of the sulalyyat land rights activists. It provides narratives from the sulalyyat themselves about their experiences with land grabbing.

Keywords: Islamic feminism, discursive regime, Morocco, land rights activism, state, land grabbing, sulalyyat, socioeconomic precarity.

INTRODUCTION

Over the last three decades or so, 'women's rights' has been a site of contestation and resistance. Islam and feminism have contributed to a polarization in the ideological representations of women in Muslim-majority and -minority societies. In Morocco, public and scholarly debates over what is labeled as 'women's rights' has been dominated by an overly simplistic secular-religious dichotomy. Under that dichotomy, representations of women and women's rights have tended to focus on cultural and religious paradigms, which often obscure the local and the concrete (Massad 2015) and privilege debates rooted in a subsuming language and in the general, abstract categories of either Islam or feminism.

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This article, therefore, seeks to suggest some directions that might lead us out of this frustrating binary.

In the early 2000, there was a surge in sulalyyat activism, as the sulalyyat (women land rights activists) contested land grabbing in rural Morocco. Since that groundswell, the main feminist NGOs (Non-Governmental Organizations) in the country have been organizing workshops and releasing statements during press conferences about women's unequal access to communal land, a policy that has been in place since early 2000. On the other hand, in 2010, the highest council of Muslim scholars released a fatwa (a formal ruling on questions of religious matters) in response to questions from the Ministry of Interior about sulalyyat rights that noted the right of the sulalyyat to access the benefits of the communal lands. Amidst this incongruous landscape, this article lays focus on the way human and women's rights rhetoric are deployed in a Muslim country as a strategy of co-optation, in which the movement contesting the commodification of communal lands is co-opted by NGOs. Rather than focusing on whether Islam is or is not compatible with women's rights—so often the terms of the debate—this article analyses Islamic feminism as a discursive regime that contributes to the construction of a women-friendly 'moderate Moroccan Islam.'

Indeed, the state itself has wrestled with the question of women's rights in the context of its institutionalization of Islam. The government think tank al-Rabita al-Mohamadia hosts a center for studies of women's rights, thereby providing a state-sponsored interpretation of women and Islam. In addition to pointing to the impact of state-based interpretations of women's rights for this context, this article also discusses the 2004 family code and the vision of Islam, feminism, and reform it put forward. This article provides the context of Islam, feminism and reform as put forward by the 2004 family code. Formulated from the perspective of an Islamic feminist state (Eddouada and Pipeccilli 2010), the reforms have played an important role in establishing the reputation of the country's highest authority, which is seen as being open and receptive to Islamic feminism. However, given the fact that Morocco's highest religious council has the exclusive power to release fatwas, this article focuses on the role of the fatwa alongside the feminist perspectives that provide a rather 'secular' approach. The overall objective of this article, then, is to show how general terms such as 'Muslim women's rights' abstract the population in question from the concrete socioeconomic circumstances of their lives, which are often characterized by precarity. To demonstrate this claim, this article has three main focal points. First, the recent state-sponsored gender-based reforms have built up a context in which Islam and feminism have become privileged narrative frameworks for women in Muslim majority countries such as Morocco. Second, this article explores the significant dis-

tance between the paradigms for Islam and feminism and the lived experiences of the sulalyyat land rights activists. Third, this article provides narratives from the sulalyyat themselves about their experiences with land grabbing.

<div align="center">PERSPECTIVE OF WOMEN'S RIGHTS NGOS</div>

Since the mid-1980s, which coincided with the beginning of the UN's women's rights decade, NGOs advocating for women's rights have been expanding the space of universal feminism in Morocco. Association Démocratique des Femmes du Maroc (ADFM) and L'Union de l'Action Féminine (UAF) were among the first NGOs involved in this effort, and they have each produced knowledge framed in the terms of the UN's language of women's rights. As Massad has put it: "NGOs also produce experts who can articulate the developmentalist issues in society in a Western academic and rights idiom that is fully in line with the reigning discourse" (Massad). The situation at the heart of this article is a case in point: the 'translation' of the sulalyyat's struggle against land dispossession into a rights idiom, in line with both the governmental and urban feminist narratives, illustrates the ways in which the abstract terms of 'gender equality' can use feminist 'rights' idioms as a moral support for neoliberal land reforms schemes (Eddouada 2021).

Sulalyyat have had to face the neoliberal policies underlying land grabbing. Their struggle, however, has been represented in terms of gender and development, when the land right activists' stories in fact show instances of displacement and loss of land for both men and women. Both the government and its religious institutions and the urban feminists insist that the sulalyyat's problem is the local patriarchy, as incarnated by customary laws and male family and community members. This article aims to look beyond the simplistic Islam and/or feminism dichotomy to engage comprehensively with some examples of the 'grassroots', who otherwise tend to be represented according to the terms set by a reformist secular feminist activism for gender equality, Islamic feminism, Muslim identity, development and modernization. The specific focus here is on the distance between the plight of land rights activists in the face of land expropriation and their representation in the ways just mentioned, which tend to center on women's rights, domestic violence, family disputes and cultural patriarchy. Media narratives stand out as the primary framing structures for the portrayal of the sulalyyat's struggle, emphasizing the issues of gender equality and economic empowerment in their quest for a decent livelihood for themselves and their families. In stark contrast, the statements and actions from the sulalyyat themselves offer examples of the importance of commons and undermine the Neoliberal individual

subject that is embedded in the media narratives that set the terms for their representation.

Women's land rights activism in Morocco emerged in early 2000, when an educated sulalyyat, Rkia Belot, paid a visit to the Association Démocratique des Femmes du Maroc (ADFM), a women's rights NGO in Rabat. The ADFM board's approval of Belot's grievance as a discrimination issue led to the beginning of a collaboration between the NGO and sulalyyat in Kénitra, as Rkia Belot was able to mobilize other women who had the same grievances: access to the land rights holders list so that they could benefit from the sale of the communal lands. The ADFM's actions—in terms of capacity building trainings, education on women's rights and protest language—implied that the sulalyyat's issues had to be the result of gender inequality and family disputes around land rights. Any story that disrupted this narrative line, especially if it would lead to a confrontation with power, was excluded (Eddouada 2021). Within a context of land grabbing and the expropriation of local people, women's rights nevertheless become the dominant culture and framework, providing a necessary moral support for the eradication of the commons and a full speed implementation of the neoliberal commodification of the communal land.

In 2010, the Ministry of Interior sent a question to the highest Council of Iftae about the nature of the Islamic argument in support of sulalyyat's access to shares in the collective land. The Committee of the Iftae institution within the Highest Scientific Council (The Highest Scientific Council is a Moroccan governmental religious institution presided over by the monarch and includes forty seven male and female religious scholars). This institution has the exclusive authority to release religious opinions called in Arabic 'fatwas,' hence the name iftae) then examined the topic in order to offer its opinion from the perspective of Shari'a. According to that same institution, Shari'a honored human beings and determined the material and moral rights for either men or women. The Council's statement mentioned the Ministry's letter questioning the status of the sulalyya woman within her ethnic community and, specifically, the denial to women of the benefits that men have access to in terms of material or real cost revenues generated from real estate transactions on the communal lands. After that, top officials for this sector clarified that the issue only had to do with knowledge of the extent of women's right to access revenues under Shari'a. The Council concluded that Shari'a does not exclude women from benefiting from what men benefit from within ethnic communal groups. The Council's evidence from Shari'a texts was a verse from Chapter 4 in the Qur'an called "Women, Surat Anisae/32": "For men is a share of what they have earned, and for women is a share of what they have earned." Translating earning as economic rights, the Council's fatwa provided an Islamic legal foundation for what the fatwa calls 'benefits.'

The Council went on to quote the second most important Muslim reference, the prophet of Islam: "Women are the sisters of men." Similarly, according to the Council, Aisha the prophet's wife was among the first who stood against deprivation of girls from donations and gifts from their fathers. She saw exclusion of women from gifts as an act of 'Jahiliya' (Ignorance/pre-Islamic era).

The Council's interpretation was thus that, except for specifically identified cases, the general Shari'a rule is the same for both men and women. The Council's fatwa, therefore, states that when Muslim societies started depriving women of gifts, those societies deviated from Shari'a in terms of achieving the justice stipulated by its ruling.

According to the Council's fatwa, the customary law granting men access to the land benefits was based on the assumption that men are the source of protection and care for the tribe. The fatwa goes on to state that men's protection of the community is their excuse for having exclusive access to land benefits. Addressing the question from the Ministry of Interior, the fatwa provides the religious Council's Islamic views about women's rights to real estate:

> Even if it may have been true and acceptable, these excuses are no longer a lived reality that can be used as a reference. This custom disappeared, since the state with its laws and institutions, is now the protector of the tribe and the clan and the sponsor of its affairs and other components of Moroccan society in both rural and urban parts. It is known that decisions built on a custom change when the custom changes, in accordance with what Muslim scholars decreed. Shari'a stipulates that financial rights are to be granted to both men and women, as is the case for an inheritance or gift, which applies to the inclusion of women as beneficiaries of financial returns in cases of real estate transactions of the communal lands.[1]

Here, the fatwa understands 'collective lands' in the same terms as 'father's gifts', which should go to both men and women. However, the fatwa replaces 'land' with 'financial gains from real estate transactions.' Instead of common land ownership, the fatwa deploys the term 'beneficiaries.' Supporting the commodification of communal land, the fatwa corroborates the government's corporate stand while using the Muslim ethics of equal shares as its moral support. Moreover, the fatwa ties redistribution of wealth and changes in customary law to the advent of the state's power. Since the state and its institutions are the protectors, men lose the status of protector and are therefore placed on equal status with

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[1] See Scientific ouncil's statement: https://www.maghress.com/oujdia/7332.

women. Thus, the fatwa brings a Shari'a response and, at the same time, institutionalizes a new moral order. The state's laws and policies are sources of protection and wealth; patriarchal authority is removed from community auspices and granted to the state and its institutions instead. The fatwa provides the moral support for a course of change characterized by private ownership and the centralization of power in the hands of the state. In this way, the fatwa overtly introduces the unilateral power of the state to pass laws and make decisions about policies, without consulting with the ethnic community, including policies regarding the sale of their communal lands. That fact became even clearer with the passage of the new 62/ law.

Not only did the fatwa provide Islamic moral support for the centralization of state power, but it also aligned itself with the 2004 family code reform, thereby corroborating the official narrative line about Islam in Morocco and its capacity to include women's rights. Perceived to be a 'revolutionary' reform and a huge success for feminist activism, the family law's codification of the family as a partnership between two Muslim citizens institutionalized the foundations of a state feminism that has been framing the 'women's rights narrative' since early 2004. In line with that narrative, various parties have continued to stipulate that the Moroccan state is feminist since its 2011 Constitution inscribes parity in its Article 19 and because the state passed a series of egalitarian laws, including family and citizenship laws.

Indeed, since the emergence of the 'woman question' in public debate in the 1990s, claims for *Ijtihad,* or the authority to interpret religious texts, have been expanding rapidly. For example, King Mohamed VI used such a claim to religious authority as one of his main legitimating devices for the drastic changes he brought to the family code. That move also had the effect of opening up the interpretation of religious law to areas outside of its usual framework, based on the following principles:

- marriage is a partnership between equal Muslim citizens
- respect for women's will and dignity
- restriction of polygamy
- divorce (s*hiqaq*) regulation and guarantee of rights
- management of acquired assets (property acquired after marriage)
- protection of child rights; in the event of divorce, children can choose at age of 15 which parent to stay with
- minimum age of 18 years at marriage for both sexes
- paternity of children born during engagement (betrothal)
- Equality in marriage: invoking Qur'anic verses and Hadith:

> - "If you fear that a couple may break up (*shiqaq*) appoint one arbiter from his family and one from hers. Then the couple want to put things right, God will bring about a reconciliation between them: He is all knowing, All aware.
> - "Women are equal to men before the law."
> - "Only an honorable man will esteem them (women); and only an ignoble man will humble them."
> - "Each of you are pastor and responsible [...] and the woman is pastor and responsible in her home."

The 2004 family code, also known as the Moudawana, placed the family under the joint responsibility of both spouses and redefined marriage as a partnership between two equal Muslim citizens. That newly created space for citizenship had been initiated, at least in part, by Moroccan feminists who were making claims for women's rights on the basis of the international commitment the Moroccan state had made to development, human rights, and economic liberalism. In this vein, and largely in response to feminist activists' demand for individual rights for Moroccan women, the new code offered an option under which spouses could agree to a prenuptial agreement regarding contractual property that was a separate document from the marriage contract. This part of the family law is subject to civil law not the Shari'a law. This option, spelled out in Article 49 of the code, thus introduces "contract making culture" to the family law:

> Each of the two spouses has an estate separate from the other. However, the two spouses may, under the framework of the management of assets to be acquired during the marriage, agree on their investment and distribution. This agreement is indicated in a written document separate from the marriage contract. The *Adouls* (public notaries) inform the two parties of these provisions at the time of the marriage. In the absence of such an agreement, recourse is made to general standards of evidence, while taking into consideration the work of each spouse, the efforts made as well as the responsibilities assumed in the development of the family assets.[2]

Combining Muslim ethics related to the family with contract language constitutes one of the paradoxes of the reform, as it sought to combine Muslim family and individual liberal values. The liberal subject as represented in the 2004 family code delineates the limit of the compatibility be-

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[2] Global Right: https://mrawomen.ma/wp-content/uploads/doc/Moudawana-English_Translation.pdf.

tween, on the one hand, the text's assumption of women as a modern, contract-making, detached autonomous citizens with a salary in a formal economy and, on the other hand, the everyday life circumstances of women and men involved in court disputes over divorce and alimony cases. In a recent interview conducted with a modern female judge, the judge shows that she often has to accept applications for polygamy since the women themselves come to court not only to give their approval for a polygamous situation, but to argue that a polygamous situation is better than divorce for socioeconomic reasons. Indicating an obvious tension with the liberal subject as constructed by the 2004 family code, the judge argued that the family code's textual intention is often challenged by socioeconomic circumstances in which marriage is still constructed in terms of a sale contract. This follows Talal Asad's critique of the liberal subject:

> The self-owning individual is a famous liberal idea, and although there are some limits to what one may do to oneself there is greater latitude in relation to one's material property. The ownership of property doesn't only establish immunity in relation to all those who don't own it. It also secures one's right to do with it what one wishes—so long as no damage is done to the rights of others. The right to choose how to dispose of what one owns is integral to the liberal subject—and the subject's body, affections, *and speech* are regarded as personal property (Asad 2007).

The presumed self-owning individual is firmly embedded in the 2004 family code and, more particularly, in Article 49. Under the code, this imagined subject is free to work, spend, and purchase whatever she chooses and is guaranteed the right to protect her property legally. Yet, this vision in fact raises the question of the relevance of this singular meaning of equality, premised on conditions such as free choice, individualism, autonomy, and access to education, state institutions, and the formal economy: How do those presumptions endorse or reduce the importance of the egalitarian intentions of the 2004 family code? Indeed, abstract language—including that used in the code --often suppresses concrete lived experiences while giving preference to top-down, elite categories—a point that makes clear the necessity of revisiting the rhetoric of feminism and further stresses the importance of foregrounding local women's grassroots collective action that has been shaped by concrete life experience.

A CRITIQUE OF LIBERAL FEMINISM

The gap between the urban feminist organizations that conform to the vision of equality as envisioned by the 2004 family code and the particular

struggles of the sulalyyat, which resist the frameworks established by the code is illustrated by Sofie Bessis and Souhayr Belhassan's following description of Moroccan feminists:

> L'arabe qu'elles parlent semble une langue étrangère au peuple féminin des cites ouvrières. Elles emploient les mêmes mots, mais qui n'ont pas le même sens, et font appel a des concepts inconnus des cultures populaires'' (Bessis and Belhassan 1992, 264).

(The Arabic they speak seems a foreign language to the women in factories. They deploy the same words, but the words do not have the same meaning and invoke unknown concepts to popular cultures).

This gap among women undergoing and resisting multiple forms of discrimination, and women who speak in the name of their 'oppression,' can be illustrated by various instances of incommensurabilities between women land rights activists and their militant feminist representations that this article will address.

In a brief description of militant feminism, the Moroccan sociologist Rahma Bourqia points out that militant feminism's *raison d'être* is to struggle against sexism in the pre-2004 family code period, where women are reduced to a uniform subordinate status. In this text, the 'model' of man and woman are edified; their relationships are fixed in a judicial framework insensitive to social evolutions and the emergence of women's socio-economic agency. From this perspective, feminism gains its legitimacy from the existence of the law (Bourqia 1996). Nevertheless, this long engagement with family code reform forces feminists' involvement with the legal discourse on women, which induces feminists to reduce the diversity of women's conditions. By arguing for the rights of the Moroccan women, feminists replicate this reductionist view of a homogenized woman and, therefore, neglect disparities among women from rural and urban areas, as well as from different classes.

While the family code subjects all women to the same legal regulations, women are differentially exposed to its impact. As Bourqia contends, 'intention' and women's consent to oppression are both culturally and socially constructed categories, and the feminist stand becomes problematic because it bases its existence on injured oppressed selves in need of saving (Abu Lughod 2013).

Because it operates in sites where the struggle for power occurs, militant feminism is limited by the impact of a few feminist activists who gain power. For Bourqia, militant feminism, even if it represents a voice of contestation, is usually pulled into the realm of power quickly, either because it denounces one power in order to establish another one, or because it is

founded according to the same conceptual categories of a socially 'masculinized' discourse, where women and men are defined according to a set of binaries. By building on these binaries, political feminism claims for the woman what the man has, i.e., a new identity constructed on the patriarchal model. The paradox for this type of feminism is that it is patriarchal. It claims for women a status within identification but not difference. Bourqia (Ibid) further points out that despite its limitations, this feminism has contributed to the visibility of the gender question.

In the same vein, Mackinnon (1998) argues that the debate over sameness and difference among the genders obscures the fact that the debate nevertheless maintains a male model as its reference. In discussions of both sameness and difference, women are determined in relation to the male, who is assumed to be the standard and the norm. So 'equality' would mean some correspondence to the standard, and difference would be the negation of this correspondence, both of which maintain the preexistence of a model.

To define the reality of sex as difference and the warrant of equality as sameness is wrong on both counts. Sex, in nature, is not bipolarity, it is a continuum. In society it is made into a bipolarity. Once this is done, to require that one be the same as those who set the standard - those which one is already socially defined as different from- simply means that sex equality is conceptually designed never to be achieved. Those who most need equal treatment will be the least similar, socially, to those whose situations set the standard as against which one's entitlement to be equally treated is measured (Mackinnon, Ibid).

BACK TO THE SULALYYAT QUESTION

Similarly, the way the sulaliyat articulate their stories puts the terms of their protest in sharp contrast with the 'equality as sameness' advocated by liberal feminists. The Sulaliyat have been contesting the system that produces land dispossession, and their critique argues that land grabbing is one illustration of the unethical abuse of power by the local authority. Their advocacy is also in favor of a continuum that undermines the urban feminists' bipolarity and its reductionist tendencies.

The official story and dominant narrative are usually expressed by the Ministry of Interior, which stands for the government's authority or tutelage over the collective land. The Ministry of Interior's custody claims imply authority over the fate of the communal land and its inhabitants. Having inherited the tutor-juvenile relationship from the colonial state, the Ministry of Interior justifies its authority by asserting that it represents the 'truth of the country's highest common good.' In a talk show appearance with other players in the communal land issue, the governor of the Minis-

try of Interior justified the tutelage (Wisaya) system by invoking law and order: 'Wisaya is practiced everywhere in the world. All countries are under custody, all countries are under World Bank custody. Wisaya means watching that whatever sulalyyat do is compatible with law.' Similarly, tutelage has been perceived by the main women's rights organizations in support of the sulalyyat as an 'ally' against sexist customary laws that deny women their share of land benefits.

From this viewpoint, tutelage should mean protection for sulalyyat. Yet, in an interview for the French channel France 24, Saida, a land rights activist, holds the Ministry of Interior accountable in its status as guardian of communal land, and questions its ability to represent the 'common good': "Is the Ministry of Interior, the guardian of communal land, not able to protect the collective ethnic group from the real estate developers' mafia? They brought the Doha company supposedly for the public good. Is the golf course a public good? Are villas and apartments a public good?" On the same TV program, the governor of the Ministry of Interior talks with an optimistic note about the future of communal lands: "In five years, around one million and 500 thousand hectares will be turned into private property for women and men, for those exploiting this kind of land. There were customs against the principle of gender equality, but this new law changes the situation." Framing neoliberal policies in terms of gender equality, the governor's statement aligns with statements made by Rabia Naciri, a feminist and ADFM founding member: "The law speaks about men and women and this is new, this means that women and men are concerned by the legal change, but the law does not talk about the principle of equality. We wanted the law to include this principle."

On this occasion, the village people get to have the last word, and this time, a man from the village speaks to say that equality is not really the issue: "We want everyone to have a share, sulalyee man and women sulalyyat. For us, everyone is the same." This village man was in fact one of the protestors, and in the background, the program shows the protestors chanting, repeating after Saida: "The king of the poor, come and see what the thieves have done."

With the rural land rights activists protest still playing in the background, the France 24 journalist introduces the topic of communal land, explaining that collective land—or what is called Sulalyyat lands— represents around 35 percent of the country's overall land. These lands are under the authority of the Ministry of Interior. In cases where the state takes this land back, the inhabitants are expelled, and the land beneficiaries are compensated with money. The money is given to men and not to women. Recently, Morocco passed three laws aiming at modernizing the administration of collective land. These laws will facilitate the starting up of investment projects and establishing the principle of gender equality.

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CONTEXTUALIZING ISLAMIC FEMINISM IN MOROCCO[1]

FATIMA SADIQI

Abstract: This article highlights the 'homegrown' nature of Islamic feminism in Morocco. It argues that the 2004 family law (Moudawana) brought about unprecedented reforms with progressive Ijtihad (free reasoning within an Islamic framework). The long and complex process that led to the law was initiated by local academics in the early 1980s and consolidated by local NGOs (Non-Governmental Organizations), then translated into policy by politicians. It is in this sense that the process of reform is 'homegrown': it was started, groomed and brought to fruition by local actors. Beyond ideology, the remarkable continuity in this process makes the Moudawana unique in the modern history of Morocco and a solid reference beyond the country. The article also underlines that this process was never smooth or uninterrupted; it was heavily affected by the overall historical and socio-political context that characterized Morocco in the 1980s and 1990s – namely, the rise of political Islam, state interference, fragmentation, and a rapprochement among younger Moroccan feminists.

Keywords: Islamic feminism, homegrown, Moudawana, local actors, fragmentation, rapprochement.

INTRODUCTION

Feminism as a scholarly field of knowledge production and activism is a product of its own context. It addresses women's (and men's) realities within the confines of the specific socio-historical and political environment in which the women live and evolve. Being intrinsically related to power and the creation of spaces within this power, feminism produces

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meanings that are bound to be polysemous, fluid, and plural. In Morocco, feminism has had to interact with another power-laden, polysemous, fluid, and plural signifier: Islam. In addressing women's realities on the ground and producing associated concepts and meanings, the combination of feminism and Islam has had to accommodate itself in several sociopolitical and ideological paradigms that ranged from secularist to Islamist. It also had to filter 'feminism,' 'Islam,' and their combination through a constant 'cultural translation' of the terms and their associated concepts within a postcolonial context where Islam is not only part of the state structure, but a pillar of society. While the various combinations of 'feminism' and 'Islam' (often resulting from various doses of the latter) created new spaces of feminist thought and action, it could not circumvent the state, constructed as the 'modernizer' and the 'protector of the citizens' faith.'

The 2004 Moudawana (the Moroccan Family Law) brought about unprecedented reforms, which were worked out within an Islamic feminist framework, namely using progressive *Ijtihad* (free reasoning within an Islamic framework). The long process that led to the 2004 reforms was historically initiated by local academics, such as Abderrazak Moulay Rchid (1981). This initiative was supported by some local religious scholars, such as Ahmed Khamlichi, and consolidated by local NGOs, such the Association Démocratique des Femmes Marocaines, ADFM and Union de l'Action Féminine, UAF. These endeavors were translated into policymaking thanks to the political will of the decision-makers. It is in this sense that the process of reform is 'homegrown': it was started, groomed, and brought to fruition by local actors. Beyond ideology and state interference, the remarkable continuity in the process, the heterogeneity of its proponents, and the adoption of the reform as Islamic feminism, attest to its 'homegrown' nature, a qualification that needs more research at the theoretical level.

Undoubtedly, the process was neither smooth nor uninterrupted; it was heavily affected by the overall historical and socio-political context that characterized Morocco in the 1980s and 1990s – namely, the rise of political Islam, which polarized Moroccan feminists (academics, activists, and politicians) into secularists and Islamists. While both camps accepted the politico-religious authority of the king[2], the secularists sought to separate religion and politics in public spaces and social practices, while the Islamists sought to Islamize society, including women's behaviors and practices. The deadlock between the two camps delayed action on all levels. However, an unexpected monumental event hastened the process of

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[2] Morocco is a kingdom in which the king is the highest political and religious authority.

reform: the Casablanca terrorist attacks of 16 May 2003, during which some 40 Moroccan people were killed at the hands of young Moroccan terrorists. These attacks were immediately perceived by feminists as a 'wake-up call', which cooled down the ideological antagonisms of the 1990s and allowed a consensus to be reached for reforming the Moudawana. The reform was passed in parliament, and unanimously sanctioned by secular and Islamist political parties.

The 2004 Moudawana was perceived nationally as a victory of progressive *Ijtihad* with potential to grow, and internationally as an example of Islamic feminism (Badran 2002). In June 2019, the Isis Center for Women and Development (Fes, Morocco) organized an international conference with the theme 'Today's Islamic 'feminisms': national and international perspectives.' The keynote of the conference was delivered by Margot Badran, Doyen of Islamic feminism. The aim of this conference was to address the meanings of 'Islamic feminism', its role in Muslim family law reform, and its transnational aspect. The conference gathered various generations of academics, activists, and experts from North Africa and the Middle East, wider Africa, Europe, the USA, and Asia. Most of the ensuing discussions within and outside the conference room pointed to the growing diversity of 'Islamic feminism.'

This article is based on the author's contribution to the conference. It is structured into two main sections: the first one underlines the role of secular and Islamic feminism in the promulgation of the 2004 reforms, and the second one explores the potential for influence by transnational Islamic feminism. The latter section is partly based on 21 interviews with four types of actors in the Moroccan reform-linked context: scholars, activists, lawyers, and politicians. My central concern in this article is to underline the homegrown Islamic feminist nature of the 2004 law, and its potential to influence, or be influenced, by transnational Islamic feminism. I consider the implementation of the law a separate matter, although it is clearly just as important.

HOW DID THE 2004 REFORM COME ABOUT? THE ROLE OF SECULAR AND ISLAMIC FEMINISMS

In 1981, the feminist academic Fatima Mernissi created a research group, which included male jurists and religious scholars (Ulama), with the aim of reforming the Moudawana within the framework of a modernist Islam (Rhouni 2010). In the same year, she also created 'Woman, Family and Child', another multidisciplinary research group that aimed to research the situation of women, children, and family in Morocco (Ibid). The latter group also included influential male religious scholars and jurists, and similarly focused on reforming the Moudawana within a progressive Is-

lamic framework. Both groups resulted in publications, such as the book series *Approches* (Approaches), which included contributions by prominent male and female academics, jurists, and religious leaders. In 1992, another feminist collective, Femmes Marocaines Citoyennes de Demain (Moroccan Women Citizens of Tomorrow) followed, with the same goals. Rhouni (2010: 204) states in this regard:

> [MoulayRchid and Khamlichi's] assessment criticizes the law's exclusive reference to the Maliki School, and its closure to other schools whose jurisprudence may be more progressive. This is the case, for instance, of the Hanafi School, which abolishes the institution of marital guardianship. The two scholars also denounce the refusal of the Moudawana creators to incorporate progressive readings dealing directly with the two sources of legislation, the Qur'an, and the Sunna (the Prophet's tradition mainly based on the Hadith), without automatically going through *Fiqh* teachings. They call for taking social context into consideration and criticize the orthodoxy's refusal to accept the intervention of the social sciences, which explains the Moudawana's clear alienation from the changing social reality.

In 1987, Mernissi wrote *The Veil and the Male Elite*, in which she clearly locates Moroccan feminist thought within the Qur'anic discourse. According to Rhouni (2010) and Ennaji (2020), it was the involvement of progressive male elites that occasioned Mernissi's (and I would add Morocco's) shift from a purely secularist to a modernist and Islamic take on feminism. This shift attracted the attention of transnational Islamic feminists and feminist groups such as Musawah – For Equality in the Muslim Family, which made a point of inviting Mernissi and other Moroccan scholars and activists to its launch in 2009.

Academics' ideas and thoughts found resonance in feminist civil society, which bloomed in the 1980s and 1990s to the extent of feminizing the public space (Sadiqi and Ennaji 2006). An increasing number of NGOs began to lobby for family law reform and managed to attract the attention of the state – itself threatened by the rise of political Islam. In other words, homegrown Islamic feminism began to influence policymaking discussions with respect to the 2004 Moudawana.

In practice, the Moudawana reform process was initiated in 1992 following the Union de l'Action Féminine (UAF)'s One Million Signatures Campaign. This initiative was immediately supported by secular activists, proponents of the academic Islamic feminism described above, and Human Rights organizations. Under the pressure created by the success of the One Million Signatures Campaign, King Hassan II formed a commission to explore the possibility of reforming the Moudawana. This commis-

sion was revived in 2002 by King Mohamed VI[3], who succeeded his father in 1999. The work of the commission was slowed by the then mounting conservative Islamist ideology (Sadiqi 2014), but subsequently hastened by the Casablanca attacks in 2003.

During the 1990s, more women's feminist associations began to seriously engage in public demands for Moudawana reform. Salient among these is UAF, which organized and led the 1992 One Million Signatures Campaign. Influence extended to some political parties, especially the Union Socialiste des Forces Populaires (Socialist Union of Political Forces [USFP]) and the Parti du Progrés et Socialisme (Progress and Socialism Party [PPS]), successfully affecting political will in the face of mounting political Islam in Morocco (Sadiqi 2014). An example of this support is the Socialist party's initiative, 'The Plan for integrating women in development', which was crafted and spearheaded by Mohamed Said Saadi, the then Secretary of State for Social Protection, the Family and Children. In 1998, when Socialists took leadership of the government for the first time in Moroccan history, the Plan was a particularly strong source of support for the necessity of Moudawana reform.

In parallel, these developments were greatly enhanced by the uninterrupted work of individual feminist voices, such as those of Fatima Mernissi, and later Asma Lamrabet; as well as the voices of secular feminists, such as Latifa Jbabdi, who used Islamic arguments to promote equality between the sexes. The voices of several prominent male religious scholars, too, lent their support, such as Ahmed Khamlichi and Ahmed Abbadi, who highlighted passages from the Qur'an and Hadith that promote women in public media and conferences; and other scholars from the High Council of Ulama, a religious organization that advises the king as 'Commander of the Faithful' in matters related to the Moudawana.

This collective effort was accompanied by the state's endeavor to encourage a moderate version of Islam, in which women could participate in public religion as Murshidat (female religious guides), and, as such, preach moderate Islam (Ennaji 2012). Such state initiatives are referred to as 'state Islamic feminism' (Eddouada and Pepicelli 2010).

The collaboration between academics, religious scholars, activists, and politicians accounts for the Islamic feminist nature of the 2004 Moudawana. Indeed, at the grassroots level, most local associations place the Moudawana center stage in discussions of women's legal rights (Ennaji 2012, Sadiqi 2016). Another Islamic feminist feature of the Moudawana is its relation to women's rights and feminism in general (Sadiqi 2008). It is

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[3] See https://www.centreforpublicimpact.org/case-study/moroccan-moudawana-reform/.

also related to gender dynamics and Moroccan women's understanding of feminism (Gray 2012), and to social norms and patriarchy (Sadiqi 2019).

By using progressive *Ijtihad* (free reasoning within and Islamic framework) and terms like 'equality' and 'justice', the language of the Moudawana relates directly to the broad definition of transnational Islamic feminism as both a knowledge project and a strategy that seeks to establish equality in Islamic family law (Mir-Hosseini 2015). The following overview of the Moudawana exemplifies this. Before addressing some manifestations of these linkages, I will first outline the major reforms in the 2004 Moudawana.

THE 2004 MOUDAWANA REFORMS: AN OVERVIEW

The Moudawana reforms evolved around three main innovative axes, which are considered breakthroughs in Islamic feminism: equality between spouses, family equilibrium, and the protection of children (Benradi, Alami M'Chichi, Ounnir, Mouaqit, Boukaissi, and Zeidguy 2007).

Equality between spouses
- The legal age of marriage is 18 for both sexes
- Equality in family legal responsibility
- Equality in rights and duties; abolition of the right of obedience in return for catering
- No tutorship for major women
- Repudiation and divorce in the hands of the judge; the judge also handles consensual divorce, compensation divorce, and shiqaq (impossibility of cohabitation)
- Girls and boys of divorced parents choose which parent to live with at the age of 15
- Grandchildren (from the daughter) inherit in the same way as those from the son
- The sharing of accumulated property and benefits gathered during marriage

Guarantee of family equilibrium
- The public ministry automatically intervenes in any application of family law
- Establishment of family courts
- Reinforcement of means of reconciliation through family
- Creation of a fund for family assistance
- Recognition of Moroccan marriages contracted outside of Morocco, according to the legislations of the host countries

Protection of children's rights

- In the interests of children, the right of the divorced mother's tutorship is not lifted if she remarries, or if her residence is far from that of the father
- In the interests of children, the judge may alter the order of the family members eligible for tutorship: the mother, father, maternal grandmother, etc.
- The social status of the child is taken into consideration at the moment of divorce: the child's standard of living should be similar to that before divorce
- Recognition of paternity when the child is conceived during courtship (that is, before marriage) is formalized by a contract

The 2004 law reform was accompanied by the establishment of family courts by the Ministry of Justice, as well as the training of judges and magistrates. Other legal reforms ensued, such as the 2008 Nationality Code, according to which a Moroccan a woman married to a non-Muslim can pass on her nationality to her children.

Despite these unprecedented reforms, substantive issues, including polygamy and inheritance, remains unresolved. Polygamy was not topical in the law, on the grounds that the scored legal reforms were considered already significant – especially given that the implementation of Moudawana faced resistance among judges (Sadiqi and Ennaji 2006).

Additionally, disparity remains between husbands and wives regarding legal authority; this authority is attributed to the father unless the mother is considered insane or is absent from home for more than 1 year. Finally, equality in inheritance continues to be a contentious issue; a daughter is still only entitled to inherit half of that inherited by her brother. These and related issues are hot topics of debate in the post-Uprisings period, and transnational feminism concepts such as justice and full legal equality are often brought in as arguments. The ease of transnational communication is an advantage in this respect.

The question to ask at this juncture is: to what extent can the Moudawana be affected by and/or affect transnational Islamic feminism?

AVENUES AND POTENTIAL FOR INFLUENCE BY TRANSNATIONAL ISLAMIC FEMINISM

In the aftermath of the 2004 family reform, and with the advent of the 2010–2011 Uprisings, secular feminist discourses (which seek to reform the Moudawana by capitalizing on individual human rights), and Islamic feminist discourses (which seek reform by capitalizing on the unity of the family), continued to call for progressive *Ijtihad*. However, the source and

nature of Qur'anic exegesis remains subject to heated debates between secular and Islamist political wings. While the secular wing considers Islamic feminism to be a reflection of conservative political views that resist progressive reform, the conservative wing, especially Islamist politicians, consider 'feminism' (whether Islamic or not) a 'Western' import.

This divergence is attested in debates on specific issues, such as marital rape and early marriage. Whereas secular actors seek further reform in this case, Islamists resist it and, instead, defend current laws on the grounds that what happens inside the family is a private matter that should not be exposed, lest the family collapses. There is, thus, a lack of generalized grasp of Islamic feminist knowledge, which can challenge the Islamists' views. In such cases, Islamic feminism is applied only superficially. In other words, the trickling down of Islamic feminist knowledge to local settings is still not clear. This situation is exacerbated by a lack of endeavors to translate the norms of academic Islamic feminism. Very few people understand the concepts of *Qiwamah* and *Wilayah* from a feminist or egalitarian perspective, let alone agree that women who work may be said to have *Qiwamah*, or authority. There seems to be a clear limitation of Islamic feminist knowledge in the potential of the reform process.

It is important to distinguish Islamic feminism in the Moroccan context from female voices operating within the Islamist political party Justice and Development (PJD), and the radical Islamist association Justice and Benevolence (JB). While PJD is a moderate Islamist party that operates within the monarchical system, JB is a radical association that does not recognize the authority of the king. Both PJD and JB have platforms for women to reclaim rights from within Islam – albeit along the ideological guidelines of their party and association, respectively. For both groups of women, the biological difference between men and women is the basis for their different social statuses and different rights; hence they target equity and complementarity between the sexes, and not a liberal understanding of equality. The women of PJD and JB share other goals, among which the following are salient: a strong position that Islam provides women with rights, an adherence to the veil, and a tendency to consider women as part of the family and to prioritize the best interests of the family. Preaching and activism are the main channels employed by both groups of women to disseminate their thoughts.

As for the attitude of these Islamist women to the Moudawana, women in PJD view it as a positive achievement that guarantees the best interests of the child and the family. However, these women oppose law proposals against early marriage, marital rape, and amendments to the marital rape law (a law that was subsequently amended under pressure from civil society in 2014). This position is, for example, espoused by Bassima al-Hakkaoui, who became Minister of Women's Issues in the 2011 Islam-

ist-headed government. Furthermore, these women do not recognize women's *Wilayah* (ability to be their own guardians) to marry themselves at the age of 18, or women's right to claim divorce and get divorced through *al-shiqaq* (divorce on the grounds on incompatibility between the spouses).

Women's voices from inside political Islam remain heavily restricted by the Islamist ideology; however, various post-Uprisings voices espouse Islamic feminist concepts and reject political Islam ideology. For instance, they demand equality in inheritance (Benchekroune 2017), fight early marriage, and reject *Wilayah* (male guardianship over women) and polygamy. These voices position reform for more legal rights at an interesting intersection between national and transnational Islamic feminism, and often have recourse to ideas and thoughts espoused by transnational Islamic feminist associations, such as Musawah and Women Living Under Muslim Law (WLUML).

Along these lines, some Moroccan feminist activists, using media, such as Qandisha, a women's collaborative magazine, and Mamfakkinsh (No Compromise)[4], a Facebook platform, criticize the top-down Moudawana reforms. They underline the importance of bottom-up approaches as the sole guarantor of collective and inclusive thinking towards implementing gender equality.[5] Without clearly identifying themselves as proponents of transnational Islamic feminism, such feminist groups address the thorny issues of full equality through a systematic attack on social and political taboos.

In parallel, some older NGOs, such as the ADFM mentioned above, succeeded in helping to pass a law to allow rural women, previously excluded from inheriting land (sulaliyat), to inherit land (Berriane and Riginal 2017).

On the other hand, as the space of feminist voices widened in the post-Uprisings era, feminist Berber (Amazigh) NGOs emerged asking for additional rights, including cultural rights. Examples of such NGOs are Voix de la Femmes (Voice of Women) and Thaziri (Moonlight). Among other social problems, these organizations fight Berber women's legal illiteracy, which is mainly associated with their lack of access to standard Arabic (the language that most laws are written in) and underline the importance of local understanding of legal equality (Sadiqi 2016). In interviews with these young Berber activists and academics, I noted their assertion that only Islam-tied feminism can mobilize collective action at

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[4] See https://www.acrimed.org/Mamfakinch-On-ne-lache-rien-media-alternatif-marocain.

[5] This strategy is similar to that proposed by Al-Sharmani (2014).

the local level. This is reminiscent of the remarkable role of Berber women as transmitters of Islamic knowledge, which is not only historical (Rausch 2006).

The voices of Berber feminist NGO members emerged from the Berber social movement, which has been calling for the institutionalization of Berber since the 1980s. In the 2011 constitution, this demand was granted, and Berber (Amazigh) was elevated to the status of an official language. At this juncture, it is interesting to note that some authors, like Tripp (2019), call the post-Uprisings era 'post-Islamist'. These authors draw a parallel between the weakening of political Islam and the rise of Berber activism, arguing that the Moroccan state is using Berber activism to curb extremism. This last development may strengthen Islamic feminism in Morocco, and potentially open the door to gender equality, as proposed by Moroccan academic and transnational Islamic feminism. However, research is still needed on whether the promotion of Berber rights, in and of itself, is weakening Islamism in Morocco, and on whether such weakening also opens the door for Islamic feminism.

CONCLUSION

This article has presented the Moroccan Moudawana reforms as the result of homegrown Islamic feminist endeavors of academics, religious scholars, activists, and politicians. It has contextualized the long process that accompanied the reforms and the constant antagonisms between the secular and Islamist trends in Moroccan society and politics. Whether opposed or embraced, the potential that the process created is continuing in the post-Uprisings, post-Islamist dynamics. It has already bridged the historically persistent gap between the secular and the religious in Morocco.

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EGYPTIAN WOMEN IMPRISONED WITHIN THE PUBLIC-PRIVATE PARADIGM

SARA ABDEL GHANI

Abstract: Through gender legal analysis of the public-private dichotomy, the article argues, first, that the legal anomaly (women having a public legal identity based on citizenship and a notion of equality legitimized by the constitution; and another identity, which is private, defined by a hierarchal and gendered regime legitimized by Islamic Shari'a, is not a result of the existence of two separate systems, rather an ideological construct embedded in both the public and private spheres, which ensures the dominance and control of men over women's labor, bodies, and independence. Second, by examining key legal texts (representing the public and the private), the article will also highlight the instrumentality of law in the political construction, and maintenance, of a gendered structure, which seemingly separates the public from the private, and the state's realm from the realm of religion and tradition. Third, through the analysis of Islamic feminist theory, the article argues that Islamic feminism can potentially play a vital role in deconstructing the Egyptian public/private structure on which women's boundaries are defined.
Keywords: Islamic feminism, Egyptian women, public-private, ideological constructs.

INTRODUCTION

The year 2020 marked 100 years on the 1920 Egyptian Personal Status Laws, which cover the private lives of Egyptian Muslims on all matters related to marriage, divorce, inheritance, and child custody.[1] Throughout the century, the Egyptian women's rights/feminist movement have fought tenaciously, and sometimes exclusively, on changing the Personal Status Laws; a medieval code unequally and unjustly governing the modern lives of women and men (Elsadda 2011). However, the result of a century-long feminist resistance to the laws did not disrupt, in any fundamental way, the hierarchical structure, in which

[1]Egyptian Personal Status Laws (PSL No. 25, 1929).

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men are the rulers over the private lives of women and girls (Al-Sharmani 2004, Abu Odeh 2004).

Women are then left with a dual, ostensibly contrasting legal identity: a public one based on citizenship and a notion of equality, where women are guaranteed rights on the basis of non-discrimination and equality legitimized by the constitution, and another identity, which is private, defined in accordance to a hierarchal and gendered regime legitimized by Islamic Shari'a, where women are legally required to be the obedient recipient of men's authority and guardianship (McLarney 2016, Elsadda 2006). According to Egyptian scholar and feminist Hoda Elsadda, this inconsistency between women's public and private lives in Egypt created a bizarre anomaly:

> while women accessed top government positions and secured their economic independence, they remained under the control of male family members in such matters as the legal guardianship of children, mobility, and access to divorce (Elsadda 2006, 89).

Through gender legal analysis of the public-private dichotomy, this will argue, first, that the 'bizarre anomaly' is not a result of the existence of two separate systems (the public and the private ones), but rather that an ideological construct embedded in *both* the public and private spheres, ensures the dominance and control of men over women's labor, bodies, and independence. Second, by examining key legal texts (representing the public and the private spaces), the article will also highlight the instrumentality of law in the political construction and maintenance of a gendered structure, which seemingly separates the public from the private, and the state's realm from the realm of religion and tradition.

Through this legal construction, Islam came to be defined as (and confined to) the private, the realm of women. Hence, Islam was reconstructed to be, almost exclusively, as the determinant of women's boundaries in both the public and private. This construction enabled the state to be defined as modern and secular, while ensuring the maintenance of a patriarchal structure, which defies any changes over time, because it is defined as timelessly sacred.

Finally, through the analysis of Islamic feminist theory, the article will argue that Islamic feminism can potentially play a significant role in deconstructing the Egyptian public/private structure on which women's boundaries are defined. By deconstructing the nexus between patriarchal public-private concepts, like men's *Qiwamah* (authority) over women, with Holy Islamic texts, Islamic feminism can be a strong tool not only in transforming the change-resistant Personal Status Laws (the legal framework of the private), but more importantly in weakening the foundation

of the public/private dichotomy that imprisons women in all realms of life.

THE PUBLIC/PRIVATE DICHOTOMY

In liberal political ideology, social relations are divided into two separate spheres: the public and the private realms. The public realm is characterized by activities individuals undertake in wider society and in common with a multitude of others, such as engaging in paid work, and exercising political, democratic rights, under the overall jurisdiction of government and the state. In contrast, the private realm is characterized by activities undertaken with particular others, relatively free from the jurisdiction of the state. It is the realm of the household, of home? and of personal or family relationships (Pilcher and Whelehan 2004). Gender scholars have long identified the gendered nature of the public/private dichotomy. Specifically, they criticized the association of the public, defined as 'the realm of rationality, order, and political authority,' with masculinity, and the private, defined as 'the realm of subjectivity and desire,' with femininity (Charlesworth 1989). So, in the construction of the public and the private spheres, they point out, sexual and economic values are assigned according to conception of masculinity and femininity attached to each sphere:

> Masculinity is constructed in terms of public sphere indicators of economic and material success, as well as heterosexual power; whereas femininity is constructed in terms of sexual objectification - the capacity to be the object of men's sexual desire and to ensure that their needs are met, in the private sphere and arguably also the public (Boyd 1999, 164).

Accordingly, the 'natural' right to access and control the public sphere has been given only to men, while women have been bound to the private sphere under the command of men (Pilcher and Whelehan). Feminist scholars, like Susan Boyd, have identified the erroneous basis of the public/private dichotomy:

> In actual practice, the dividing line between the two spheres is wiggly, slippery, and impossible to draw […] The indeterminacy of the dividing line is […] due to the fact that it is not a real line, but rather an ideological construct that is created and reproduced through state action and that often shifts (Boyd 1999, 164).

For example, as this article will show, public law (penal code) and private law (personal status law) reinforce each other and solidify the patriarchal

social order.

The ambiguity and flexibility of the public/private construction allowed its continuing ideological dominance. The dichotomy continues to have "powerful material and experiential consequences [...] a basic part of the way our whole social and psychic worlds are ordered" (Davidoff 1998, 165). Accordingly, even though the formal barriers to women's access to the public sphere have been long removed, women's lives in the public and the private are still significantly shaped by the constructed dichotomy. Put differently, while women are no longer restricted to the domestic hearth, they have the whole of society in which to roam and be exploited (Walby 1990). Egypt is a perfect example of exploitation of women through the public/private dichotomy. The divide was constructed first by colonial forces, and is carefully maintained and reinforced by Egypt's modern rulers.

THE EGYPTIAN LEGAL FRAMEWORK: CODIFYING THE PUBLIC AND PRIVATE SYSTEM

Historical Context of the Codification/Modernization of the Law in a Public/Private Framework

Egypt had reinvented its legal system from the second half of the nineteenth to the middle of the twentieth centuries (from 1850 to 1950), abandoning an Islamic legal system, as part of the state's process of modernization, defined as secular (namely un-Islamic) and specifically European (Anderson 1968). The process was intensified under British reign over Egypt, like in other occupied Muslim-majority countries, where colonial forces traded an Islamic legal framework, specifically administrative, civil and revenue laws, by European codes of civil and criminal law (Abu Odeh 1995). However, colonial forces did not completely abandon Islamic laws ; they narrowly defined its authority over personal status matters only (Wani 1995). Even after independence from Britain, the colonial legal legacy of splitting laws into two, public secular laws and private religious laws, continued under the era of national modernization in Egypt (Abu Odeh 1995, Crecelius 1974).

In 1948, a secular Egyptian Civil Code was passed.[2] The Egyptian family law code (Personal Status Laws (PSLs), however, was not part it, even though it was an essential component in its construction. In order to appease an audience skeptical of the Europeanization and secularization of the law, Egyptian modernists abandoned family law from the new

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[2] The Civil Code, The Arab Republic of Egypt, 1984.

secularized legal code (Abu Odeh 1995). Abu Odeh states that family law historically presented "the limit of, the exception to, or the sacrificial lamb of secularization" (Abu Odeh 1995, 1047). Talal Assad, similarly, describes family law as "the expression of a secular formula, defining a place in which 'religion' is allowed to make its public appearance through state law" (Talal Assad 2003, 231). The public appearance of religion through Egyptian Personal Status Laws ensured legislators the confinement of religion, even identity and culture, to women, situated in the private realms. Elsadda (2006) states that Arab modernists, activists and intellectuals, adopted women's domesticity as an ideology, and represented it as "an essential Arab cultural identity which needed to be guarded and preserved." Accordingly, the design and construction of the Egyptian legal framework has been grounded on a clear distinction between the public, the embodiment of the state's identity of modernity and secularization, and the private, the state's giveaway to 'identity' and religion.

The 'secular formula' trade off, at the expense of family law, meant that family law became the battleground between secularists and Islamists. With limited power and jurisdiction, the religious elite held tightly to its authority over family law. And, since it is the sole arena where they can practice absolute power, they restricted the religion of Islam to that arena; consequently, Islam has been narrowly defined as the personal. Accordingly, any attempts to reform the Personal Status laws, has long been viciously attacked by the religious elite, treating it as 'assault on a God-given right,' "translating every attack on the patriarchal as an attack on the Islamic." (Abu Odeh 1995, 1099-1100). The ruling elite, in return, controlled this contentious battle by preserving the patriarchal system of the family, and only cautiously limiting the absolute powers granted to men under that system. Abu Odeh (1995, 1047) describes this careful process as reforming only "the outer limits of the law."

> In order for family law to be legislatively reformed, progressively interpreted by secular judges, or actively protected by elite constitutional judges, the outer limits have to be convincingly defined for a difficult-to-please religious audience. It is through making patriarchal pronouncements on the outer limits that the "reformer" gains legitimacy for his or her reforms in the eyes of watchful religious contenders.

Consequently, she states, instead of banning polygamy, ensuring equality in access to divorce, and abolishing the legal concept of wifely obedience, the cautious reforms (judicial and legislative) included limiting polygamy, offering more grounds on which wives can seek divorce, and

reinterpreting and limiting the legal effect of wifely obedience (Abu Odeh 1995).

Therefore, even though women were guaranteed political and economic rights by the 1956 constitution, and actively encouraged to take part in the public life of the new welfare state, the 1920s family laws which sustained a medieval patriarchal system remained unchanged (Elsadda 2006). This anomalous system was sustained for over six decades under different presidential systems. Egyptian presidents, with strikingly different political ideologies, "left personal status laws in the implicit hands of the religious establishment, which was willing to ensure the religious character of the state by preserving male dominance at home" (Elsadda 2006, 11).

Therefore, the malleability of the public-private dichotomy allowed the Egyptian state to construct a modern secular identity, while also preserving its patriarchal structure legitimized by religion. By defining the private realms as Islam, and vice versa, the family became a sacred ground on which the secular state cannot interfere; the state even ensured the immunity of the private sphere from any changes in society. Furthermore, even though it only sought to change the 'outer limits' of the patriarchal legal code governing the private, the state established its identity as the modernizer fighting against the traditionalists and religious institutions for women's rights (Elsadda 2006).

The Public: Public/Private Disguised Under a Framework of Secularism, Equality/ Non-discrimination, and Citizenship

The latest 2014 Egyptian constitution states in Article 53:

> Citizens are equal before the law, possess equal rights and public duties, and may not be discriminated against on the basis of religion, belief, sex, origin, race, color, language, disability, social class, political or geographical affiliation, or for any other reason. Discrimination and incitement to hate are crimes punishable by law. The state shall take all necessary measures to eliminate all forms of discrimination, and the law shall regulate the establishment of an independent commission for this purpose.

This constitution has been hailed as a paramount step towards gender justice in the country (Omnia Talal, 2014). This constitution ensures an "appropriate representation" of women in parliament,[3] the right to hold

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[3] According to the House of Representative 2014 Law, a minimum of 70 of the members of Parliament should be women (10 percent); Decree of the President of the Repub-

public office and high management posts in the state, as well as judicial position appointments without discrimination, and a 25 percent representation in local councils (Articles 11 and 180). Despite the significant public and political gains, the 2014 constitution does not fully incorporate the concept of gender equality. Rather, it, like its predecessors, constructs and legitimizes a gendered public-private divide underneath the cloak of liberal language of equality, citizenship, and non-discrimination.

Article 53 of the 2014 constitution guarantees *all* citizens "equal rights and public duties," as well as outlaws discrimination, and requires the state to take *all necessary measures* to eliminate *all forms of discrimination* and establishes an anti-discrimination commission for that purpose. This legal proclamation of egalitarianism stands in sharp contrast to Articles that covertly enshrine inequality, discrimination, and male-oriented citizenship. For example, while Article 11 (an article repeated under every Egyptian constitution: 1956, 1971, 2012, and 2014) guarantees equality between women and men in all civil, political, economic, social, and cultural rights; it also provides the state's commitment to empower women "to reconcile the duties of a woman toward her family and her work requirements." Accordingly, even though Article 53 establishes equality and public duties for all citizens, Article 11 stipulates that unlike men, women's rights are conditioned on their ability to reconcile their public and private duties. So, while this article appears to provide full equality to women, in effect it does the opposite; it legitimizes inequality by demanding from women *only* the double burden of performing 'duties' both in the public and the private, as well as continuing to perform the private 'duties' as unpaid labor, with hopefully some help from the state.

The constitutional dualism and paradoxes are consistent with feminist analysis of the covertly gendered legal concepts of anti-discrimination and citizenship, which obscure, and accordingly maintain, the public-private dichotomy (Thornton 1991, Lister 2003). For example, in her study of Australian anti-discrimination legislation, socio-legal feminist scholar Margaret Thornton reveals the gendered nature of the substance and procedure of the law, and accordingly, argues that the law both challenges and reifies the public-private dichotomy:

> The substance and procedure of anti-discrimination legislation reveal that the public/private dichotomy of liberal thought, far from constituting two analytically discrete realms, is a malleable creation of the public realm [...]. The retention and reification of the dichotomy

lic of the Egyptian Arab Republic, Law number 46 for the year 2014, on the Law of the House of Representatives.

through legislative texts formally committed to the eradication of discrimination between men and women reveals the subtlety of the strategy. While purporting to provide a vehicle for radically reshaping the nature of relations between men and women in our society in response to political pressures, the retention of the dichotomy operates to blanch anti-discrimination legislation of possible radical and destabilizing elements (Thornton 1991, 13).

In the case of the Egyptian constitution, the anti-discrimination clause (Article 53) is an empty promise, a mere embellishment to the established gendered public-private legal dichotomy. Even though the provision states that a law will regulate the establishment of a commission that ensures the elimination of all forms of discrimination, neither a legislation nor a commission has been established since the issuing of the constitution in 2014 (Farahat 2018, Ishaq 2018).

An essential component of the survival of the dichotomy against the changing times and circumstances is the legitimacy of religion. The 1971 version of Article 11 cites Shari'a as a condition to women's equality: "The state shall guarantee the agreement (*tawfiq*) between the duties of a woman toward her family and her work in society, considering her equal status with man in the fields of political, social, cultural, and economic life, without contravening the laws of Islamic Shari'a." By restricting women's right to equality with men on its consistency with Shari'a, the article does not only provide the possibility of a contradiction between the two, but also legitimizes and justifies inequality based on religion. The article is consistent with the state's constructed public-private dichotomy, where religion is a tool in constructing an immutable system of women's inequality in both the public and the private.

While the condition of Shari'a to women's equality is only explicitly stated in the 1971 constitution, the centrality of religion as *the* source of legal legitimacy is established under Article 2 in every constitution starting from 1971. This article stipulates that "Islam is the religion of the state […]. The principles of Islamic *Shari'a* are the principal source of legislation" (emphasis added). Articles 2 and 53 enshrine the duality of the Egyptian legal framework: a public legal structure based on the secular notions of citizenship, equality, and non-discrimination, and a private one based on religion. Following Article 2, in a reification of the control of religion over the private lives of citizens, rather than the concepts of equality and non-discrimination, Article 3 states that the private lives of Christians and Jews are governed by their respective religions.

The 2014 constitution has been praised for its emphasis on citizenship; the word 'citizenship' is repeated fifty-three times throughout the document, and the inclusion of the feminine alongside the masculine Arabic

word for citizenship. However, as illustrated above, the constitutional legal identity of Egyptian women defies the liberal understanding of equal citizenship for all. Even though equality and anti-discrimination are guaranteed for women under Article 53, they remain theoretical and with no legal or procedural mechanisms to implement them, or the constitutional articles that covertly contradicts them. According to Articles 2 and 11, women's citizenship rights are conditioned by laws of Shari'a, *the* source of legislation, and women need to simultaneously perform public duties and unpaid labor in the private sphere.

The distorted gendered construction of citizenship in the Egyptian constitution is in line with critical feminists' analysis of the concept of citizenship. Feminist scholars have demonstrated that the seemingly abstract and universal concept of citizenship obscures the 'aggressively male' design of the concept. Lister (2003, 71-72) explains that

> [...] qualities of impartiality, rationality, independence and political agency, which the citizen is expected to demonstrate, turn out to be male qualities in the binary thinking that informs traditional citizenship theory. In a classic double bind, women are banished to the private realm of the family, either physically or figuratively, because they do not display such qualities and because of their association with that realm, they are deemed incapable of developing them. Their contribution as reproducers and carers in the domestic sphere is then devalued as 'the merely natural and repetitious' in contrast to the 'human,' identified with the public male [...]. The way in which the citizen represents the more visible and valued 'male' characteristics is obscured by the false universalism of the abstract, disembodied individual.

The design of citizenship in the male form reinforces the gendered public-private dichotomy. The constitution, the proclamation of the identity of the state and its citizens, is a clear embodiment of a distorted gender identity of citizenship.

THE PRIVATE. THE THEORETICAL FRAMEWORK: THE HANAFI LAW OF JURISPRUDENCE

Egypt's Personal Status Laws are based on the codification of Islamic jurisprudence, mostly from the Hanafi school of jurisprudence, on all issues related to marriage, divorce, inheritance, and child custody (Al-Sharmani 2004). Islamic jurisprudence, including the Hanafi school, sustains a hierarchal regime of gendered spousal roles and rights to the advantage of the husband and the father in the family.

The main conceptual principle for this regime is based on the male inherent right to guardianship and authority (*Wilayah* and *Qiwamah)*. Through a marriage contract, a husband is under the obligation to financially provide for his family, and in reciprocity he is obeyed by his wife and children. Consequently, the right of the husband to wifely obedience *(ta'a)* is conditioned by his financial role in spousal maintenance (*nafaqa*). Wifely obedience, or conjugal society, is when the wife "places, or offers to place, herself in the husband's power so as to allow him free access to herself at all lawful times" and "obeys all his lawful commands for the duration of marriage" (Nasir 1990, 98). Also, as the financial obligation to provide falls solely on the husband, there are no communal household assets, both the wife and the husband retain individually their assets, possessions, and properties (Al-Sharmani 2004). Finally, based on the gendered system of guardianship and obedience, husbands have the exclusive rights to divorce, polygamy, and guardianship over the children (Abu Odeh). Through the codification of the Hanafi doctrine, this hierarchal model has been transferred to the modern-like personal status law governing the private lives of Egyptian women and men on a discriminatory basis.

CAUTIOUS DISCRETE REFORMS TO THE HANAFI DOCTRINE

Legal reforms to the Hanafi-based Personal Status Laws have aimed to cautiously limit men's absolute powers under the jurisdiction. For example, in contrast to the Hanafi school denial of women's right to divorce, Law 25 (1929) grants women divorce if they prove that the marriage, or the husband, is causing them harm, and if they have failed to prove harm, but continuously demanded divorce, Law 100 (1985) demands judges to divorce them. Similarly, the Hanafi categorization of working women as 'disobedient' is challenged under law, with a close framing to the constitutional Article 11, by stating that in this case the wife is only 'disobedient' if her work is an 'abuse of right', 'contrary to the interests of the family', and her husband asked her not to work. Furthermore, in 1967, the practice of using the police to enforce obedience judgments, forcefully returning women who chose to leave the marital home, was abolished. However, obedience itself remains a legal duty that wives owe their husbands in exchange for their maintenance. With these reforms, the law ensured the sustainment of a gendered structure in favor of men, and only curtailed what is considered an 'excess of the transactional deal of maintenance for obedience' and its vile consequences on the lives of women.

Within the same strategy, in the beginning of the millennium, a new procedural Personal Status Laws was enacted.[4] The Law, and related subsequent laws introduced in the first 10 years of the new millennium,[5] aimed to produce more efficient judicial processes, reducing the costs of time and recourses exhausted by disputants who were overwhelmingly women (Al-Sharmani 2004). One of the most important legislations introduced during this period is the non-fault-based divorce (*khul'*). Consistent with Islamic jurisprudence, *khul'* divorce allows women the right to divorce without grounds, and without the husband's or the judge's permission/consent, in exchange of returning the dowry to the husband, and giving up all post-divorce financial rights.

In 2000, the legislature gave wives the possibility to go to court to get the automatic dissolution of their marriage, without the judge's power to turn their request down, even in case the husband opposes it. The declaration that the wife detests life with her husband, that the continuation of married life between them became impossible, and that she fears she will not maintain the 'limits of God' due to this detestation in case she is compelled to remain with him, are sufficient. The wife does not have to justify her request, nor prove its soundness. As a compensation for the husband, however, she will have to forfeit her alimony (*nafaqa*), her financial compensation (*mut'a*), return her husband the dowry that was paid at the onset of their marriage, and renounce its deferred portion (*mu' akhkhar al-sadaq*) (Bernard-Maugiron and Dupret 2008).

Even though highly controversial at the time of its implementation (Tadros 2002, Najjar 1988), the *khul'* divorce was nothing new. Under the name *taliq `ala ibra*, Egyptian women have long forfeited their financial rights to attain divorce (Al-Sharmany 2004). In exchange for divorce, women have been forced to give away their alimony rights, the marital home, custody, and sometimes had to pay the divorce fees of the civil state officer (*ma'zun*). The only difference between *khu'l* and *taliq `ala ibra* divorce is that the former is a unilateral proclamation of divorce through judicial means, and the latter is based on negotiation between the wife and the husband.

Consequently, the new millennium reform efforts, which focused on the procedural, rather than the substantive or conceptual, framework of the hierarchal system, were part of the long strategy by the Egyptian state with respect to reforming family law to preserve the status quo. The adapted strategy attempts to curtail the conspicuously brutal aspects of

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[4] 'The Law for Reorganization of Certain Terms and Procedures of Litigation in Personal Status Matters', Personal Status Law No. 1 (2000).

[5] Personal Status Law No. 1 (2000); Personal Status Law No. 10 (2000); Personal Status Law No. 11 (2000); Personal Status Law No. 4 (2005).

the power of the husband/father in the Hanafi doctrine, without dismantling the hierarchy between spouses or between the father and his daughter.

An Example of the Resulting System: Divorce

The Hanafi School of jurisprudence grants men an absolute right to divorce, and an absolute denial of that right to women. This unequal gendered conceptualization of the right to divorce is built into the law. According to Personal Status Laws, men have an inherent right to divorce. They have the right to divorce their wives "unilaterally, extra-judicially, and without grounds" (Al-Sharmany 2004). They are legally able to instantly divorce their wives through an oral and informal divorce pronouncement (simply uttering the words "You are divorced") and are merely obligated to officialize their pronouncement of divorce by registering it with a state notary.[6] Wives have no right to challenge the divorce decision taken by their husbands. They can claim through a judicial process their financial rights (the post-divorce waiting period maintenance (*nafaqat al-ʿidda*), the deferred dower, and compensation (*mutʾa*). However, if the court decides that the divorce is the fault of the wife, then she is denied compensation (*mutʾa*).

On the other hand, women do not have an inherent or an absolute right to divorce their husbands. The Personal Status Laws deny women the right to divorce; they are allowed to divorce through a judicial process, if they evidentially demonstrate that it is *impossible* for them to stay married due to a *substantial* 'fault' with the husband or the marriage. The grounds for fault-based divorce are: 1) non-maintenance (if the husband is not financially supporting the wife or the household); 2) absence (if the husband has been absent for more a year) or imprisonment (if the husband has been sentenced for three years or more, and has already been imprisoned for at least a year); 3) defect or illness (defect or illness of the husband including mental illness and venereal disease); and 4) impotence (if the husband is sexually impotent); 5) harm (*darar*) (harm to the wife is a category which includes physical, mental or verbal violence, attempts of seizure of wife's possessions, ruin of the 'honor' of the wife, or her family, denial of marital intercourse, or polygyny- depending on the wife's ability to prove the 'material/physical or moral harm making it impossible for both of the spouses to associate any longer with each other' as a cause of the new marriage).

Women not only have to go through a judicial process to acquire divorce, they also carry the sole burdensome responsibility of proving

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[6] Ibid, *HRW* n (3)1, 19-20.

'fault' in marriage, in accordance with the five grounds above, within a highly gendered legal system. For example, in the case of domestic violence, it's the woman, the victim of the violence, who is required to provide to the court medical records from a public hospital describing the claimed violence, as well as two witnesses (preferably not related to her) of the violence. Since the Egyptian law (*both public and private*) defines a woman's testimony to be equivalent to half that of a man, in accordance to Hanafi doctrine, then the claimant of divorce on the ground of domestic violence has to provide `four women witnesses, two men, or one man and two women (Chemais 1996). As a result, the burdensome and highly gendered evidential burden makes it extremely difficult for women, who suffer from domestic abuse and violence, to claim divorce on the basis of 'harm.'

Even with the evidential support of domestic violence, this does not necessarily constitute 'harm,' as a level of domestic abuse/violence is permitted under Egyptian law. The Egyptian Penal Code, Section 60, stipulates that "the provisions of the penal code shall not apply to any deed committed in good faith, pursuant to a right determined by the virtue of Shari'a."[7] Since 'disciplining' the 'disobedient' wife is sanctioned under Shari'a, the law has been applied to acts of domestic violence committed in 'good faith', as long as: 1) the beating is not severe; 2) the beating is not directed at the face; and 3) the beating is not aimed at vulnerable 'fatal blow' areas (Ammar 2006). Furthermore, it is important to note that marital sexual violence, including marital rape, is not criminalized under the Penal Code, and consequently cannot be used as grounds for divorce. With this permissive legal framework to domestic violence, it is not surprising that Egypt has a high rate of domestic violence; one third of Egyptian women face domestic abuse and violence (El-Zanaty and Way 2000).

Beyond the permissible legal framework of domestic violence, the proven existence of 'fault,' including domestic violence, does not necessitate 'injury' to the wife, and accordingly divorce. According to the law, divorce is only permissible if it is *impossible* for the wife to 'tolerate' the 'fault.' Accordingly, if the wife was aware of the 'fault' before marriage or has already tolerated it for the years of the marriage, then the claim for divorce is considered inadmissible (Article 9). And, since the law does not specify the level required for the 'fault' to result in divorce, decisions, on what constitutes 'fault,' and to what degree it is impossible to tolerate, are left entirely for the subjective determination of judges on case by case basis.[8] Studies have shown that judges' decisions are subjected to gender as well as socio-economic prejudices. As a result, women are not only dis-

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[7] Law No. 58 (1937), Section 60, Promulgating the Penal Code.
[8] *HRW* n (3) 21-22.

criminated against because they are women, but women of lower economic social classes face greater discrimination as they are viewed accustomed to harm, and as a result more capable of enduring it.

Moreover, even if it has been decided that 'fault' has been impossible to withstand, and divorce granted, the woman's judicial battle for divorce is not over. First, the divorce judgement is reversible if the husband corrected the 'fault' in some way (Al-Sharmani 2015). If divorce has been issued on the grounds of absence, but the husband makes a sudden appearance after the trial claiming his intention to continue the marriage, the judgment is reversed. Similarly, if divorce is granted on the grounds of non-maintenance, the decision can be revoked if the husband decides to financially support his wife. Second, divorce judgments can also be appealed by the husband and, thus, further prolonging a legally lengthy process, with the cost paid by women's time, bodies, and lives.

As women seek fault-based divorce, spending years in courts, they risk homelessness and destitution. Since the judicial assumption is that men provide for the household, and no marital assets are shared between spouses, including the marital home (even though this is far from the reality on the ground),[9] women seeking divorce are left homeless, and ineligible for social assistance from the state. Even though constitutionally recognized as equal citizens of the state, women are not legally perceived as the responsibility of the state, but that of men.

Women's journey through the divorce process illuminates the interplay between the public and the private legal and judicial systems. As mentioned above, according to the Personal Status Law, a victim/survivor of domestic violence, seeking judicial divorce, has the responsibility to prove that harm- *impossible* to withstand- has occurred to judges with gendered and socio-economic bias regarding what constitutes tolerated harm. This gendered process of violence against women is sustained by public judicial systems (for example, women don't constitute equal witnesses as men) and public legal systems (for example, Penal Code which allows violence against women, Social Insurance Law that does not perceive women as independent citizens, but only defined in relation to men, and above all, a constitution that sets Shari'a as *the* source of legitimacy). The modern secular state is, therefore, an illusion constructed to conceal a system of injustice and violence which regards women as inferior to men in every way.

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[9] The Central Agency for Mobilization and Statistics (CAPMAS) estimated that women are the heads of 30% of Egyptian families, and the vast majority of families in rural Egypt (81%) (Gaballa 2014). See also Al-Sharmani (2014) on the difference between the marital financial stricture *de facto* and *de jure*.

DECONSTRUCTING THE PUBLIC/PRIVATE DICHOTOMY
THROUGH ISLAMIC FEMINISM

In this section, I argue that Islamic feminism can potentially play a significant role in deconstructing the Egyptian public/private structure under which women's boundaries are defined. By using the work of Islamic feminists, I aim to deconstruct the nexus between patriarchal public-private concepts, specifically men's *Qiwamah* (authority) over women, with Holy Islamic texts. I argue that Islamic feminism can be a strong tool not only in transforming the change-resistant Egyptian family law, but more importantly in weakening the foundation of the structure on which public/private dichotomy is built.

DECONSTRUCTING THE BASIS OF THE LEGAL PUBLIC-PRIVATE
STRUCTURE: THE CONCEPT OF QIWAMAH

> Al-rijalu qawwamun 'ala al nisa' bi ma faddala Allah ba'dahum 'ala ba'd wa bi ma anfaqu min amwalihim (Quranic Verse: 4:34).

(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 (Thoreau 2016, 177-78).[10]

Exegetes have derived the concept of *Qiwamah* from a Qur'anic sentence (4:34) (and, consequently, all the hierarchal structure of the family in Shari'a), even though a different term *qawwamun* is used in the sentence. Abou-Bakr asks, "how exactly did the Qur'anic sentence […] which is part of the larger verse 4:32, in its turn part of a larger passage, and part of a larger structure of governing principles—become an independent and separate (trans-contextual) patriarchal construct?" (Abou-Bakr 2015, 60).

In tracing the process of the construction, Abou-Bakr summarizes the strategies used in the construction of the concept of *Qiwamah* in the following words.

> General strategies of constructing dominant patriarchal interpretations on *Qiwamah* have revolved around the following: a) conceptualization, i.e. turning it into a notion; b) separating it from the context of previous verses (4:11, 4:12, 432, 4:33) and establishing it as an isolated, self-contained principle; c) generalizing from a limited and specific fi-

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[10] The translation of the Qur'anic verse from Arabic into English is taken from Yusuf Ali (2001).

nancial injunction to a pervasive rule and a standard criterion that govern all aspects of the marital relationship; and d) creating unfounded meanings, turning the responsibility into a cause of privilege, hierarchy and authority.

It was the modernist exegetes who played a critical role in the construction of the third and fourth strategies using modern-like public/private paradigm, which they claimed was natural and holy (Ibid). For example, in almost all classical liberal public/private terminology, prominent Islamic exegete Muhamed Mitwalli al-Sha'rawi argued that women's biological characteristics, which enable pregnancy, childbirth, and nursing, define them as mother/nurturers, and consequently, become controlled by nurturing impulses and emotions (Al-Sha'rawi 1982, Abou-Bakr 2015b). In sharp contrast, men are born with the characteristics of rationality and reason. Therefore, the 'natural' difference between men and women, according to al-Sha'rawi, justifies a gendered structure of the family in which men rule, and women serve (Ibid).

This hierarchical paradigm designed by Sha'rawi, and those before him, is deconstructed by the work of Islamic feminists. By debunking the myth of *Qiwamah* as the word of God, showcasing the construction of the concept by male exegetes, revealing not only the illegitimacy of the concept, but also the illegitimacy of the public-private dichotomy on which it is based, and the one it has enabled. Islamic feminism, consequently, paves the way for new interpretations of the concept, as well as gender relations in marriage, through a new reformative movement based on equality and justice.

Islamic feminist scholar Asma Lamrabet, for example, offers an egalitarian reading of the concepts of *Qiwamah* by reading *the entire* 4:34 verse, *along with* other verses with the term *qawwamun* (4:135 and 5:8), and verses discussing marital life in the Qur'an, covering both the public and private meaning of the term. *Qiwamah*, she reads not as authority of men over women, but rather as management of public and private spaces by men and women. Regarding the public (verses 4:135 and 5:8), she states:

> *Qiwama*h in both verses [4:135 and 5:8] could […] be translated as a formidable need for justice that should animate the hearts and consciences of all believing women and men. This *Qiwamah*, this self-imposed obligation of fairness, justice and careful judgment, is a major exhortation in the Qur'an's message. This is the true meaning of the term *qawwamun*, which stipulates an impartial consciousness and a perfect rigor in fairness and testimony (Lamrabet 2015, 96).

As for the private (verse 4:34), she explains:

Qiwamah is not authority conferred on the husband. It is the responsibility, obligation or duty of men-husbands, fathers or otherwise- to maintain the conjugal household, a family structure that is common to most cultures, from time immemorial, and provide for the needs of their family and all relatives who are in need (Ibid, 91).

Lamrabet stresses the need to read the verse alongside other verses on marriage in the Qur'an:

We should also read private *Qiwamah* together with other verses that concern family life, such as those enjoining husbands and wives to shared responsibilities, to mutual help (*ba'duhum awliya' bd'din*) (9:71), to love and tenderness (*mawaddah wa rahmah*) (30:21) and particularly harmony and reciprocal consultation (*taradi w tashawur*) (2:233). Another key Qur'anic obligation to consider is justice (*'adl*), which is extolled throughout the revelation as an indispensable precondition for all human relations (Ibid, 101).

The striking methodological and analytical contrast between al-Sha'rawi and Lamrabet reflects an ontological difference. Al-Sha'rawi approaches the verse from a view of nature based on divide, and inequality, while Lamrabet derives her interpretation from a view of nature based on unity, equality, and justice.

The Qur'an is, first and foremost, a message addressed to humanity in all its glory- but with all its weaknesses too. In the Qur'anic concept of *insan* (human being), all human beings, regardless of gender, race, or class, are created from one essence, reflect the beauty and perfection of God, carry human weakness and are the ones whom the sacred text addresses with its message for spiritual advancement and liberation from all kinds of oppression. To fulfill this message, the Qur'an instructs that human life be guided by the ethical values that are at its heart. Our calling on this earth is to achieve *tawhid*, the unity of Allah; this leads us to *istikhalaf* (vicegerent) on earth. To fulfil this role, we need to obtain and embody *'ilm* (knowledge), *'adl* (reason), *hurriyyat al mu'taqad* (freedom of belief), *ikhtilaf* (diversity) and *mahabbah* (love). It is through the lens of these Qur'anic ethical values that we should understand *qiwamah* and *wilaya* and gender relations and rights today (Ibid, 93).

This message of equality, justice, and freedom is not a mere methodological lens; rather, it is how Islamic feminists see their mission as researchers/activists and how their movement should be shaped.

To be an Islamic feminist researcher is not to subscribe to right- wing political projects, or to gender-biased interpretations of Islam, or to 'super-ficializing' Shari'a, or to the neo-Orientalist and 'modernist' discourses, or to the Enlightenment-Dark Ages paradigm, or to the Islamic-civil polarization, or the 'righteous Salaf' versus the corrupt present. More than ever, this is the time for an alternative self-conscious movement that bridges the gap between research and knowledge building, on one side, and activism and public engagement, on the other one (Abou-Bakr 2013). It is, perhaps, why Abou-Bakr proposes Islamic feminism as an ethical movement of change in Egypt.

THE ETHICAL IS POLITICAL

Abou-Bakr argues that Islamic feminism offers a "holistic view of 'lived ethics'" which enables it, as a movement, to oppose all form of *zulm* (injustice) (2013, 198). Islamic feminism transcends the liberal public/private divide, according to Abou-Bakr, by making the ethical political.

An Islamic feminist vision is able to underline the convergence of both theological and political authoritarian patriarchy through conceptualizing and invoking specific, relevant ethical tenets: resisting all forms of *zulm* (injustice), *istikbar* (pride) and *baghy/tughian* (transgression) for the pursuit of a holistic *'adl (*justice). These are more than simply the equivalent Arabic words for these meanings, as the systematic recurring of each in specific moral contexts throughout the Qur'an forms together a thematic and conceptual cluster of an Islamic ethos and imperative (2013, 200).

The movement of Islamic feminism has the potential to surpass the public/private mirage through an ethical egalitarian movement of change resisting injustice in all aspects of life. Through its knowledge-building, it denounces what has been defined as sacred legal grounds as neither sacred nor ethical, and consequently, must be changed. It enables change by offering new religious grounds which are based on egalitarianism. And, finally, Islamic feminism empowers Muslim women and men to create a new path for marriage, as well as other aspects of life, based on equality and justice.

One question remains, however, amidst the multitude of power structures that imprison women in a public-private framework; a question asked by Abou-Bakr (2013): Will Islamic feminists' egalitarian vision of the world be given the space to be imagined?

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ISLAMIC FEMINISM IN A MULTI-CONFESSIONAL PATRIARCHAL SYSTEM: THE LEBANON CASE

REEM MAGHRIBI

Abstract: The Lebanese state officially recognizes eighteen religious sects, the members of which are each subject to one of fifteen personal status laws (PSLs) that govern family matters such as marriage, divorce, custody, and inheritance. These PLSs are seen by women's rights activists as unjust to women and a focal point of necessary activism. There is no civil secular PSL, and so calls for PSL reform and gender justice are automatically pitted against the state's entrenched sectarian system. This article focuses on three of Lebanon's Islamic PSLs: Sunni, Shi'a, and Druze, and highlights Islamic feminism, grounded in Qur'anic exegesis, as carrying genuine potential to impact the effectiveness of reform initiatives that address gender inequality in Lebanon. Specifically, this article outlines how Islamic feminism might play a positive role in advancing gender justice for Muslim women through family law reform within Lebanon's multi-confessional system.
Keywords: Islamic feminism, multi-confessional, reform, Sunni, Shi'a, Druze.

INTRODUCTION

Lebanon, like most Arab countries, delegates authority in matters relating to what is referred to as 'personal status' to religious courts. Almost all the over four million Lebanese residing in Lebanon are officially affiliated to one of eighteen religious sects recognized by the state and are, thus, subject to one of fifteen[1] personal status laws (PSLs, often also referred to as family laws). These laws underpin issues related to

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[1] The Muslim Ismaili and Alawites Shi'a sects and the Catholic Latinate sect each follow the PSL of the sect considered closest to them.

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marriage and its consequences, such as divorce and custody and, in the case of Muslim communities, inheritance.[2]

By defining the roles, responsibilities and rights of men and women entering into marriage, personal status laws and the religious courts that adjudicate on all matters related to them have the power to influence the gender dynamics of the country. Lebanon's patriarchal and discriminatory laws, both civil and personal status-related, have been described as contributing to violence against women[3] and positioning them as second-class citizens (Salameh 2014).

While inequality between men and women is present in PSLs across the Arab world, the religious diversity of Lebanon's population and its many PSLs differentiate it from other countries. In Lebanon, inequality is not only present between men and women, but also between women of different religious sects. This has complicated the feminist agenda and led to a lack of synchrony and strategy among reform activists, with different groups adopting very different approaches to pushing for gender equality. These strategies range from efforts to reform individuals PSLs to calls for the dissolution of all confessional PSLs and religious courts in favor of a single unified civil family law. The latter has been the most visible approach, grounded in secularism, which its proponents argue is the most inclusive solution to a legal system that reinforces divisions within an already fragile and fractured society. However, while some may argue that a legal system that treats all women equally and fairly demands the division of religion and state, identity in Lebanon is very much steeped in religion, and does not only impact the way individuals are treated, but also how they behave. This is in part the result of differing belief systems, customs, and historical events, but is also the result of the Lebanese state using personal status and sex as technologies of recognition for its citizens (Mikdashi 2014).

A secular approach might enable citizens to be and behave as individuals able to argue for their own beliefs and for their own interests in a court of law without being asked to battle the incontrovertible word of God. However, given that the social and political status of Muslims in Lebanon is inextricably tied to their religious identity, an approach that speaks to the beliefs and political identities of Muslims may be more effective at building the momentum needed to push forward reform than the secular approach, which altogether denies religion a 'voice' in the political arena.

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[2]A civil inheritance law that was passed in 1959 was rejected by Muslim authorities and so only applies to non-Muslim citizens.

[3]Arab Institute for Women, *Lebanon Gender-Profile* (2016).

A number of scholars and activists have in recent decades made significant attempts to produce interpretations of Islam's holy book, the Qur'an, that complement gender equality and dispel the notion that feminist principles and Islam are incompatible. Among them are scholars associated with the transnational organization 'Musawah – for Equality in the Muslim Family.' This hermeneutic approach has given rise to the phrase 'Islamic feminism,' which is used hereafter to refer to the application of Qur'anic interpretation to support calls for gender equality.

While respect for religious beliefs and the rights of others to hold them is essential, self-appointed authorities of religion have all too often disrespected the beliefs and rights of women by using religion as their weapon. The secular approach de-weaponizes religion by simply not using or referring to it in arguments for reform. Islamic feminism on the other hand re-weaponizes religion in the interest of gender justice.

As Islamic feminism is grounded in Qur'anic exegesis, this article focuses on the country's three Islamic PSLs: Sunni, Shi'a, and Druze[4] and considers the potential impact of Islamic feminism on the effectiveness[5] of reform initiatives tackling gender inequality in Lebanon. Specifically, this article outlines how Islamic feminism might play a positive role in advancing gender justice for Muslim women through family law reform within Lebanon's multi-confessional system.

THE PATRIARCHAL AND FISSIPAROUS NATURE OF FAMILY LAW IN LEBANON

While confessional family law was introduced to support and respect Lebanon's heterogeneous and religiously diverse population, it has led to a system that prevents citizens from living outside of a confessional framework. Birth, death, and inheritance are experiences faced by all, marriage by most, and divorce by many, and all are governed within parallel systems that are based on religion, differentiate between citizens and have little oversight. While religious identity was given consideration under the Ottoman rule, it was the modern Lebanese state that made religion a citizen's decisive characteristic. The country's sectarian system, therefore, ensures that the life experiences of citizens are based on their mem-

[4]While many studies categorize the Druze confession and PSL separately from the Muslim confessions of Sunni and Shi'a, the 1948 Law of Personal Status for the Druze community notes that where provision is not made within the articles of the PSL, the judge shall apply the provisions of Islamic law according to the Hanafi school. Given this, this study considers all three within the context of the impact of Qur'anic exegesis.

[5]While there are five recognized Islamic sects, the Ismaili and Alawite sects do not have their own PSL and, therefore, follow the PSL of the Jaafari (Shi'a) sect.

bership of a monolithic religiously defined group, thus entrenching division and a sense of self associated with religious identity.

All three of Lebanon's Islamic PSLs, which govern the lives of over two thirds[6] of the country's population, prevent women in their congregation from marrying outside the Muslim faith. They also all prevent women from ever holding guardianship (parental authority) over their children.[7] With guardianship only granted to men, and women not allowed to serve as judges in religious courts – despite 38 percent of civil court judges in Lebanon being women (Chemali Khalaf 2010), the fate of females, particularly young girls, lies firmly in the hands of men.

The 1962 laws of the Rights of the Family and on the Organization of the Shari'a Courts direct the application of the Hanafi doctrine to Sunni personal status cases, except for those matters covered by specific provisions in the 1917 Ottoman Law of Family Rights. For Shi'as, who are subject to what is known as the Jaafarian PSL, uncodified Jaafari *Fiqh* and provisions of the Ottoman law relevant to Jaafaris apply. Druze follow a separate legislation, codified in 1948.

While all these PSLs place women in a subordinate role to men, each one has its own nuances regarding the rights and responsibilities of women in marriage, divorce, custody, and inheritance. These nuances have been well documented in a 2015 report by Human Rights Watch.[8] The relegation of family affairs to religious authorities is part of a confessional system affirmed in the 1926 constitution, reaffirmed in the 1943 National Pact and the 1989 Taef agreement (which ended the country's fifteen-year civil war), and intended to balance the competing interests of local religious communities.

While the Taef agreement called for the eventual elimination of the confessional system in favor of one based on 'expertise and competence,' the country continues to be plagued and often paralyzed by a highly patriarchal system controlled by competing authorities, each claiming to defend the interests of the religious community they represent. By entrusting them with the power to administer the family lives of Lebanese citizens,

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[6]Though no census has been carried out since 1932, statistical estimates in Lebanon indicate that 67.6 percent of the population belongs to a religious sect that adheres to the Qur'an. (31.9 percent Sunni, 31 percent Shi'a, and small percentages of Alawites and Ismailis) ("Lebanon 2019 International Religious Freedom Report," US State Department, Last modified June 2020, https://www.state.gov/wp-content/uploads/2020/06/lebanon-2019-international-religious-freedom-report.pdf.

[7] This is the case with all of Lebanon's PSLs – Muslim, Christian and Jewish – with the exception of the Armenian Orthodox faith that grants guardianship to both parents.

[8] Human Rights Watch, "Unequal and Unprotected: Women's Rights under Lebanese Personal Status Laws" (2015).

the state has abandoned both its responsibility to ensure that human rights are respected and its ability to ensure that all citizens are treated equally, as enshrined in Article 7 of the constitution.[9] Although all courts and religious laws are bound to comply with the provisions of the constitution, Lebanon's highest civil court - the Court of Cassation – has limited oversight over religious court proceedings.[10]

Lebanese citizens are subject to the laws of the religious community in which they are registered. In this context, religion is not a spiritual choice but part of legal identity. Though in theory citizens can change their religion if granted permission by the head of the religious sect they wish to join, in practice apostasy is fraught with challenges that impact a person's social standing on both a personal and a practical level. While adults may be free, at least in theory, to change their religion to one with laws that better suit their needs, children do not have this option and are ultimately at the mercy of the PSL of the sect to which their father adheres. Whether a child lives with her mother should her parents be divorced, be married off at the age of 13 or inherit from her father are all subject to the laws of the religious court that rules over her family affairs.

The Lebanese system, therefore, grants religious authorities a great deal of power over their adherents – both the willing and those who inherit the membership – and over the legal rights and restrictions of women and men, as well as girls and boys. They determine the level of gender equality within the Lebanese family, community, and country. As highlighted in the 115-page Human Rights Watch report, Lebanese women of all religious sects suffer grave injustices as a result. It is fair to say then that the sectarian system that was conceptualized to keep peace and unite a fractured society while maintaining the right of religious freedom can instead be seen as entrenching divisions.

Reform within any one religious group can be challenging, especially when we know that religious leaders are often at the forefront of political campaigning and agendas and can often be found contradicting themselves or other authorities from within their sect, depending on the political climate at any given time. Gender justice, therefore, requires dismantling the sectarian system altogether, say secular activists.

[9] "All Lebanese are equal before the law. They equally enjoy civil and political rights and assume obligations and public duties without any distinction among them."

[10] Human Rights Watch, "Unequal and Unprotected: Women's Rights under Lebanese Personal Status Laws" (2015).

THE DIFFERENT GUISES OF FEMINIST AND CIVIL ACTIVISM

Indeed, the secular and feminist movements in Lebanon have for decades been heavily mutually reliant, with members of both highlighting the incompatibility of sectarianism and gender equality. However, while most, if not all, secular activists advocate a feminist agenda, not all those who seek reform in the field of gender equality demand a disassociation from religious identity. The complexity of the sectarian system in Lebanon, which inextricably interlinks legal, religious, political, and societal identities, makes calls for reform far more complex than in countries like Morocco, for example, where most citizens are associated with the same religion and so governed by the same family law. That it is based on religious teachings did not prevent Moroccan activists from strategically collaborating to demand reform because, regardless of their personal beliefs, they are not bound by identity divisions imposed by law.

The complexity of the Lebanese system has resulted in a number of strategic approaches to calls for reform. A review of such approaches reveals six distinct strategic goals. Presented in increasing order of their compatibility with the existing sectarian system, they are: (i) constitutional amendment to remove authority for family affairs from religious bodies; (ii) the ratification of a unified civil personal status law that supersedes confessional PSLs; (iii) the development of a non-confessional PSL to which citizens can opt-in; (iv) the development of legislation to individually address different rights normally under the purview of PSLs; (v) the instruction of religious authorities by the government to amend their PSLs so that they are in line with international conventions signed by the government; (vi) reform of the fifteen confessional PSLs individually. Each one of these strategic goals requires the buy-in of different stakeholders to differing degrees, be they parliamentarians, politicians, lawyers, the judiciary, religious authorities, or the public, each of which may be engaged, motivated, supported or challenged by an Islamic feminism approach.

Despite predominantly expressing a desire for a secular state, 69 percent of Lebanese citizens in 2006 did not expect it to materialize (Hanf 2007). This is understandable given the lack of a strong secular movement at the time. Much has however changed in the past decade and the power struggle between Lebanon's many seculars, progressive civil society organizations and its patriarchal religious establishment, is often played out in the public sphere. Among the first organized movements to publicly demand an end to the confessional system was Laique (Secular) Pride. The group called for 'an end to the country's deep-rooted sectarian system' and advocated for a unified civil code for personal status law; allowing mothers to pass on their Lebanese nationality to their children; the passing of a proposed law on domestic violence; and the abolishment of

law 522, which drops charges against a rapist if he marries his victim (Bouh 2012). The latter two demands have since been achieved, in 2014 and 2017 respectively, through reform in civil law, but the ambition to see a civil personal status law ratified into law has yet to be achieved.

Calls for civil marriage in Lebanon date back to the 1950s. In 1951 the lawyer's union went on strike for three days demanding that a proposed civil personal status law be passed. They were unsuccessful. A draft law for a unified personal status law - one that would apply to all citizens - was presented before parliament in 1971 but failed because its authors, the Democratic Party, refused to change the word 'unified' to 'optional.' Decades later, in 1996, President Elias Hrawi presented an optional law and, in 1998, gained the votes of a majority of the cabinet (22 out of 30) but was blocked by then Prime Minister Rafiq Hariri (Salameh 2013). A law presented in 2011, remains officially on the parliamentary agenda. It was presented by MP Marwan Fares, put forward by NGO (Non-Governmental Organization) Chaml, drafted by professors Ogarit Younan and Walid Slaybi, on the basis of an earlier draft developed by a coalition of seventy-four activists that attracted over 60,000 signatories.

Over a dozen draft civil PSL laws have been submitted since 1971, some proposing a unified civil law applicable to all, and some supporting an optional civil law. None have to date been strategically successful. Given the lack of success of the secular approach, perhaps strategies that embrace religious identities and authorities may be more successful.

Opposition to proposals for both optional and unified personal status laws has come from religious leaders of all sects, presenting rare visions of unity between them. Their position of power within the country and over their communities is so tied up in their role as governors of their members' personal lives, that a civil code would undermine their authority and strip them of much of their power.

In addition to using political maneuvering to block attempts at the introduction of a civil PSL, some religious authorities have attempted to shame and alienate the attempts' supporters. The previous Sunni grand mufti, Muhammad Rashid Qabbani, issued a fatwa (religious decree) in 2003 declaring the supporters apostates (Nazzal 2013). Though no Lebanese person has ever been excommunicated for supporting a civil PSL, such actions serve to silence some who fear alienation, but also embolden others who feel frustrated and marginalized. Islamic feminism could in such circumstances serve to counter this narrative by referencing the same source for their arguments as do the traditionalists: the Qur'an.

While the secular approach of introducing a civil PSL has not yet yielded results, another secular strategy has. Some PSL reformists have focused on demanding the introduction of civil laws in matters customarily regarded as falling within the rights of religious courts due to their 'per-

sonal' nature in a bid to protect women from certain abuses within the house and abuses of power within the PSL system. The most notable outcome of this strategy is law 293 – a law introduced in 2014 which protects women against domestic abuse. The law was a culmination of six years of campaigning, led primarily by 'KAFA (Enough) Violence and Exploitation,'[11] a feminist secular non-profit organization founded in 2005 that has butted heads with politicians and religious authorities for over a decade. Spurred on by the highly publicized death of a Lebanese woman poisoned by her husband, KAFA mobilized thousands of Lebanese citizens from across religious divides to attend an hour-long march through the streets of Beirut in March 2014 in support of a domestic violence bill that was passed into law the following month.

KAFA is a secular organization, and while it is true that Lebanon's various secular groups and movements have in large part been spurred on by an equal rights and/or feminist agenda, the opposite cannot be said to be true. In fact, KAFA and other NGOs refused to join the Lebanese Council for Women – an umbrella of over 100 women's organizations in Lebanon – due to the highly confessional and sectarian nature of the group and its members. Far from being rooted in a secular approach, some "civil society actors instrumentalize the sectarian political system and its resources to advance their own organizational or personal advantage [… and] enable sectarian elites to […] extend their clientelist networks to CSOs (Client Services Office) that should otherwise lead the effort to establish cross-sectarian ties and modes of political mobilization or that expressly seek to challenge the sectarian system (Salloukh and Clark 2013).

In contrast to KAFA, the young[12] but strong NGO ABAAD, which was also active in advocating for the civil law against domestic violence, proactively and publicly engages religious authorities in its activities and campaigns. While these differing strategic approaches could be seen as complementary, the organizations' forthright criticism of each other presents them rather as conflicting. Such lack of collaboration or acceptance between organizations can lead to fractures where unity or strategic cooperation may be more effective.

While initiatives led by secular movements in Lebanon have not historically drawn on Islamic feminism, they were faced with fierce opposition from Lebanon's Sunni authority Dar al-Fatwa on the adoption of a domestic violence law drafted by KAFA. The 'National Coalition for the

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[11] Law 293 is an amended version of a draft law produced by KAFA and first submitted to parliament in 2010.

[12] Established in 2011.

Protection of Women from Family Violence' issued a press release in which they referred to a *Hadith* by the Prophet Muhammad: "Only a man of noble character will honor women, and only a man of base intentions will dishonor them" – in a bid to emphasize compatibility, indeed complementarity, between Islam and the fight against gender-based violence (KAFA 2011).

Whether any pressure groups or organizations used such tools and teachings of Qur'anic exegesis to lobby religious or political authorities or rally the masses during the 2014 campaign for a civil domestic violence law remains unclear. The law was opposed and undermined by religious authorities who objected to the civil infringement on what they considered their domain.

While many celebrated the new law as a victory, the process highlighted the resistance of the civil authorities to acknowledge and tackle the unique vulnerability of women, by bowing down to pressure to change the proposed title of the law from 'protecting women from family violence' to 'protecting the entire family from violence.' Additionally, the law that was eventually passed did not include the criminalization of marital rape that was included in the draft. Moreover, the discussion that surrounded the bill before it was heavily amended and passed into law may be the only time when the opinions of religious authorities were sought about a bill unrelated to a personal status.[13]

Among its many arguments against the bill, Dar al-Fatwa argued that it was founded on gender segregation and threatened the family as a social unit (Al Raida 2010-11). The Islamic feminist organization Musawah appears to counter this notion simply by identifying it as "a global movement for equality and justice within the Muslim family" while presenting theological arguments in favor of gender equality. In their 2014 thematic report on Bahrain,[14] Musawah present arguments grounded in the teachings of Prophet Muhammad that support the criminalization of marital rape.[15] As such, Islamic feminism may prove effective in the coming years

[13] "Consideration of reports submitted by states parties under article 18 of the Convention: Lebanon," CEDAW (2014).

[14] "Musawah Thematic Report on Article 16: Bahrain," Musawah, February 2014.

[15] "The Prophet is reported to have said, "The most perfect of the believers is the best of you in character, and the best of you are those among you who are best to their wives." In this regard, marital rape constitutes serious abuse of a wife. Musawah maintains that outlawing marital rape, like domestic violence, is not against Islam, and is in fact consistent with Qur'anic principles of justice ('adl), equality (musawah), dignity (karamah) and love and compassion (mawaddah wa rahmah)."

as activists continue to lobby for amendments to the law and is certainly worth testing.

The collective success of organizations and citizens in bringing about the 2014 civil law on domestic violence - Law 293 - has paved the way for activists to continue demanding reform through the introduction of civil laws on issues deemed by religious authorities to be under their preview. The current focal area is child marriage. Existing Sunni and Shi'a personal status laws and judicial practice allow for girls to be married as young as nine years old.

Materials produced by Musawah articulate that applying *maslahah* (the principle of Islamic law that seeks to ensure the public interest) provides a strong case for ending child marriage, 'a practice that we all know to be detrimental to the health and well-being of girls.' [16] This messaging is delivered in conjunction with an introduction to Islamic law as based on *Fiqh* (the human act of deriving legal rulings from the word of God) and something that must be reformed and changed as an integral part of Muslim legal tradition. Such Islamic feminist teachings may go a long way to raising awareness among and mobilizing women who live within Muslim communities and are unable to articulate their disapproval of the rulings of sheikhs in positions of authority within the community, much as stories and images of women abused and murdered by their husbands mobilized thousands from all religions to demand a law against domestic violence.

While some activists continue to believe that the only way to combat gender discrimination in Lebanon is to deconstruct the sectarian political system in favor of a secular one, others believe that the buy-in of religious authorities is essential and favor an approach that sees them as stakeholders pushing forward reform within the current system. In the context of family law, this translates to negotiating with fifteen different authorities in a bid to effect change to the personal status laws that govern the Lebanese population.

Both the Sunni and Druze PSLs have in recent years been amended following extended pressure from reformists and women's rights activists. All PSLs determine custody of a child (where she will live) based on age and not consideration for the child's best interests. The 2011 amendment of the Sunni PSL saw custody for mothers raised to 12 years, up from 7 for boys and 9 for girls. The 2017 amendment to the Druze PSL saw the age of custody for mothers raised by five years, from 9 and 7 to 14 and 12 for daughters and sons, respectively. The amendment to the Druze law also allowed daughters of men without sons to inherit their late father's entire

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[16] "Muslim Family Laws: What Makes Reform Possible? (English)," Musawah, published May 14, 2018, https://www.youtube.com/watch?v=jITCc6FGQkM.

estate in the absence of a will, whereas previously other members of the extended family would also inherit.

These amendments were hard won and took years of campaigning. The amendment within the Sunni PSL was the result of a campaign that began in 2006, initiated by The Family Rights Network, headed by lawyer Iqbal Doughan. The Network wanted to campaign for a single common family law to replace the multiple religious PSLs, but strategically chose to first focus on the issue of maternal custody because it is one that is not addressed in holy scripture and as such, they believed such a campaign was more likely to lead to positive change (Dabbous 2017). Five years later, it did, at least within the Sunni PSL. The amendment to the Sunni PSL required approval both at the level of the religious court and at the parliamentary level, both of which presented challenges.

Deputy grand mufti and cabinet minister Omar Meskawi attributed the campaign's success to the strong pressure from women's rights groups, combined with the fact that no scriptural text specified the proper custody age (Ibid). Despite the lack of scriptural text regarding custody, the lobbyists still used a Qur'anic jurisprudential approach to prepare a specialized draft law for Lebanon and rallied the support of religious figures and authorities. This highlights the need for dialogue and support from within the religious establishment and their loyal adherents to successfully push for reform within the religious PSLs.

Another example of the engagement of Lebanese women in dialogue with the religious authorities who impact their lives was witnessed and documented by Samer Ghanoum, a researcher for Legal Agenda. Ghanoum attended a workshop in 2013 organized by women from the Islamic non-profit Irshad and Islah Beneficent Association, during which they posed a series of questions to Shari'a court judges about the status of women, the role of judges and corruption within the courts.

Ghanoum highlights that while the role of the workshop and subsequent research and monitoring conducted by these women in the courts aims primarily to ensure the preservation of Sunni Shari'a courts against the threat of secularization, their focus on the substance and conditions within these courts could lead to positive change. Such women and initiatives receive little exposure because they are seen as betraying women's rights, says lawyer Youmna Makhlouf.[17] These women are, however, representative of a significant number of Lebanese citizens who reject having to choose between rights and religion, and as such cannot easily be engaged in dialogue and campaigns for gender equality that adopt a secular approach. Activists from within secular feminist movements have how-

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[17] Data from my interview with her.

ever refused in the past to engage in dialogue or activities with women who chose to work within a religious system, adds Makhlouf. A lack of fruitful engagement between groups that adhere to different ideologies is commonplace in Lebanon's convoluted political system but may hinder both the impact of Islamic feminism and feminism in general if it is not addressed.

The need for secrecy within the Islamic feminist groups must also be addressed. Dialogue between women of one confession is often held behind closed doors to avoid criticism by people in other confessional groups. While many women accept the need to criticize their own community, they do not like to do so in public and maintain a sense of duty associated with protecting the honor of their community that prevents them from expanding the discourse. It is reflective of a culture where a plethora of issues remain taboo and problems within the family are expected to remain within the family.

Encouraging more public dialogue and community engagement is however key. The need for discourse and critique was evidenced during the 2014 campaign that demanded parliament to pass Law 293 on domestic violence. The campaign gained enough attention, legitimacy, and media coverage to compel religious authorities to take media interviews and publicly disavow violence against women and to answer questions about gender and religion. Even though they were arguing against the civil law criminalizing domestic violence in private, their public statements may well have encouraged many of the women from different social standings and confessions to join the thousands-strong protest that was held days before the bill was passed into law.

Even if an optional civil PSL is passed in the coming years – as is anticipated– many members of religious families and communities will not feel able to opt into it. As such, it remains important to engage in calls for reform of confessional PSLs as long as they still impact citizens of Lebanon. Of all the activists and groups promoting reform, those that strategically focus on amending existing PSLs are most likely to include Islamic feminism within their arsenal. Secular feminists may well be advised to do the same not least in order to counter the argument presented by religious authorities that feminism is a western construct. The women's rights movement in Lebanon has not historically taken a wholistic view that incorporates culture and identity and, says Makhlouf, Islamic feminism may be able to unite, if not unify, Muslim women in Lebanon. It may also strengthen their resolve and impact by providing culturally relevant knowledge, case studies, and allies beyond Lebanon's borders.

ISLAMIC FEMINISM AS A TRANSNATIONAL MOVEMENT

Lebanon is one of 32 countries with Muslim family laws. Indeed, in the course of the campaign led by the 'The Family Rights Network,' the group advocated for raising the *hadana* age by invoking reform in other Arab countries that had been inspired by Shari'a Islamic law. Among them was a campaign by Protecting Lebanese Women that referred to amendments in Iranian law.[18]

Arguments that suggest that beliefs, values, and practices should be understood within cultural contexts - referred to as cultural relativism - efficiently block reform in national laws and influence Lebanon's international commitments. Lebanon has, based on cultural relativism, issued reservations to Article 9, paragraph 2, and Article 16, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women relating to personal status issues, deeming their ratification of the convention essentially moot.

Influence comes in many forms, some direct, some indirect. International law, foreign funding, regional events, and transnational organizations all have the potential to promote and initiate reform in Lebanon, be it in the field of family law or other discriminatory practices. The potential impact of Islamic feminist thought must therefore be considered in conjunction with or through the lens of each of the aforementioned factors.

Lebanese lawyer Nada Khalife wrote a thesis in 1994 about Lebanese PSLs, outlining the laws thematically, analyzing them through a human rights lens and highlighting the discrimination present across all confessions and in all PSLs. This thesis highlights the uniformity of discrimination across all confessions, in essence defining the very nature of confessional PSLs as discriminatory. This lays a strong foundation for demands for gender equality and unified civil law. Three years later, on 21 April 1997, Lebanon acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Lebanon has however been classified as a country where "laws are for the most part consonant with CEDAW, with little effective enforcement; improving the situation of women appears to be a low priority for the government."[19]

Lebanon maintains reservations to several articles in the Convention, among them: Article 9 relating to equal rights with regard to nationality; Article 29 relating to the administration of the convention and arbitration in the event of a dispute; and Article 16 relating to equal rights in marriage and family life, despite the CEDAW Committee indicating that: "[…] reservations to article 16, whether lodged for national, traditional, religious or

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[18] PLW Facebook post (@PLW.Lebanon, June 2, 2019.
[19] WomanStats, 2011.

cultural reasons, are incompatible with the Convention and therefore impermissible."

While a number of CSOs and campaigns harness this incompatibility between Lebanon's legal system and its international obligations, others look closer to home and highlight the advances made in other Arab countries. Though Lebanon has forever been promoted as the most progressive country in the region, Lebanese activists are now increasingly able to point out that this is no longer the case. While reform in Egypt, Sudan, Tunisia, and Morocco now gives mothers the right to pass on their nationality to their children, Lebanese mothers still cannot. When preparing to campaign for the age of custody to be increased, The Family Rights Network collected evidence of progressive custody laws from other Arab and Muslim majority countries which had already enacted successful reforms, in a bid to preclude any excuse to reject reform on religious grounds.

Images of the mass protests and civic action in other Arab countries in 2011 during what is known as the Arab Spring further spurred on civil society actors in Lebanon and encouraged Lebanese activists to engage with and learn from their counterparts across the region, says Lebanese journalist Diana Moukalled, who in 2018 released 'Against Me'[20] a documentary film produced by KAFA that highlights injustices in Lebanon's PSLs through personal narratives of Lebanese women. Despite her decades of experience and a vast network as a journalist, Moukalled did not feel that she could fully address the injustice of PSLs in "Lebanon's political and sectarian media,"[21] hence her motivation to produce a film. In it, one woman whose husband instructed a doctor to inseminate his wife with his brother's sperm without her knowledge is denied a divorce by a Jaafari religious court judge who says that she does not have sufficient grounds for divorce. "I feel that everyone is on my side except the Islamic Law," says Nancy, whose father supported his daughter's request for a divorce.

As lawyer Mustafa Akari explains in the film, the absence of a codified law that determines the provisions of the Jaafari sect is problematic and results in varying inconsistent unpredictable rulings. Moreover, judges in most religious courts do not have the same education and do not undergo the same selection process as civil judges, are not required to hold national law degrees[22], and are often clerics who are not required to have specialized judicial training to hold office (Dabbous 2017).

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[20] Accessible at https://www.youtube.com/watch?v=NgEN1zgnpdw&t=17s.

[21] Diana Moukalled, face to face interview in June 2018.

[22] Only the Druze and Evangelical confessions require that their judges hold a national degree in law.

Moukalled believes that the only just solution to the flagrant injustice faced by women every day in the religious courts is the adoption of a unified personal status code. She does, however, accept that large swaths of the Lebanese population, women included, are conservative and inclined to resist the secularization of family law. As such she sees the potential for a positive role for Islamic feminism in Lebanon. "Enlightened Islamic dialogue can create a dialogue among religious communities that liberals simply cannot initiate; and it can do no harm to have such dialogues."

In recent years, transnational and social media have played a big part in raising awareness across the Arab region of injustices against women in the name of religion. A transnational approach that harnesses the power of the media to highlight the more progressive laws adopted in Arab and Muslim countries to the ordinary citizens of Lebanon could therefore enhance the impact of Islamic feminist thought, adds Moukalled. Dialogues and exchanges of knowledge between individual and collective scholars and activists in different Arab and Muslim countries are abundant and highlight the perceived relationship between countries. The similarities in cultural, religious, and legal contexts of these countries have led to both formal and informal transnational initiatives that strengthen individual activism and movements within national borders.

The Arab Institute for Women (AiW) has organized many such exchanges bringing together professionals engaged in women's rights across the Arab region, while Musawah has brought together scholars and activists specialized in women's rights from different Muslim countries.

Beirut-based Director of AiW Myriam Sfeir first attended a workshop hosted by Musawah in 2016. Participants from over 20 Arab and non-Arab countries with large Muslim populations attended, working to conceptualize strategies that would enhance engagement with religious authorities to aid in furthering the reform agenda. Such exchanges of knowledge between professionals from different backgrounds and experiences are invaluable at the national level, says Sfeir.

Lebanese lawyer Outayba Merhebi agrees. She too was at the 2016 workshop, as well as at a 2018 regional meeting in Cairo organized by Musawah in collaboration with UN Women. The meeting, says Merhebi, aimed to facilitate the development of a working plan across the Arab region. With individuals and organizations working on different initiatives with different focuses, such regional coordination can help ensure that overlaps are minimized, and gaps are filled. Bringing together professionals working in different fields – including the law, education, and media – is highly beneficial, says Merhebi, as reform results from a multi-pronged sustained approach.

Many collaborations between organizations in different Arab countries are, however, short-lived, based on projects with set schedules, budgets,

and donors. As such, the facilitation of ongoing transnational dialogues and coordination by bodies with a regional reach, such as Musawah, can be instrumental in strengthening the effectiveness and impact of individual organizations focused on enacting change within their own borders and legal systems.

CONCLUSION

Though various Lebanese campaigns appear to share with Islamic feminism a desire to engage, if not appropriate, religious discourses, the use of arguments based on Qur'anic interpretations and the need to follow a "*gender-just hermeneutic Qur'an exegesis* (Schröter 2017) remains limited and has only addressed the absence of scripture (in the case of *hadana*) and not the interpretation of it. The evident willingness of at least some to engage in reform from within, solicit the support of religious authorities and reference the Qur'an suggests that future campaigns may embrace a strategy based on interpretation.

Moreover, a strategy that embraces Islamic feminism may also encourage more women and men in Lebanon to engage in the women's right movement, which has to date been dominated by a secular civil society that may have put off devout Muslims or those living in devout families and communities, who fear alienation should they engage in demands for reform that is often associated with western imperialism.

Indeed, the overtly eastern nature of Islamic feminism serves to counter arguments presented by religious zealots that feminism is a western construct pedaled in the east to serve the interests of the west. The transnational eastern nature of Islamic feminism enables activists to invoke reform in states that are culturally and religiously similar and Lebanese citizens to draw strength and stimulation from an extended band of 'sisters' in and beyond their borders, regardless of whether Islamic feminist arguments are themselves used to challenge discrimination. While the arguments may be fruitful in gaining the buy-in of religious authorities, perhaps the true potential of Islamic feminist rhetoric among the public is seeing it as a source of motivation or inspiration in breaking the barrier of engagement in feminist activism. The Islamic arguments in favor of gender equality may also provide a source of strength to uneducated women in particular who are subject to the unhindered domination of men in almost all aspects of their personal life.

While secularism has proven popular as a foundation for political and legal organizations in Lebanon, religion plays a strong role in personal identity and, as such, and engaging citizens in a 'religious marketplace of ideas' may well give individuals a sense of power and engagement that secular human rights movements cannot. Such open engagement in an

alternate discourse could strengthen national unity and, in turn, increase the size of public support for the feminist agenda in Lebanon.

Islamic feminism – in so much as it provides for alternative readings of religious texts without promoting a disassociation of religion from governance – may be key to limiting the resistance of Lebanon's religious authorities that carry great political influence. Given the fragile and interwoven nature of the political confessional system in Lebanon, politicians have been loath to challenge the status quo, in particular the religious establishment for fear of alienating both their constituent base and their counterparts in other political parties and blocks who hold influence and power.

Politicians who have gone against the status quo and supported a civil personal status law – even an optional one - have faced harsh criticism and backlash and been branded apostates by zealot religious figures and lackies of the west by anti-colonialists who see feminism as a western construct. As such, it is essential for those seeking the support of politicians to in turn support them by reducing the potential for community and political alienation. Providing a credible foundation of arguments based on Muslim and eastern principles may go a long way to proving that support to politicians who believe in gender equity and are dissuaded from demanding reform only by fear of personal attacks and professional regression.

Those politicians who are more concerned with consolidating their patriarchal power base may not be directly swayed by Islamic feminist thought but may indirectly be impacted by credible discourse among their constituents that promotes harmony between the Qur'an and gender equality. Politicians who stand to lose power and influence in a less patriarchal society have been bolstered by the rhetoric of religious leaders with little opposition from credible Islamic scholars. Faced with religious arguments in favor of gender equality supported by credible theologians and scholars, these politicians would no longer be able to easily hide behind the robes and rhetoric of religious authorities whose credibility comes from their politically appointed offices. They would either have to engage in the theological debate, for which many of them are not prepared, or allow the debate to play out in the public sphere between religiously engaged opposing parties, which would likely promote public discourse in essential matters that for too long have been the domain of the elite few.

Stagnation of political reform can also be countered by a strong judiciary that is well-equipped to counter the arguments of regressive power bases. Each judicial verdict that supports equality and holds the rights of citizens as more sacred than the power of religious men not only strengthens the rights of individual women party to those verdicts, but also helps

to lay the foundation for public support through enlightenment which may ultimately push for legislative change. Islamic feminism provides pro-equality judges with arguments on which they can base their verdicts while limiting, or at least countering, fear from and the impact of zealots who seek to undermine them. It also provides solicitors arguing for women in religious courts with the opportunity to credibly counter the arguments of religious judges who seek to undermine the role and rights of women. Even if such arguments do not result in the desired verdict, they will be heard by the public who attend such cases (religious court proceedings are open to the public) and may influence constituents who adhere to religious structures.

Not only can judges and legal professionals use Islamic feminist arguments when addressing individual cases, but so too can activists and the media. Such arguments may help combat corruption and misogyny in religious courts by presenting enlightened arguments to counter the narrative of religious judges whose primary argument against feminist thought has to date been to brandish it as a western construct that threatens the sanctity of eastern Islamic values. Moreover, the development of a network of credible Islamic feminist thought and thinkers could bolster the activism of pro-equality religious leaders, thus encouraging the development of a diversity of stances within religious bodies themselves and spurring on an ideological metamorphosis.

Such change need not be limited to Muslim communities. The very nature of identity politics in Lebanon suggests that should Islamic feminism succeed in impacting PSLs of Muslim confessions, it will also have an effect on laws that affect women of all religious confessions. The religious leaders of Christian denominations have sometimes relied on Muslim clerics to block PSL reform so that they may avoid being portrayed as regressive and obstacles to progress in issues related to gender equality.[23] As a result, Christians often view Muslim laws as regressive and as such any renaissance in Islamic reform would be noted and likely used to fuel communities of all confessions.

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A MUSLIM AND A FEMIIST[1]

OLFA YOUSSEF

Abstract: This article attempts to deconstruct the concept of 'woman' in the thought of the Muslim fuqaha (religious male scholars). Along with showing the limits and contradictions of their traditional misogynistic approach, I suggest a new approach which rehabilitates the feminine in Islam and rehabilitates the human person in all its dimensions. By extending religion to the realm of faith, swerving from the literal to the symbolic, and transcending from the legal to the spiritual, the status of woman in Islam appears under a new face.

Keywords: Interpretation, new approach, misogyny, Islam, fuqaha (male jurists), spirituality.

INTRODUCTION

Whenever I mention in my lectures that a person can be both Muslim and feminist, I sense question marks, and even astonishment, on the faces of my audiences. The common widespread representations of Islam vehicle the idea that this religion gives preference to men over women in legislation and legal dealings, but not in the *'Ibādāt* (worship). It may not be 'preference' in the prevailing sense of the term, but a fundamental discrimination; don't men have a '*daraja'* (degree, step) over women?

ولهنّ مثل الّذي عليهنّ بالمعروف وللرّجال عليهنّ درجة (سورة البقرة، الآية 228).

(And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree (of advantage) over them. And Allah is Exalted in Power, Wise (al-Baqarah Surah, Verse 228).[2]

[1] This article was translated from Arabic into English by Fatima Sadiqi.

[2] Source of translation: https://www.alro7.net/ayaq.php?sourid=2&aya=228&langg=english&lang.x=-875&lang.y=-23&lang=english. Accessed January 12, 2021.

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The issue here is that most people read the relationship between men and women from a modern perspective, that is the perspective of Human Rights, which is based on equality between men and women. Many are ignorant that the concept of 'Woman' as an independent being with rights is a concept that was brought about by modernity. Up to the 1960s of the last century, (and even today in some human groups, communities, and among specific individuals), the 'man' is the prototype of 'human being' in the general collective imagery. This concept of 'prototype' is important in the discipline of Prototype Linguistics, which asserts that a prototype is the most representative of its group. For example, when we talk about a group of birds, the nightingale is closer to the prototype than the penguin, and when we talk about a group of chairs, the traditional four-legged chair is closer to the prototype than a chair designed in a modern style, which may be a chair without legs to start with, and so forth. And when we talk about the concept of *insān* (person), we need to remind ourselves that until recently, this concept referred 'man/male,' considered the model/prototype of the human species. It is not a coincidence that the French language uses the same term, 'homme,' to refer to both 'person' and 'male,' and tries to distinguish between the two terms by the use of the capital letter 'H' for 'person' and the small letter 'h' for 'man.' We can go further than this and assert that historically, the prototype of 'human being' is the free white man, as the Black man, the slave, belonged to a second category, and the child, just like the woman, does not represent an independent category. Rather, the woman and the child are both dependent on the man, and this is not a characteristic of the so-called Islamic world; it is a representation that has filtered the collective human imagery and applies to all people. The concept of 'independent woman,' free from subordination to men, appeared only recently and after many struggles.

Today, when we say that a person can be both feminist and Muslim, it is logical that some people are astonished because the combination of the two qualifications is not possible from the perspective of medieval *fuqaha* (religious jurists/scholars), but the combination of the two is possible within an illuminative reading of Islam. I will try to provide a brief presentation of the *fuqaha*'s image of woman, underlying its paradoxes, then I will present an illuminative reading of women in Islam.

WOMAN IN ISLAM FROM THE PERSPECTIVE OF THE *FUQAHA* (ISLAMIC JURISTS)

The *fuqaha* built their image of 'woman' on two premises: as a seductive being and as lacking in reason and religion. Both images have negative semantic connotations.

Seductive Woman

In formulating the seductive woman image, Islamic jurists relied on a Hadith (a saying of Prophet Muhammad, May Peace Be Upon Him – MPBUH):

<div dir="rtl">ما تركت بعدي فتنة أضرّ على الرّجال من النّساء.</div>

 (I have not left after me any (chance) of turmoil more injurious to men than the harm done to the men because of women).

   The *fuqaha* consider the seductive woman to own a powerful force which can bring down the strongest men. This power is endowed with a strong negative connotation: it distracts men from God Almighty. Al-Ghazali, a prominent Islamic jurist, asserts that when a woman seduces a man, she drives him away from the straight path, and hence becomes mis-leading, just like Satan. Thus, just as it is necessary to seek protection from Satan by, for example avoiding him or seeking refuge from him, a man should seek protection from the temptation of a woman. This protection may be achieved in two ways: the veil (hijab) and polygamy.
   With respect to the veil, it is a form of clothing that, while defined dif-ferently according to various historical periods and in various interpretive (*Tafsir*) books, has one goal: protect men from female seduction. The veil hides the woman's seduction from the man's gaze and deprives her of the weapon that she may use to mislead him. As for polygamy, it also pro-tects the man, but in another way: through sexual diversity, polygamy provides the man with a satisfaction that would neutralize the woman's weapon of seduction, or at least make this weapon effective in a less dan-gerous way. In this context, jurists cite a Hadith attributed to the Messen-ger of God – PBUH:

<div dir="rtl">إنّ المرأة إذا أقبلت، أقبلت في صورة شيطان، فإذا رأى أحدكم امرأة فأعجبته، فليأت أهله، فإنّ معها مثل الّذي معها.</div>

(Indeed, when a woman enters (your space), she enters in the image of Shaitān – Satan. So, when one of you sees a woman that he is fascinated with, then let him go to his wife, for indeed with her (his wife) is the same as that which is with her) [al-Thirmidhi].

   Although this Hadith is categorized as 'weak,' the jurists adhere to it. For them, any 'weapon' that could neutralize or reduce the risk of a wom-an's seduction is 'desirable' and worthy of inclusion in legislation. Such an overall logic of jurists highlights the veil and polygamy as important means that of protecting the man. The veil protects him in the public

space, and polygamy protects him in the private space. This logic shows that if the sole goal of talking about the woman is to protect the male prototype, then it is logical that the majority of the people interested in the veil and polygamy are men. This matter interests them in spite of the fact that it is 'packaged' as a woman's issue.

THE WOMAN AS DEFICIENT IN REASON

In the first section the woman is presented as possessing negative power. In this section, the woman is presented as marked by weakness, also understood as negative. In the *fuqaha*'s perspective, the woman does not leave the negative space. Asserting that women are deficient in reason is not only based on the famous Hadith attributed to the Prophet, but also on the *fuqaha*'s various arguments, such as their assertion that a woman's testimony is equivalent to half that of a man.

فإن لم يكونا رجلين، فرجل وامرأة ممّن ترضون من الشهداء (البقرة، 282).

(And if there are not two men [available], then a man and two women from those you accept as witnesses (al-Baqarah Surah, Verse 282).[3]

Also:

الرّجال قوّامون على النّساء (النّساء، 34).

(Men are the protectors and maintainers of women (al-Nisaa Sura, Verse 34).[4]

Another reason jurists use is the fact that the Prophet PBUH is reported to have uttered in clear words that 'a people will never succeed, who give their leadership to a woman.'[5]

If the veil and polygamy are meant to protect the man from the temptation of the woman, then the exclusion of women from positions of responsibility in the public sphere, such as involving them in public affairs

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[3] Source of translation: https://www.alro7.net/ayaq.php?sourid=2&aya=228&langg=english&lang.x=-875&lang.y=-23&lang=english. Accessed January 12, 2021.of translation: http://quran.ksu.edu.sa/translations/english/48.html. Accessed on January 15, 2021.

[4] Source of translation: http://search-the-quran.com/search/4%3A34. Accessed on January 15, 2021.

[5] Source of translation http://qaalarasulallah.com/hadithView.php?ID=32368. Accessed on January 15, 2021.

is seen as a protection of the community from deficiency in reason and atrophy in wisdom.

Before turning to the glaring errors in these two negative images of women, I would like to point out an important matter: these negative judgments are not rulings of men over women, but judgments that many women hold about themselves. We are here in the presence of what Anna Freud calls 'identification with the aggressor' (Serge 1995, 194). This may be explained by two things: Firstly, a woman who views another woman negatively seeks the consent of the patriarchal community in which she lives. In one way or another, she is saying to society: I am submitting to the negative image that you have of me, and with this submission, I want you to accept me, so that I will not be shunned or singled out like a 'discarded' animal.

Secondly, a woman who views another woman negatively seeks to overcome her unconscious feeling of guilt. In one way or another, she is saying to society: I know that I am a female and that this is an unforgivable sin, but I hope that my inclusion in the female collective representation will intercede for me. We should not forget here that within the collective imagination that the woman is born in, she considers herself a disgrace; and Arabs used to 'wash away' disgrace and shame by burying little girls alive (*wa'd* - infanticide), and when physical infanticide was not possible they had recourse to symbolic infanticide.

The problem is that women who view themselves negatively, and men who hold the same attitude are eschewing two paradoxes in the *fiqhic* system (Islamic jurisprudence). The first paradox maybe expressed by a set of questions: If a man possesses a 'perfect' mind, if he is the 'wise one', the 'provider', 'the one whose testimony does not require another man's protection, if the man has this mental and psychological strength, how can a simple woman shake his 'throne' by her seductiveness? Is the man strong or weak? Or is he strong or weak according to the whim of the *fuqaha* in demeaning women?

The second paradox may also be expressed by a set of questions: If the woman has such a deficiency in reason and such atrophy in wisdom, how can we then explain the supreme value that the mother is given in the Muslim culture? Isn't the mother a woman before being a mother? Or is there a strange hormone that transforms the woman from the state of a despised/jaundiced/subordinated femaleness to that of a prestigious/outstanding masculinity that forces obedience to her and assigns her the task of raising the children of the 'Umma' (nation) and even puts paradise under her feet?

WOMAN IN ISLAM FROM A SPIRITUAL ENLIGHTENING PERSPECTIVE

The reading presented in this section is an alternative symbolic interpretation of Islamic scriptures. The difference between my reading and that of the jurists is that whereas theirs is presented as the only truth in spite of its glaring misogyny, I present my reading as a possible human symbolic reading that starts from the following verse:

<div dir="rtl">

وما يعلم تأويله إلاّ الله (سورة آل عمران، آية 7).

</div>

(And no one knows its [true] interpretation except Allah (al-'Imran Surah, Verse 7)).[6]

According to this verse, interpreters are supposed to adopt a great deal of humility towards the various degrees of reading, explaining, and interpreting the holy texts.

Before I present my reading of the image of woman in Islam from a spiritual perspective, I will unpack the *fuqaha*'s (jurists') reading and show its limits and some of its errors. With regard to the first image, that is, the seductive woman, I see that the exaggeration in presenting the danger of the seductive woman is based on the theory of Creation because the jurists assert that Hawwa (Eve, the woman) is the one who fascinated Adam (the man), and, by asking him to eat from the forbidden tree, she caused his expulsion from Paradise. What is strange about this story is the fact that while it is cited in the Gospels, it is completely absent in the Qur'an. It is true that there is a Hadith about a forbidden tree, but nowhere in the Qur'an can one find an indication that the woman was the one who tempted Adam to eat from the fruit of the tree. The Qur'an affirms that both the man and the woman were wrong and misled by Satan:

<div dir="rtl">

"فأزلّهما الشّيطان عنها" (البقرة، 36).

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(But Satan caused them to slip out of it and removed them from that [condition] (al-Baqarah, 36).[7]

Rather, the act of repentance is assigned to Adam alone:

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[6] Source of translation: https://www.alquranenglish.com/quran-surah-ali-imran-7-qs-3-7-in-arabic-and-english-translation . Accessed on January 16, 2021.

[7] Source of translation: https://www.al-quran.cc/quran-translation/english/al-baqara/36.html. Accessed on January 16, 2021.

"فتلقّى آدم من ربّه كلمات فتاب عليه" (البقرة، 37).

(Then Adam learnt certain words from his God, who forgave him (al-Baqarah, 37)).

On the other hand, the *fitnah* (dangerous seduction), which the jurists consider a negative feature of the woman, is not specific to her. We should not forget that Yusuf (Joseph) seduced (*fatana*) al-ʾAziz' wife, who fell in love with him. While this love is rejected, it is not because seduction in itself is an objectionable thing, but because Yusuf is, at the symbolic level, the son of al-Aziz' wife:

وقال الّذي اشتراه من مصر لامرأته أكرمي مثواه عسى أن ينفعنا أو نتّخذه ولدا (يوسف، 21).

(And he (the man) from Egypt, who bought him, said to his wife: Allah mentions the favors that He granted Yusuf, peace be on him, by which he made the man from Egypt who bought him, take care of him with a comfortable life. He also ordered his wife to be kind to Yusuf and had good hopes for his future, because of his firm righteous behavior. Make his stay comfortable, maybe he will profit us, or we shall adopt him as a son (Yusuf Surah, 21).[8]

No stronger evidence for this can be given than the fact that many stories indicate that al-Aziz' wife married Yusuf after the issue of the assumed symbolic affiliation was excluded.

Fitnah is not reprehensible in itself, but only from the perspective of the *fuqaha*. Indeed, the Prophet PBUH said in a famous Hadith:

حبّب إليّ من دنياكم الطّيب والنّساء، وجعلت قرّة عيني في الصّلاة.

(Allah made me love perfume and women, and I made prayer my best).

This Hadith clearly combines the pleasures of the senses and those of the soul, and this is what disturbed many Hadith translators, who substituted the conjunctive element 'و' (and) with the disjunctive element 'لكن' (but) adhering to a correspondence/coincidence between the sensual and the spiritual, while the sensual seduction is meant to be a gift or a blessing. In this conception, the woman does not distract the man from God Almighty; rather, the *fitnah*, whether coming from a man or from a woman, reflects the blessings of God Almighty, and this discards the veil and polygamy as protections of the man from the woman danger. It discards

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[8]Source of translation: https://quranopedia.com/quran/12vs21. https://www.al-quran.cc/quran-translation/english/al-baqara/36.html. Accessed on January 16, 2021.

them ontologically because desire pertains to the desiring being, not to the object of desire that the *fuqaha* see as responsible for misguidance and corruption. I quickly point out here that the two issues of the veil and polygamy, while they are overlooked ontologically at this level, they are also subject to critique at the interpretational level. As I have discussed this in many writings, I will only underline that the veil was mentioned only twice in the Qur'an. The first time when God Almighty says:

"وَمَا كَانَ لِبَشَرٍ أَنْ يُكَلِّمَهُ اللَّهُ إِلَّا وَحْيًا أَوْ مِنْ وَرَاءِ حِجَابٍ..." (الشّورى 42/51).

(It is not fitting for a man that Allah should speak to him except by inspiration, or from behind a veil, or by the sending of a messenger to reveal, with Allah's permission, what Allah wills: for He is Most High, Most Wise).[9]

The second time when God Almighty says:

...وَإِذَا سَأَلْتُمُوهُنَّ مَتَاعًا فَاسْأَلُوهُنَّ مِنْ وَرَاءِ حِجَابٍ ذَلِكُمْ أَطْهَرُ لِقُلُوبِكُمْ وَقُلُوبِهِنَّ... (الأحزاب33/53).

(And when ye ask (his ladies) for anything ye want, ask them from before a screen: that makes for greater purity for your hearts and for theirs (al-Ahzab 33/53)).[10]

In the first context, 'hijab' has nothing to do with dress. As for the second context, 'hijab' is a specific matter to the wives of the Prophet PBUH. Likewise, dress was invoked twice. The first one when God Almighty says:

"يَا أَيُّهَا النَّبِيُّ قُلْ لِأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلَابِيبِهِنَّ ذَلِكَ أَدْنَى أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا"(الأحزاب33/59) .

(O Prophet, tell your wives and your daughters and the women of the believers to bring down over themselves [part] of their outer garments. That is more suitable that they will be known and not be abused. And ever is Allah Forgiving and Merciful. (al-Ahzab 33/59).[11]

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[9] Source of translation: https://www.alro7.net/ayaq.php?sourid=42&aya=51&langg=english&lang.x=-875&lang.y=-23&lang=english. Accessed on January 16, 2021.

[10]Source of translation: https://www.alquranenglish.com/quran-surah-al-ahzab-59-qs-33-59-in-arabic-and-english-translation; Accessed on January 16, 2021.

[11]Source of translation: https://www.alquranenglish.com/quran-surah-al-ahzab-59-qs-33-59-in-arabic-and-english-translation; Accessed on January 16, 2021.

Many authoritative commentators have proved that the command to wear 'jilbabs' (long garments) is specific to free women and is a way of distinguishing them from female slaves. The society of that time allowed slave molestation and did not allow the molestation of free women. The 'lowering' of the cloth here has only a discriminatory function, a function that lost its value with the abolition of slavery. As for the second context, which dress is invoked, it is mentioned in al-Nour Surah, in which God Almighty says:

وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلاَ يُبْدِينَ زِينَتَهُنَّ إِلاَّ مَا ظَهَرَ مِنْهَا وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَى جُيُوبِهِنَّ وَلاَ يُبْدِينَ زِينَتَهُنَّ إِلاَّ لِبُعُولَتِهِنَّ أَوْ آبَائِهِنَّ أَوْ آبَاءِ بُعُولَتِهِنَّ أَوْ أَبْنَائِهِنَّ أَوْ أَبْنَاءِ بُعُولَتِهِنَّ أَوْ إِخْوَانِهِنَّ أَوْ بَنِي إِخْوَانِهِنَّ أَوْ بَنِي أَخَوَاتِهِنَّ أَوْ نِسَائِهِنَّ أَوْ مَا مَلَكَتْ أَيْمَانُهُنَّ أَوِ التَّابِعِينَ غَيْرِ أُولِي الْإِرْبَةِ مِنَ الرِّجَالِ أَوِ الطِّفْلِ الَّذِينَ لَمْ يَظْهَرُوا عَلَى عَوْرَاتِ النِّسَاءِ وَلاَ يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ مِنْ زِينَتِهِنَّ وَتُوبُوا إِلَى اللهِ جَمِيعًا أَيُّهَا الْمُؤْمِنُونَ لَعَلَّكُمْ تُفْلِحُونَ. (النور/24/31).

(And say to the believing women, that they lower their gaze, cast down their eyes and guard their chastity, and do not reveal their adornment except that which is outward (face and hands); and let them draw their veils over their neck, and not reveal their adornment except to their husbands, or their fathers, or their husbands' fathers, or their sons, or their husbands' sons, or their sisters' sons, or their women, or what their right hands own, or such male attendants having no sexual desire, or children who have not yet attained knowledge of women's private parts; nor let them stamp their feet, so their hidden ornament is known. And, O believers, turn to Allah all together, in order that you prosper (al-Nour, 31/24)).[12]

This verse only asks to lower down the 'khimār' (clothing) on a woman's *juyūb* (pockets); it does not ask that women wear the 'khimar.' Also, it is relevant to note here that the root {kh, m, r} originally refers to what is completely coverable and not what covers the head only. This is corroborated by a Hadith in which Prophet Muhammad PBUH asks one of his Companions (sahaba) to cover his thigh by saying:

خمِّر فخذك.

(Cover your thigh).

As for the *jīb* (singular of *juyūb* – pocket), it semantically means 'opening' and is apparently a term used in the verse to denote an 'opening' or

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[12] Source of translation: http://parsquran.com/data/show.php?sura=24&ayat=31&user=eng&lang=eng. Accessed January 16, 2021.

'cut' in a woman's garment, whether at the level of the arms or any other place in the cloth.

If we assume that 'khimār' in its idiomatic meaning in the verse, refers to the covering of the head, then this meaning must be widespread at that time. In this case, the command in the verse is not about covering the head, but about covering the *juyūb* (openings in the garment). And if we recall that one of the customs relating to women in *al-Jāhiliyyah* (pre-Islamic era) was to leave their bosoms uncovered, then the meaning of the verse is that women should cover their bosoms (breasts). Nowhere in the text is hair mentioned, and no reference is at all made to the concept of *fitnah* (seduction).

If we come to the second stigma of a woman, that is, deficiency in reason, we will realize that Qur'an's requirement of two testimonies from two women in court does not necessarily demean women; it may rather be read as a way of including as many women as possible in public affairs and issues. This is what a difference between a traditional reading, like al-Razi,' and a modern reading, like In Ashour's, exemplify. While al-Razi reads the requirement of the testimonies of two women on the basis of a woman's core biological characteristics by stating:

والمعنى أنّ النّسيان غالب طباع النّساء لكثرة البرد والرّطوبة في أمزجتهنّ.

(The meaning is that forgetfulness is prevalent in women's temperament because of the great amount of 'moisture' and 'cold' in their moods).

On the other hand, Ibn Ashour indicates that the purpose of stipulating two women is to accustom women to dealing with public affairs as they were excluded from such dealings in the pre-Islamic era. As such, for example, twenty women, instead of ten, would participate in public affairs.

What remains is *Qiwāmah* (men's authority over women), which some consider as proof of men's preference over women. The concept of *Qiwāmah* is linked to *infāq* (provision for):

"الرّجال قوّامون على النّساء بما فضّل الله بعضهم على بعض وبما أنفقوا من أموالهم." (النساء، 34).

(Men are the maintainers of women because Allah has made some of them to excel others and because they spend out of their property (al-Nisaa, 34)).[13]

[13]Source of translation:
http://www.alfanous.org/en/translation/?query=lang:en%20AND%20gid:527. Accessed January 17, 2021.

A husband's spending on his wife was a necessity in ancient societies in which most women were not working outside home for money. Have things changed today in many modern societies? Isn't forcing a husband to spend on his wife in case the latter does not have a job, one means of protecting the wife in the event of childbirth and reproduction, for example? More importantly, the verse does not at all assert the preference of a gender over the other on the basis of belonging to that gender; rather, it makes some people, men or women, better than others according to their operationality in specific circumstances. Additionally, *Qiwāmah* is conditional on spending money. Thus, in the absence of provision, that is if spending is provided by both spouses, as is the case of many families today, then the concept of Qiwāmah loses its legal force.

 If we now consider the Hadith attributed to Prophet Muhammad

لن يفلح قوم ولّوا أمرهم امرأة .

(A people who make a woman their ruler will never be successful).[14]

In addition to being a suspected Hadith as Fatima Mernissi asserts in her book *le Harem politique* (Mernissi 1987), this Hadith is linked to a historical context in which the Kisra's (Persian ruler) daughter was assuming power in Persia; it is a Hadith that is connected to a specific historical context and does not extend to all women; rather, it refers to a specific context characterized by a woman's hostility to Muslims. Based on this, we can see the *fuqaha*'s eagerness to read the image of woman in Islam in a negative way and realize that the negative qualifications they attributed to women were wrong.

Against this reality, I would like to present a different reading characterized by symbolism and spirituality, with the aim of departing from the ideological struggle over the lexical or historical meanings of terms. My goal is to open new horizons for another approach, not to the relationship of woman to man, but to the relationship of the feminine to the masculine. These are two psychological categories that qualify men and women and that are embodied in different cultures, as in the distinction between the Ying and the Yang in oriental cultures.

While the masculine is constructed in positive verbal signifiers in the sense of Lacan's (Lacan 1975, 97) psychological analysis, the feminine is

constructed in the absence of a signifier. Furthermore, whereas the masculine embodies action, the feminine embodies emotional reaction. Additionally, whereas the masculine falls in the dimension of reason, the feminine falls in the dimension of desire. Indeed, masculine law is based on subtle elements that fill its contents, whereas feminine desire opens up into a void. Lacanian psychological analysis asserts that the masculine is subject to the logic of the group, whereas the feminine emanates from the individual. This is shown in the following table:

Masculine	Feminine
Action	Reaction
Reason	Desire
Speech	Silence
Group	Individual
Religion	Faith

Based on the above table and on the symbolic dimensions of the masculine and the feminine, one can give a different reading of, for example, *Qiwāmah*, so that it is not a preference *Qiwāmah*, as conceived by the *fuqaha*, but a symbolic *Qiwāmah* of the masculine over the feminine, such that the father (or whoever represents him, and this person may be a woman) is the one who puts an end to the relationship of absolute desire between the child and his/her mother. This is the concept of the father, not the name of the father in psychological analysis. We are not here in the domain of preferring the masculine over the feminine, but rather in the domain of the including both of them at a level of human psychology.

If we go back to what was mentioned previously about woman being deficient in reason within the meanings in above table of what counts as masculine and what counts as feminine, we will realize that the masculine is closer to reason because it resides in the law space that separates the woman and her child. As for the feminine, it embodies the mother's desire for her child. However, this desire goes beyond its object as it opens up on what cannot be obtained. Indeed, whenever a person attains a goal, another goal opens up in front of them, and there is no goal that satisfies the original humans' lack of something, and that is the place of feminine desire in us. In addition, because of its relation to law and reason, the masculine is at the core of the collective group. We should not forget the role of the concept of the group in designing and framing the masculine. What is referred to as the 'phallic function' is said to be part of the collective symbolic groups. According to Miller (1987, 67):

All organizations and all large groupings, such as political parties, armies, and churches, are primarily male groups.

On the other hand, the feminine belongs to the domain of the individual because it is not accountable to the logic of the group and is determined only by an infinite number of individuals. This initial dichotomy between the masculine and the feminine allows us to approach a second dichotomy that results from it: the dichotomy between religion and faith. We know that religion does not exist without the institutions that symbolize it, and regardless of the number of religions that are related to these institutions, the churches and their clergies, the 'hasba' and its men remain hierarchical systems based on a combination of hierarchical phallic values, such as: teacher/novice, judgment/submission, and so forth, as well as to a set of canons, rituals, and so on. Religion derives from the idea of a group, and all religious rituals and the concept of 'holy jihād' against 'the others,' is but a deepening of the idea of belonging to a particular group or collective gathering. On the other hand, faith is a personal and purely individual belief. As such, faith does not need collective institutional structures, and just as religion is a social affiliation, faith is a 'heart' affiliation. A result of this is a person's ability to choose a specific religion, or to decide to convert from one religion to another; but this is not applicable to faith. Faith does not depend on a decision or any implementation of reason. We do not rationally decide to fully depend on God, just as we do not decide overnight to reach a state of inner peace. And just as religion 'moves/navigates/is used in' the space of action, since it is a voluntary choice, faith moves in the field of emotion because, from the perspective of psychological analysis, it is a gift from 'the other.' When we remember that the theories of psychological analysis, especially Freud's, attribute the nature of 'action' to the masculine and the nature of 'emotion' to the feminine, we find ourselves once again in front of another aspect of bisexuality. This may help us understand the Prophet's Hadith that women are deficient in religion, not as a disparagement of woman from a purely normative point of view, but as an aspect of the solid relationship between woman and faith. Women are deficient in religion, but they have excess in faith.

The masculine and the feminine are embodied in human beings, whether men or women, as they are a dichotomy between the I-subject, the Conscious, and the masculine, and the object-emotional, the Unconscious, and the feminine. The same duality is embodied in the dichotomy between reality, as a perceived external entity, and the real or the truth as a felt internal revelation. In fact, the difference between the worlds of wakefulness and dreams can also be approached according to the male and female dichotomy.

The masculine and the feminine are two elements that design people's lives, and there is no preference of one over the other. When we, for example, say that 'action' is masculine, and that the result of action (which is emotion) is feminine, we cannot separate one from the other, let alone prefer one over the other. When we use this perspective to read the history of Islamic theology, we see that the *fuqaha* never left the realm of religion. They are the guarantors of the religious institutions that they represent, and they adopt collective perceptions of religious affairs in their methods of handling different and controversial issues. They give utmost priority to rituals and rulings, and hence, their pleasure is a social pleasure that celebrates symbols; that is, it is a phallic pleasure. Conversely, Muslim mystics are located within the faith realm, and by revering the personal experience and by refraining from participating in the social rituals, as well as their enjoyment of longing for 'union' solutions and infinity, their pleasure is different from the symbolic or phallic pleasure. Their pleasure is an additional enjoyment (jouissance), which is similar to feminine pleasure. This pleasure is impossible to express or bring to the real. It is a pleasure embodied in al-Naffāri's famous expression (Al-Naffārī 1985).

كلّما اتّسعت الرُؤية ضاقت العبارة.

(The wider the vision the narrower the expression).

Feminine pleasure, which is not transmittable, is not limited to Muslim Sufis only, but is felt by Sufis, whether Muslim or not. Lacan introduced the concept of feminine pleasure in his lecture 'Another time again,' and on the basis of his observation of Saint Theresa Davilla's behavior, he said: "Do you see what she was enjoying? It seems clear to me that the core testimony resides precisely in their assertion that they really experienced pleasure, but without knowing anything about it."

It is perhaps the victory of the jurists (*fuqaha*) over the Sufis in the history of Muslims that explains the dominance of the masculine over the feminine. This explains the fact that the flat/literal textual reading of the Qur'an and Islam in general was predominantly common, while the doors of the symbolic, enlightening, and spiritual reading were closed. And while I basically adopted a psychological analysis in my symbolic reading of the feminine and the masculine, the reading of the Qur'an and Islam in general is open to infinite possibilities that can lead to a reconsideration of the image of woman in Islam and the value of the feminine in it. So, can the emergence of Islam from the yoke of an exclusive, and sometimes extremist *Fiqh* (Islamic jurisprudence), be attained through a rehabilitation of the feminine and the female?

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PART II

VIOLENT EXTREMISM AND RAPPROCHEMENT BETWEEN
SECULAR AND ISLAMIC FEMINISMS

ISLAMIC FEMINISM AND DECOLONIAL PRACTICES IN THE POST-ARAB SPRING: BEYOND THE SECULAR—RELIGIOUS DEBATE

RACHID TOUHTOU

Abstract: This article highlights debates and practices of decolonial/post-Islamist feminisms around reformulating the equality-difference dichotomy and taking into account different feminist experiences and ground realities. The article's main argument is based on the idea that Post-2004 family reform feminisms in Morocco are movements that cross the secular/religious divide and fuse various ideologically divergent trends into one. These feminisms use the power of religion to produce counter-arguments; religion is not monopolized by Islamist feminists only, but it is used by modernists alike. This debate on secularization or Islamization of feminisms in Morocco opened a whole new framework for dealing with the emerging hybrid forms of feminisms in Morocco; it is the birth of intersectional feminism in Morocco where gender, class, and race are intertwined in the fight for gender equality and democracy. Post-Arab Spring intersectional feminisms' use of digital counterculture brought non-elite women and multiple voices into visibility in the public sphere.

Keywords: Islamic feminism, decolonial practices, post-Islamist, intersectional, reform, post-Arab Spring.

INTRODUCTION

Since the 1980s, studies on Arab and/or Muslim women have experienced a spectacular boom in the academic field, among others.[1] Debates on women, feminisms, Islam, and modernity,

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[1] For a critical reading of research on gender in the Middle East, see Charrad (2011); for an exhaustive research on the impact of social institutions, precolonial structures, colonialism and nation-making on women in post-independence Maghreb states, see Charrad (2001).

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and also on what has come to be called 'Islamic feminism(s)', have occupied a prominent place, giving rise to contradictory and controversial discussions.[2] The moment we invoke Islamic feminism(s), what comes to mind is an ideological confrontation between those who defend the compatibility between the terms 'Islam' and 'feminism', on the one hand, and those who think there is incompatibility between them, on the other hand. In this article, the composite term 'Islamic feminism' is used as a generic term for all feminist movements mobilizing religion in their ideologies and activisms, although I am aware of the differences between Islamic/Islamist feminisms. Islamic feminism is a current among feminist scholars attempting to rethink Islam and reread the sacred texts from a gender perspective. Islamist feminists, on the other hand, are female activists within religious Islamist organizations defending a complementarity approach to gender equality. In my view and, based on fieldwork with Islamist feminist activists belonging to an Islamist party and a religious NGO (Non-Governmental Organization) in Morocco, the terms 'Islamist' and 'Islamic' are blurred in feminists' practices and ideologies. Looking back, the post-2004 family reform in Morocco was a moment that pushed for crossing the secular/religious divide, which resulted in the fusion of various ideologically divergent trends into one. In other words, the fusion yielded a hybrid movement where secular, Islamic, and Islamist trends use 'religion' to defend their perspective on gender equality.

The terms 'Islamic' and 'secular' in this article denote two trends among feminist movements in Morocco; the secular one argues for equality and the Islamist one for complementarity. Regarding the question of what has been called by various academics and activists as 'Islamic feminism,' the current that defends the compatibility of both concepts analyzes the different groups that have been integrated and homogenized under this name from the perspective of a counter-hegemonic movement, integrating it into the so-called third wave feminisms, such as the Chicano, the Negro or the postcolonial.[3] The third wave of feminism is mobilizing other dimensions next to gender in their struggle, like culture, language, ethnicity, and nature; I

[2] Personally, I view Islamic feminism as a social movement, mobilizing religion against a form of religious patriarchy or autocracy. The battle is on discursive interpretations. In most Arab countries during the Arab Spring, Islamic feminism helped young females protest with their veiled bodies aspiring for change and equality.

[3] For seminal works on the relationship between Islam and gender, see Haideh Moghissi (1999).

support the argument that Islamic feminisms are a third-wave feminism in this sense.

Both perspectives/approaches (compatibility/incompatibility between feminism or modernity and Islam), start from different bases, but coincide in rejecting homogenization, simplification, and marginalization that hide the plurality and heterogeneity of women's movements, Muslim and non-Muslim, and the different ways of understanding Islam and feminism, as well as the divergent degrees of resistance and emancipation. For example, cases of women in North Africa who adhere to popular Islam or spiritual Islam engage in practices that demonstrate the impossibility of homogenizing Muslim women's ways of living with Islam (Ouguir 2020, Sadiqi 2006).

The homogenization that characterizes Muslim women's movements also falls into the common practice of transiting from the subaltern to the resistant and from there to the emancipatory. However, post-Arab Spring Islamic governance proved that empowerment can be reached but not emancipation. Empowerment without emancipation becomes an ideology directing the compatibility approach.[4] In this sense, the discourses and projects of Muslim women that have been described as counter-hegemonic and critical of Western modernity have raised the debate as a critique of modernity, an epistemic project that has silenced other options, cultural, epistemological and spiritual in nature. However, efforts have been directed towards a reactive defense of Islam as 'compatible' with the liberal feminist project in the context of a response to Islamophobic discourses of incompatibility.

Discourses on feminism and Islam that are delivered in terms of compatibility have not resolved the intrinsic colonial character of modernity. The 'French veil' debate is an example where those who defend the compatibility between feminism and Islam should intellectually solve inherent problems with modernity. Chandra Mohanty (1984)[5] points to the hegemony of Western feminism, calling for a decolonial project. This argument is further developed in Mohanty

[4] Here I criticize empowerment as a means of alleviating poverty but with no emancipatory ideas. These empowerment approaches reproduce the same power relations. If empowerment is only economic, women will not question power relations embedded in gender relations.

[5] There are references written by Islamist activists who defend this idea, among them the book of the spiritual leader of the Islamic organization Justice and Benevolence Abdessalam Yassine: *Islamizing Modernity* (written in French in 1998) and his daughter Nadia Yassine's book, *Toutes Voiles Dehors,* written in 2003.

(2003) where the author provides an "analysis of the difficulties and joys of crossing cultural, national, racial, and class boundaries in the search for feminist communities anchored in justice and equality" (p.11). As Rosalba Icaza argues, "there is no modernity without coloniality" (Icaza 2017). Therefore, a critique of modernity as a decolonial endeavor can produce alternative meanings to the chosen practices of agency (Mahmood 2004).

Modernity was faced with a return to Salafist trends calling for 'Islam as a solution' in confronting Western modernity and for a reformist ideology to produce Islamic modernity (al-Fassi 1954), al-Fassi defends a return to the past to cleanse society from impurities and bring to life the true religion embedded in a nationalist discourse and ideology, applying Shari'a in private and in public spheres. Islamic feminist activists, mainly the feminists of the Party of Justice and Development in Morocco defend this foundational perspective in an attempt to earn legitimacy from the past and continue reform in the present and the future (El Moussali 2013). For El Moussali, in order to link Islamic feminism to an origin for a legitimacy renewal, there is need to have recourse to al-Fassi's thought to forge a legitimacy for views on women's rights, demonstrating that Islamism and Islamic feminism are not alien to the Muslim world; they are part of a foundational search for a legitimate legacy, that of the nationalist Islamic thought.

How can we then account for Islamophobia from an Islamic feminist perspective? Is it a form of cultural and epistemic racism, linked to the colonialities of power, knowledge, and being, intrinsic to the modern/colonial world system, or is it rather an anomaly of excess of freedom and democracy? How can we understand the politics of the veil in the Western world? How can we understand women joining the terrorist group Daesh (ISIS) in Iraq or separatist women against their nations? Should feminism be compatible with Islam or not, should we have a third/hybrid perspective where Islamist/Muslim women build their own discourses, projects, and movements, from a reactive logic which is geared towards reinserting them paradoxically, in power, at the very moment when they think they are resisting it (Butler 1993).

The binary terms in which the debate on the relationship between feminism and Islam has developed respond to a complex apparatus of power and domination that starts from the imposition of limited possibilities of enunciation, identification, and existence. These discourses are locked in an epistemological prison, a vast space that allows complex and diverse possibilities of expression, but is limited by an ideological, imaginary, and conceptual fence. In this article, I

will deal specifically with discourses that seek to bridge the gap between feminism, Islam, and politics, meaning the discourses of the political feminist groups committed to trespassing their ideological differences to reach one political goal. There are feminist groups in Morocco, mainly from the secular and Islamist trends, who are trying to find/create 'spaces' to meet and discuss ways of fighting for gender equality despite ideological divergences. This is what I call the hybrid form of feminism or the third wave, a way of transcending ideological fragmentation and finding pathways of dialogue. I place the debate in a context that transcends the term for of what looks like an oxymoron, Islam and feminism, taking into account the effects of complex epistemic violence that is systematically brought about by various discourses that address this question, from a conscious or unconscious colonial and Islamophobic perspectives.

FEMINISM, RELIGION, AND POLITICS: A THEORETICAL PERSPECTIVE

Both secular and Islamic feminist trends within the feminist movement in Morocco have used feminist activism as palliative work. The NGO-ization of feminist activism, both secular and Islamic, heavily invested in the NGO work to solve problems in society and to understand the position of women. However, macro-political frameworks were unreachable for these activists in matters of social change, so laws needed to be changed and implemented. The post-2004 family law reforms, the peak of practicing and impacting politics by women, was characterized by the gendering of discourses. To understand this, we need to look back at the roots of feminism in Morocco. Historically, Islamic feminism, like secular feminism, has operated within political parties and for the interests of upper-class and elite women. Historically speaking, women and men who believed in women's rights came from elite classes in Morocco, either from the palace circles, nationalist bourgeoisie in Fes city, well-educated and right-wing families from Rabat classes. This elite-based activism would dominate the feminist movements in Morocco until the 1990s during which low middle-class women started to join the movements, although the top-down leadership would remain dominant and controlled by upper classes (Baker 1998).

Islamic feminists in Morocco work with the Justice and Charity organization, The Party of Justice Development, and The Forum al-Zahraa for Women, where the statuses and roles of men and women are understood as being different but complementary. Women are understood as being part of the family, ensuring traditional roles, and

preserving their religious identity. It is important to recognize how both Islamic and secular feminisms have operated within the political elite and have been co-opted by the state for its own political agendas. However, the feminist discourses in Morocco have contributed to new understandings of religion and politics in relation to gender. Women have transgressed patriarchal boundaries that have defined both the religious and political spheres. They have introduced discourses that bring visibility to women and their contributions to these spaces. Moroccan feminist discourses are rooted in different understandings of the interconnection among different identities.

Late Fatima Mernissi's (1940-2015) works on feminism is the best example of this evolutionary perspective on the relations between Islam and feminism. Mernissi started her research and work on the everyday resistance of working women (Mernissi 1989); she interviewed women about their social and economic conditions; it was a purely sociological work that targets the unpacking of the situation of Moroccan women as told by women who are fighting illiteracy, poverty, and gender oppression. In parallel, Mernissi started to be interested in religion and its impact on women in the Muslim world (Mernissi 1996, Mernissi 1987) where she started to deconstruct Islamic history and demonstrate that women's oppressive situation within Islam is linked to the dominance of male interpretations of the holy texts, and not to an inherently oppressive regime within Islam. In her last ten or so years, she was interested in youth in the Arab world, NGOs and development, as well as in spiritual Islam. Mernissi was considered a leftist sociologist in the 1970s and the founder of Islamic feminism in the late 1980s. For me, her work epitomizes the hybrid/third-wave perspective on the 'beyond' paradigm where both secularism and Islamism evolved and converged. It is a learning process where social change imposes new readings of the relations between Islam and feminism.

Religion is part of this discussion, which partly focuses on the deconstruction of the role of Islam in women's liberation. Secularism has used a human rights framework to understand women's status and how their oppression connects to larger political systems (Salime 2012). In Islamic feminism, human rights and Islam are not defined as separate, but Islam is taken to be grounded in these values (Ahmed 1993). Both of these spaces have been exclusive of each other and have fought for the material empowerment of elite and educated women, while ignoring many different communities of women. The groups of women who have been excluded from these main discourses have carved new spaces and created new feminist discourses. Amazigh and rural women have produced discourses that demon-

strate how their oppression is linked to multiple violent systems. Their political consciousness demonstrates how identity is complex, and feminism cannot be understood through essentialism. The examination of secular and Islamic feminist discourse demonstrates how these frameworks are constantly being shifted and transformed, which is exemplified through the secularist feminists' gender and religious analysis (Guessous 2020, Gray 2013).

Moroccan feminist discourses are part of women's transgressing the patriarchal boundaries of the public sphere. In Morocco, patriarchy is understood as space-based, where there has been a hierarchical and gendered construction of the public and private spheres (Sadiqi and Ennaji 2006). These spaces have defined the mobility of women and determined gender roles. The public sphere is a male-dominated sphere, where male bodies control the political and economic decisions. The private sphere has been constructed as a space belonging to women, where they are supposed to engage in household labor. Moroccan women's engagement with feminist discourse has challenged the patriarchal public discourse, by seeking more visibility to their marginalization and naming their struggles as political. The politicization of gender issues is significant because it demonstrates how women's current status stemmed from resistance to systematic patriarchal structures.

Two main Moroccan feminist discourses may be qualified as 'Islamic' and 'secular'. They have different gender understandings and utilize different strategies to spread their political messages. A key distinction between these discourses is their religious framework, that is how Islam is used in different degrees to understand women's status and liberation. The two discourses are exclusive of the issues of 'different' communities of women. According to Sadiqi (2014), Islamic and secular feminist discourses fight for Moroccan women's material empowerment such as political protection and accessibility of education and healthcare but target urban women. This means that the political objectives take into account only the experiences and struggles of women in the middle to upper class, as well as elite women. This brings into question how feminist discourses can be exclusive of women's bodies and not represent the interests of various communities of women. According to Sadiqi (Ibid), after the independence of Morocco, feminist discourses pushed for women's right to education, but this education was accessible only to girls in the urban areas, as these feminist discourses did not consider the conditions of rural girls (Sadiqi 2014, 130). The then adopted policies did not consider how rural girls were helping their families to survive economically, and how the girls' labor was devalued, and exploited

albeit it served the Moroccan capitalistic system.

Urbanity and rurality are political dimensions of a systematic uneven development that has been plaguing independent Morocco thus creating systematic discrimination among not only women but also men. The process of urbanization contributed to the emergence of new feminist groups and new religious needs. The new urban elites had no effective link to rural people when creating their political and religious identities. The 1980s and 1990s witnessed the emergence of new feminists from low classes with a secular or a religious identity forging their own views of being Moroccan. Women in rural areas have different needs from their urban counterparts. Their rapport to equality and religious identity is different too. Indeed, both Islamism and feminism are social movements that may be seen as urban phenomena: the urban, educated, employed middle and upper middle classes' aspirations for change and political visibility contributed to the battle of identities and ideologies in the public sphere (Bayat 2010).

Post-Arab Spring social movements, which centered on identities that were historically excluded from public discourses, created shifts in the understanding of women's liberation, bodies and agency.[6] According to Sadiqi (Ibid), during the Moroccan Spring (which was part of the MENA Uprisings), Amazigh people, poor and working-class, as well as youth redefined the understanding of feminism by connecting it not only to gender injustices but also to other multiple systems of oppression (Sadiqi 2014, 139-40).[7] Their voices brought about a discourse that demonstrates the complexity of women's identities and how the gender injustice discourse could not be reduced to essentialism which erases the experiences of many groups of people. According to Salime (2012), the February 20th movement brought about a new feminism. This new wave of feminism equates women's marginalization with labor exploitation and anti-indigenous violence. The dominant ideological voices of the 20th February movement elevated gender equality to being part and parcel of solving inequalities in society (Salime 2012). This is the beginning of intersectional feminism in Morocco where gender, class and race are intertwined in the fight for gender equality and democracy. Sadiqi (Ibid) discusses how the shift in political strategies also created new understandings of women's liberation, with an emphasis on the role of technology in

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[6] See Hasso and Salime (2016) for another perspective on body and space during the Arab Spring protests.

[7] For a case study on the use of technology and its link to gender in the MENA region, see Skalli (2006).

this liberation. During the Moroccan Spring, women used social media as an organizing tool to create public awareness and contact the public for demonstrations. Women who were not part of the elite have redefined the idea of political platforms and who has access to this space.

ISLAMIC FEMINISM: BETWEEN 'TAHRIR' AND 'TAHARUR'

Post-Independence women faced their destiny by questioning post-colonialism policies of equality. The battle of 'tahrir' (liberation) ended, but the battle of 'taharur' (emancipation) needed to start. Islamic feminism confronted religious patriarchy with the battle of sacred texts interpretation. In Islamic feminism, religious identity is a significant component in understanding gender discourse. Sadiqi (Ibid) examines how 'political' Islamic feminism was originally constructed by political elites to challenge secular feminism and gain the support of women who were not part of the political elite (Sadiqi 2014, 144). This strategy demonstrates how the elite has attempted to use women's bodies, gender issues, and religion for their own political interests. Veiled body politics was one of the strategies used to discredit secularism within society and create a popular daily resistance to westernization and secularism. The woman's body was one the strongest aspects of the extension of Islamism in society. Frantz Fanon (1965) deconstructs the multiple meanings of the veiled or unveiled bodies during the Algerian revolution. Veiling the woman's body became a symbol of authenticity and anti-westernization and a return to 'pure' Islam.

According to Sadiqi (Ibid), "[Islamic feminism] awareness is often geared towards using gender as an analytical tool to produce *Ijtihad*-based reforms that offer new feminist interpretations of the sacred texts" (Sadiqi 2014, 143). Islamic feminism combats patriarchal interpretations of religious texts and brings visibility to women's contributions to religion. Therefore, religion plays a significant role in grounding this discourse. Islamic feminists are reclaiming a practice that was previously created and monopolized by the male patriarchal elite.

In Islamic feminism, religion is used as a key framework for understanding women's marginalization and fighting for their liberation. Islam's values are understood as being rooted in human rights and equality (Wadud 1999, 2006). The main scholars/activists within this current, Zaynab al Ghazali, Nadia Yassine, and a whole generation of young veiled feminists during the Arab Spring revolutions, claimed the non-contradiction between human rights and Islamism,

arguing that Islam integrated human rights from its beginning.

The Islamization of human rights challenges the violent oriental discourse about Islam and rejects westernization, hence demonstrating how secular and Islamic feminisms accommodate religion in different ways: Unlike the Islamic trend, the secularist trend does not create alignment between human rights and religion. According to Rhouni (2010), secular feminist scholars, such as Mernissi,[8] started to reframe their understanding of the connection between religion and feminism at the end of the 1980s (Mernissi 1987). The author states that Mernissi discusses the "necessity to adjust [the] feminist language into more indigenous forms" (Rhouni 2010, 197). In other words, the feminist discourse needed to be connected and relevant to the region's culture and history. Religion is part of Morocco's identity and cannot be seen as an entity that is separate from women's liberation or identity. Rhouni (Ibid) also discusses how Mernissi's scholarship recognizes that the Moroccan feminist discourse is rooted in Islamic values (Rhouni 2010, 197). Therefore, the politicization of women's rights is also a part of the politicization of Islam, where religion is a tool used by Islamic feminists to challenge patriarchy.

The Islamist feminists interviewed for this article argue that Islam is the religion of the state; for them, a defense of the state religion is not a defense of their own Islam.[9] Post-independence feminists participated in the liberation of their nations and felt obliged to participate in various social movements to liberate their genders. These state/religion stakes were, in fact, the milestones of these movements since independence. Indeed, a return to religiosity or distance from religion were conflicting ideologies dividing the secular and the Islamic groups right after independence. The emancipatory and empowering project of feminism which includes both freedom to mobilize religion for gender ideals and a rethinking of religion for the same purpose amount to the same thing; both projects are embedded within the religion of state culture and, thus, push the boundaries of reform.

In sum, the historical moments/events that mobilized gender for reforming society and state in Morocco were moments of collective

[8] Fatima Mernissi's works are considered pioneer in theorizing Islamic feminism in the Arab world. Her sociological works or non-fiction essays deals with the place of women in majority Muslim societies and how women live their agencies despite patriarchy.

[9] I interviewed Islamist feminist leaders within the Party of Justice and Development, Justice and Benevolence organization and al-Zaharaa Forum for Women about their views on various topics related to Islamic feminism.

Ijtihad, reform, concessions, and moving beyond the secular/religious divide. Right after independence, the drafting of the first Moudawana passed by moments of coming together and moving beyond the divide; the 1993 Million Signatures Campaign to Reform the Family Law, the 2004 Family Law implementation, the 2007 reform of the Citizenship Code, the 2011 constitution in the post-Arab Spring period, all these decisive movements of gender reforms witnessed concessions and *Ijtihad*, as well as convergences among the state actors, the secular block, and the Islamist block.

ISLAMIC FEMINISM AS DECOLONIAL

To conquer what was viewed as the 'Orient', the colonizers utilized women as a tool to overthrow men and assert their colonial power. However, in crafting this tool, they did not represent the state of women in North Africa in an accurate way, but rather forced specific views and ideas onto women; views and ideas that they could interpret themselves. From this false representation of women created by the colonizers emerged laws derived from Islam and stricter social structures during the post-colonialization era. These were geared toward once again forcing women into a restricted societal caricature that would be the antithesis of colonization. Because this misrepresentation of women was crafted as a reaction to colonialism, and its creation influenced in part by Islam, Islamic feminism has grown as a way to fight back colonization. Resisting patriarchy requires Islamic feminists to use demystifying and reinterpretation strategies with the aim of undoing the damage originally done by the colonizers.

The colonizers created a depiction of the women of North Africa in a couple of different ways. One way was to present colonization as an opportunity to free the women of the Orient. This strategy created a 'savior complex' that worked to make it seem as though they were placing the needs of women first, which fact in reality was used only to mask their real economic and political motivations (Abu-Lughod 2002). They established new education systems and societal orders that they thought would allow women to have more freedom and more equal access to education (Naciri 2003). The education provided was a Western and more liberal adaptation than the colonized countries of North Africa were used to. Additionally, in order to assert their dominance over the women of the Orient, the colonizers depicted them as disenfranchised, trapped, and forced to veil themselves. They showed women as unable to make a choice about what they should wear, which was the antithesis to what life was like at that time in the West where men exercised authority over women.

Veiling was viewed by the West as directly linked to Islam, another element of the Orient that the Westerners did not agree with or tried to understand. The colonialists viewed Islam as a negative component of the Orient because it was the one thing that unified the colonized beyond ideology. Specifically, the French rejected the connection of veils to Islam because they were reluctant to admit that religion was part of national identity (Galbo 2007). From this perspective, the colonizers created the idea that it was Islam that placed its women as second-class citizens on the assumption that Muslim women were forced to cover themselves. For example, in Algeria, women were motivated by the French government to protest in a public square about their veils. During this protest, the women were meant to tear off their veils, burn them, and scream 'French Algeria'. Although there were Muslim women who wore veils, the colonizers refused to admit or overlooked that veiling was not specific to Islam and that it was also advocated and sometimes forced by other religions. Further, oftentimes in North Africa the veil had no connection to religion but rather was a historic and cultural signifier that showed differences in class and how women wanted themselves to be portrayed (Alloula 1986). However, for the colonizers to continue the 'saving' of the Orient, they needed to twist the meaning of such veils and adjust them to their colonial aspirations.

With the aim of anchoring their resistance to both Islam and the veil, the colonizers used their own artistic depictions of women of the Orient. These depictions were popular in paintings and postcards. Postcards were one of the strongest tools deployed by the colonizers to serve their women-related propaganda because postcards circulated easily throughout the West at that time, and people were more likely to think that a postcard depicted the truth. This adoption of women as art subjects was caused by the colonizers' need to conquer the men indirectly, that is, through the use of women. Depicting women only, erased the men from the picture, hence also erased their resistance, and showed the colonizers as the victors. The images in the postcards show women without veils, in the privacy of their own homes, and in a carefree way that was concordant with the colonialists' gaze. As Malek Alloula (1986) states, showing the women without a veil returns the power to the viewer of the picture, i.e., the colonizer. It does not allow the women to hide, and by exposing their faces they exposed their secrets, hence once again revealing the domination of the colonizers over the colonized (Alloula 1986).

From this sexualizing of women and the highlighting of the veil and Islam during the colonial period, the postcolonial era would once again result in big changes for women. These changes came from the

Islamization, and also in some way Arabization, that were implemented in the North African countries during the post-independence period. Both processes led to the adoption of the Salafist current preached by the nationalist leader al-Fassi; Islamization was adopted as a savior from colonization and hence westernization; Arabization led to the melting of North African identities within Arab culture, hence denying the native Amazigh cultural identities with its liberation and emancipatory meanings for the natives. The veil and covering became the symbol of resisting the colonizers; they meant a return to religion in the public life. Arabization also meant a collective destiny for a whole region, the Arab region, and was epitomized in the famous slogan, "one language, one nation and one destiny." This homogenization later gave birth to the Baath Arab Party and military authoritarian states where women would suffer from arbitrary detention and political imprisonment. In reaction, it also gave birth to radical Islamist movements that opposed Baath Arab Socialism and its alienating impact on the Arab Muslim identity (Lahouari 2017).

With respect to Islamization, education was utilized as a tool to oppose the changes that the colonizers had put into place. As stated before, the colonizers endeavored to implement a new system of education that they felt would help benefit and free the women of the Orient. On the contrary, the educational system created by the colonizers caused a backlash and resulted in the creation of a counter-educational system that was geared toward combating the colonizers' liberal education. This Islamic education separated boys and girls in the classrooms, sending the signal to children from a young age that men and women were meant to be separated and taught differently. At school, the girls were taught how to become good homemakers; how to be good wives, good mothers, and good servants of God (Naciri 2003). The Islamic educational system sought to have control over what the women and girls were being taught; it offered women a more conservative religious education to counter the colonizers' type of education.

These developments in education also resulted in new family laws, derived directly from *Fiqh* (Islamic jurisprudence), that substantially restricted women's freedom in and outside home. Family life in North Africa is the backbone of many institutions, and a center for social life (Charrad 2001, Zisenwine 2010, Young 2014). The family is considered an extension of the nation, a microcosm of power relations in the public. The political conflict over reforming the family laws in North Africa demonstrates how important shaping this fami-

ly life is for political governance in these countries.[10] The family as a private sphere is meant to keep the social order and reproduce it. The family is considered the locus of social life where the values of being male and female are indoctrinated. In a family, each person is responsible for the other's actions, and the individual and society are less important than the family. In law, the family structure is patriarchal as women are meant to depend on men (Shalhoub Kevorkian 2002). The first Moudawana allowed men to divorce women by repudiation, that is, women could be abandoned at any moment and would not have any financial compensation to support themselves. In the first Moudawana,[11] polygamy was legal without conditions; the 1975-8 personal status in article 29 mentions the legal number of wives a husband should not go beyond, meaning that the husband can get married to four wives according to the law. Unlike the 2004 family law, a husband could have up to four wives and did not need his other wives' permission to re-marry (Barakat 1985). Each of these changes foregrounds patriarchal practices in the family unit. It makes women second-class citizens without control over their own personal relationships or family life.

Through this second-class citizenship, women are confined to the home and private life, something that the colonizers thought they were working to save women from. Instead of saving them, the colonizers just placed the women back into a similar, and sometimes stricter structure than before. During colonization, women were not emancipated as colonizers preached before they settled in North Africa; instead, they kept the same social order. So, the promises to emancipate and free women from patriarchy were not implemented. This was a society where women were confined to their private life and not included in the public sphere where decisions were made about their bodies and lives.

Each of the changes that were implemented had a connection to Islam and had a direct effect on the women of North Africa although in Tunisia for example, the first family code was very progressive and secular. Despite this and at the margin of society, an Islamist group was formed, which refused the secular nature of the Tunisian state formation; the al-Nahda Party of Tunisia will take governance

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[10] The last three kings in Morocco, nationalist leaders, political leaders throughout the post-independence era reformed the family laws, injecting doses of their ideological beliefs in order to control the values inculcated in the private sphere.

[11] The 1957-58 first promulgation of Moudawana was reformed in 1993 and 2003-4.

after the 2011 Tunisian Jasmine Revolution and will put the secular nature of state into stake. Additionally, in all constitutions, Islam was institutionalized as the state religion and a key component of governance (Tripp 2019). Because of Islam's inclusion in the laws and constitutions, it is logical, and often necessary, for women to utilize Islam to fight for their rights and freedoms in North Africa.

Most of the women who are labeled 'Islamic feminists,' for example, Nadia Yassine, Bassima al-Haqqaoui, and Asma Lamrabet to name but a few, are associated with specific characteristics, such as believing in equality between men and women, do not always identify as feminists and even shun the 'Islamic feminist' label (Badran 1995). The reason for rejecting this label is because of the history that accompanied the term 'feminism,' and also because they do not generally see the work that they do as feminism but rather as a religious duty that they must fulfill. Feminism is historically known as a Western phenomenon and is a label that is often put on to other people rather than them choosing the label for themselves. This connection to the West can actually serve as a reminder of colonization and a tool that the colonizers used to force their power onto the colonized. As a result, Islamic feminists generally prefer to do their work without the feminist label to avoid stigmatization and association with the West.

The work that Islamic feminists do is labeled by some scholars, like Mulki Al-Sharmani (2014), 'knowledge projects.' These projects received this name because of their trajectory: creating new ideas from old ideas and old works. Al-Sharmani specifically links this production of knowledge to building a Muslim movement for global equality. As stated previously, some scholars such as Nadia Yassine and Zainab al-Ghazali, who have been labeled 'Islamic feminists', see their work as a religious duty. and others. This religious duty requires them to work with specific religious texts, such as the Qur'an, to dismantle the Islamic institutions and laws that were created and enforced in reaction to the colonialist regimes, much like the Moudawana. It is a foundational work of demolishing the heritage of colonial institutions although it is considered Islamic from the standpoint of nationalists. The purpose is to build from scratch a clean Islamic referential away from the colonial phase. Islamic feminists believe and work to show that Islam is a religion of equality and justice and that it is patriarchy and false interpretations of the Qur'an that restrict women's freedoms. They utilize the Qur'an to strengthen their arguments and prove that gender inequality comes from cultural norms and not from religion itself; for example, the rules that separate boys' and girls' schools. Through religion, Islamic feminists are

capable of bringing about change because Islam is the direct creator of the social, economic, and theological parts of society.

To instigate cultural transformation, Islamic feminists critique and reexamine the Qur'an through a different lens using progressive '*Ijtihad*- (use of mental reasoning to find a solution to a legal question) and '*Tafsir*' (exegesis). This reinterpretation is necessary because of the patriarchal construction that was utilized to implement Shari'a and aimed to take rights away from women. Through this culturally relevant scope, Islamic feminists are able to break down the Hadith (sayings of Prophet Muhammad) that were used in the past to keep women at home and confined to the private sphere. This process of deconstructing the Hadith is not a search for the authentic meaning of the passages, but rather a conversation about change and how society shifts and evolves, forcing religion to evolve as well. Occasionally, the work done with the Hadith does not even require any reinterpretation, but rather just a return to the context that the Hadith is taken from. With progressive *Ijtihad* and *Tafsir*, Islamic feminists can bring women more into the public sphere, argue that women can be visible in this sphere while respecting certain decency in clothes and behavior, unlike the conservatives who call for the restriction of women in the private sphere (Charrad 2001).

Besides using *Ijtihad* and *Tafsir* to fight back against their oppressors, Islamic feminists work towards demystifying ideas about Islam that were created by patriarchal interpretations and the colonizers' representations. Specifically, they have used similar tools as the colonizers, such as art, to display the true identity of Muslim women while also countering patriarchy. This can be directly seen in the work of many artists, such as Zainab Fasiki, a post-Islamist artist who criticizes mainstream religious values. Moreover, I include the work of an amateur tattoo designer, Aida Kheireddine, as well as works by Layla Essaydi.[12] For example, Layla Essaydi uses colonialist art through transforming the old odalisque images to have them acquire a new meaning and place them in a different context. The gaze in her new odalisques is re-oriented to the viewer. Unlike the colonialist odalisque depictions, the women pictured in the new odalisques are not promiscuous or looking bored. Rather, they are strong in their stare and look, comfortable in their bodies and place, taking power away from the viewer and not making the view an intrusion into privacy. Layla Essaydi shifts recognition from the viewer to the woman's own identity. However, there is more than just simple acknowl-

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[12] See her website for complete works: http://lallaessaydi.com/3.html.

edgment of the presence of the odalisques. For instance, the woman is covered in clothes, making it her choice of who gets to see her body and who gets to see her hair. This is a response to how colonialist paintings and artists stripped women in their homes and invaded their privacy. In her works, Essaydi re-veils the woman, thus returning the power and the choice to control her own identity to her. It shows the veil as a choice and not a force that is placed on women by Islam.

Furthermore, the woman's body and the wall behind her are covered in Islamic calligraphy, a manifestation of personal choice and personal control of what identity to adopt. This Islamic calligraphy is a statement of the identity of the woman as Muslim and can be viewed as directed at the colonizers' disrespect towards Islam. The inclusion of the calligraphy in the new art can also be interpreted as a comment directed at the present state of power and religion in the Middle East and North Africa. The confinement of women to the private sphere, as stated before, comes from the patriarchal interpretation of Islam and the reaction to colonialism. In contrast, this particular use of calligraphy puts women into the public sphere and allows them to be represented in the painting as a subject (not object) that can write their own story rather than have it written for them by men. The statements in Essaydi's art are written in stone on the wall behind the woman, showing her strength and power.

The statements are also written in henna on the woman's body. Henna application is a traditional art form that has been used by women of the Middle East and North Africa region for many centuries. The inclusion of henna expresses the long history of women as part of society and the way they have been using ancient rituals since before the colonial period.

However, the ephemeral nature of henna also signifies how women themselves can change and can have control over such changes. Through each of these uses of calligraphy, the artist is able to make a strong statement of female identities in Morocco specifically. The resulting statement draws from past representations of women, and further builds on those past representations to show how the current people in power still place restrictions on women.

By using this visual depiction and careful analysis of the Qur'an, Islamic feminists demystify and critique past representations through art, as well as through writings and passages from the Qur'an. These reinterpretations and demystifications fight back against post-colonial patriarchy[13] that was established by colonialism and the Islamic institutions in post-colonial North Africa. Islamic feminists are striving to build their own unique movement that will hopefully provide full equality for all men and women, no matter what their religion is, across the public and private spheres.

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[13] I use the term 'patriarchy' not as a generic term but as specific to a certain era.

CONCLUSION

The discourse on the incompatibility of feminism and Islam has had a wide echo within academia and among activists in countries with a majority Arab and Muslim populations and in the West. In the pre-2004 period in Morocco, gender equality divided Moroccans on the basis of the incompatibility between women's rights as universal and women's rights in Islam. Gender was associated with 'homosexuality' and 'moral decadence.' The emergence of a strong Islamist social movement refusing any gender equality based on Western enlightenment produced a new discourse of understanding equality based on an Islamic perspective. Reforming the family law in Morocco is a unique moment of bridging secularists, Islamists, and state interests in one reform.[14] Post-2004 and Post-2011 in Morocco are moments of the incarnation of this coexistence among various groups, ideologically separate but politically converging towards each other for the same interests. The possible marriage between the state, Islamism and feminism was concluded productively. From a total rejection of veiled women to their acceptance constitutes a turning point in the relationship between secular and Islamic activists (Guessous 2020). Radical leftist activist feminists work in close connection with radical Islamic feminists.[15] Post-Arab Spring logic imposed alliances and 'marriages' across ideological sensitivities.

This understanding of post-Islamist feminisms should be considered by mainstream Western feminist theory in order to reformulate the equality-difference dichotomy, taking into account different feminist experiences and ground realities. Just as the goal of gender equality should encompass a new form of identity politics that allows re-defining the same notion of dominant gender identity, the goal of post-Islamist feminism should be an intersectional intellectual endeavor in positing this new identity. This is the great challenge that feminist political theory currently faces, redefining and revisiting the concepts and categories on which it bases its arguments or, at least, opening up to other modes of feminism that are different from those of the West. This openness must occur in terms of equality and not based on an approach of Western superiority to the inferiority of other cultures. Feminist theory in the West also needs to consider the colonial categories that systematically generate a Western patriarchy

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[14] Several works have been published about the family law reform; for a thorough understanding of the topic, see Sadiqi and Ennaji (2006).

[15] There are public discussions conducted by the Justice and Charity Organization and leftist women and broadcasted through social media.

over the rest of the cultures and epistemologies of the world. Islamic feminism, especially feminisms produced in Muslim-majority countries, are deeply impacted by the social agency of certain categories of women in these cultures and by the multiplicity of voices within feminist movements.

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IN SEARCH OF A 'THIRD WAY' ISLAMIC FEMINISM: APPROACHES AND STRATEGIES OF A RISING DISCOURSE

ILYASS BOUZGHAIA

Abstract: This article seeks to locate the boundaries of 'third way' Islamic feminism within the spectrum of Islamic/ist discourses on women's rights and gender equality. The epithet 'third way' implies an attempt of evading the western hegemonic model of feminism and insisting that Islam can offer a viable framework for women's rights. Thus, 'third way' Islamic feminists draw on hermeneutics to argue for a female-friendly reading of Islamic scriptures that can bridge the gap between Islam and feminism. As such, the 'third way' vision shapes its characterizing features as academic in its discourse, conciliatory and hybrid in its approach, and appealing to political regimes and the young generation in its scope of influence. With a particular focus on the Moroccan context, this article sheds light on theological and exegetical strategies of several 'third way' Islamic feminists who seek to translate fresh and Ijtihadi readings of Islam into legislations and realities.
Keywords: Third way, Islamic feminism, Islam, equality, Ijtihad, hermeneutics, hybrid feminism, hybridization, reconciliation.

INTRODUCTION

The epithet 'third way' prefixed to 'Islamic feminism' is an emerging term within the literature on the Islamic feminist project. While many writers broadly refer to Islamic feminism as a homogeneous concept, this article seeks to discern the 'third way' approach as somewhat distinct. Although some writers have recently started to use this term, only a few have elaborated on its origin, specificities, and implications. Accordingly, this article considers the trajectory of Islamic feminism and how it was assigned a specific meaning in the Islamic feminist language.

Historically, the expression 'third way' was first used in the field of political economy by the end of the twentieth century to denote a variety of meanings. In his article "The rise and fall of the third way," Andrew Leigh asserts that in 1998, a new term hit the political scene. According to two of the most powerful leaders in the developed world, US President

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Bill Clinton and British Prime Minister Tony Blair, the 'third way' was the ideology of the future (Leigh 2003). Furthermore, the characteristics of this ideology are described in the Encyclopedia Britannica as "a proposed alternative between two hitherto dominant models, namely left-wing and right-wing political groups" (Hay 2018). Additionally, in his book *Clinton and Blair: The Political Economy of the Third Way,* Romano states:

> Despite its various labels – the "third way" (Clinton 1998c; Blair 1998d), the "Vital Centre" (Clinton 2000c), the "New Centre" (Blair and Schröeder 1998), and the "New Middle" (Blair and Schröeder 1998) – the third way program can be understood as a strategy that seeks to reconcile the demands of globalization (and global capital in particular) with individuals' opportunity to prosper, respectively through the twin pillars of 'sound' public finance and a program of supply-side public investment, especially in education and training (Romano 2006: 11).

In sum, the emergence of the 'third way' concept served to respond to new economic and political conditions, characterized by tension between elements like globalization, social democracy, neoliberalism, etc. with the aim of finding an alternative or a way out of the tension that accompanies these concepts.

As an approach that seeks to reconcile the tension between contending trends or provide an alternative for 'deadlocked' situations, the 'third way' epithet has been appropriated in the feminist domain. It was Doris Gray who first used the term in this sense. She states that

> [f]or lack of a better one, I have coined the term 'third way' to describe conceptual approaches to gender justice that are in essence the same as gender equality, and are developed by Moroccan thinkers and activists who insist on references to Islam (Gray 2020, n. d.).

Gray points out that the 'third way' refers to an approach that initially emerged in the wake of the 1995 Bejing conference on women's rights, when tension arose between secular feminists, who insisted on adopting the universality of human rights, and conservative Muslim women, who insisted that the Qur'an granted them all the rights they needed and, therefore, rebuffed Western feminism, perceived as rejecting religion and insisting on a dominant role for Western feminists. Gray describes 'third way' Islamic feminism as an alternative paradigm for gender equality that de-secularizes the project of women's emancipation while at the same time employing a non-confrontational attitude towards the West (Ibid).

The present article attempts to locate the boundaries of this 'third way' Islamic feminism and draws on the Moroccan experience to highlight the linkages between religious texts, feminist discourses, and policymaking processes. The first section lays the ground for inspecting the problematic of labeling and situating feminist trends in categories. The second section builds on the argument that Islamic feminism is a generic term that may be used to discuss the Islamic feminist trends, including the 'third way.' The third section provides an overview of the approaches and strategies that characterize the 'third way' Islamic feminist discourse. The final section explores the implications of the 'third way' approach for certain aspects of gender equality in Morocco.

LOCATING THE QUESTION

In Muslim societies, feminism as both an academic discourse and a lobbying activism was initially flagged by leftist and secular political parties as part of their agendas, often based on social class 'equality.' But starting from the 1980s onward and due to political openness, which coincided with the rise of political Islam, conflicting agendas for women's rights emerged and led to a polarization of feminism between secularism and Islamism. Fatima Sadiqi notes that during the first half of the twentieth century, women's struggle came to be placed at the intersection between colonialism and nationalism, and after independence, this intersection shifted to modernization, postcolonialism, decolonization, political Islam, and increasing demands for democratization (Sadiqi 2020, n. d.).

Starting from the 1990s onward, debates and practices that draw on Islam in a search for promoting women's rights started to draw the contours of what has become an 'Islamic feminism' project. By definition, the double commitment of Islamic feminists to Islam and feminist postulates instigated the interest of many authors like Amina Wadud (1999), Valentine Moghadam (2008), Miriam Cooke (2001), Asma Barlas (2002), Saba Mahmoud (2005), Ahmed-Ghosh (2008), Margot Badran (2009), Ziba Mir-Hosseini (2012), Aysha Hidayatullah (2014), and Fatima Seedat (2013), among others, to discuss the scope and limitations of this approach.

While for some authors the combination of Islam and feminism is an oxymoron; for others, it is a legitimate pathway. For more than two decades, debates about this issue generated a series of rhetorical and discursive battles that rendered the naming and delimitation of concepts fluid and slippery (Seedat 2013). However, given that feminism is a wide-ranging term and a cause that has developed in different contexts, it is totally understandable that throughout history and across geographies, feminist experiences have been constantly shaped and reshaped by a myriad of socio-political conditions. In this vein, Margot Badran righteously

asserts that feminism is "a plant that only grows in its own soil" (Badran 2009). Badran equally makes an interesting statement:

> Those who claim that feminism is Western not only display their ignorance of the long history of feminism amongst Muslim women in Africa and Asia but also reinforce negative stereotypes about Muslims and feminism, colluding with those Westerners who in their arrogance and ignorance assert that Muslims are incapable of producing feminism and that Islam is intrinsically patriarchal (Badran 2002, n. d.).

Having gained visibility and recognition, the Islamic feminism project witnessed major metamorphoses that have rendered it difficult to capture in one comprehensive and consensual framework. According to Amel Grami, there is a

> lack of interest by most researchers in offering a precise definition of the term, and the differences between them regarding its narrative, helped spawn a variety of terms that have been either ascribed to the movement or revolved in its orbit (Islamic feminism, feminist   Islam, Muslim feminism, feminism and Islam, religious feminism, feminist Muslim women, etc. (Grami 2013, 109).

Indeed, one can see that many scholars use the term 'Islamic feminism' to refer to all the classifications mentioned in the above quote interchangeably and consider them semantically synonymous. In this article, I refer to Islamic feminism as an umbrella term that covers all the attempts to establish women's rights within Islam and feminism in their broad sense. Such attempts can take different forms and can be expressed in multiple ways. This line of thought is not accepted by all scholars; Doris Gray, for example, prefers to avoid the term 'Islamic feminism'

> as it erroneously implies a unified, coherent approach when in fact Muslim-majority countries produce distinct approaches that are germane to a specific cultural context in an effort to bring about the kind of justice demanded by the scriptures (Gray 2014, n.d.).

Raja Rhouni further indicates that

> 'Islamic feminism' remains a widely used term, rather than, say, 'Muslim feminism', 'Qur'anic feminism' or 'feminist hermeneutics.' Islamic feminism seems to be 'a catch-all term' that is used in refer-

ence to different actors, even to those who may not accept it (Rhouni 2010, 22).

In light of the above views, this article suggests that while considering 'Islamic feminism' as the overarching concept for all types of feminist discourses that use Islam as a paradigm, it underlines the need to discern the nuances that characterize each type and, hence, allow us to locate the 'third way' approach within the spectrum.

ISLAMIC FEMINISM AND THE 'THIRD WAY'

In this section, I draw on three recurrent and significant terms that most adequately describe the pathways taken by women's rights advocates in the Muslim context: 'Islamist feminism,'[1] 'Muslim feminism', and 'third way Islamic feminism'.

'Islamist feminism'

'Islamist feminism' is often used to refer to the female/feminist branches of political Islamic movements. Historically, this type of Islamic feminism was the first one to emerge within a full-fledged 'organization' in the Muslim context. It basically represented an ideological reaction to social and political transformations during the last two decades of the 20th century. Fatemeh Sadeghi (2012) traces back the first emergence of the term 'Islamic feminism' in its cradle (Iran)[2] and contends that this turned out to be a political Islamic feminism in essence. According to her,

> The Islamic Revolution of 1979 was in fact a response of those who were marginalized by the despotic modernization of the Pahlavi regimes. In this respect, women participated in the revolution because of their zeal for Islam per se, imagining that theirs was a fight for Islamic justice, equality and freedom. However, they soon found themselves amongst the first groups that the newly established Islamic government excluded (Sadeghi 2012, 215).

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[1] The term 'Islamist' is sometimes used to carry a negative connotation of radical Islamism and extremism. I am not using it in that sense in this article.

[2] The composite term 'Islamic feminism' was first used in *Zanan* Magazine, founded and directed by expatriate Iranian feminists in the early 1990s to describe a new discourse among believing women in the Islamic Republic of Iran.

This statement clearly suggests that the creation of a female/feminist branch associated to the then newly born Islamic Republic was a mere instrumentalization of women's rights to gain more political power.

Margot Badran backs up this view by noting that Islamic feminism appeared at the time of celebrating the Iranian Islamic revolution which considered secularism an anti-Islamic style of life that threatened Muslim identity. For Badran, political Islam evacuated Islam from secularism and created a polarization between Islam and feminism at a time when Muslims were asking the question: How to be modern and Muslim at the same time (Badran 2010).

Close to this view, Sadeghi (2012, 215) states that

[t]he discriminatory policies adopted by the Islamic Republic surprised many of the women who had supported the Islamic revolution […]. The more spiritually inclined women however, once free of the ideological notions of the first years of the Islamic Republic, became less dogmatic. This is perhaps why, in the following years, the term "Islamist feminism" has been gradually replaced by "Islamic feminism" which emphasizes less the ideological affiliation of these women. It should be noted however, that Islamist or Islamic feminists do not promote feminism.

Although debates continue over whether 'Islamist feminism' should be considered feminist, it can be argued that because political Islamic movements and their female branches have an influence on women's lives in the Muslim context, they are entitled to be seen as feminists. What characterizes their work is the ideological and political means they use to claim women's rights. Holding the slogan of 'Islam is the solution' is the demarcating line between their feminist agenda and the agenda of secular feminists. 'Islamist feminists' or political Islamic feminists do not necessarily possess a clear Islamic feminist project for their societies; they essentially oppose anti-religious actors with a strong 'pride' in Islam as a religion that has honored, not oppressed, them.

After the Arab Uprisings, which brought Islamists to power and brought about sociopolitical change in many countries, Islamist parties and groups were forced to be pragmatic. This was manifested in two ways: by giving more space to the feminine branches of their parties to work independently as civil society associations, and by making voluntary concessions and showing flexibility in their political positioning towards some contested issues including women's rights (Bouzghaia 2020). In fact, it is due to this new context that the gap between the Islamist and the secular feminist trends started to narrow.

'Muslim feminism'

While 'Islamist feminists' are inclined to use Islam as a motto for their political agendas, another type of feminism does not show the same degree of enthusiasm to the Islamist project. 'Muslim feminism' refers to Muslim advocates of women's rights without any strict affiliation to any label that might restrict them. The term 'Muslim feminism' conveys both a geographical and a faith-based connotation, and therefore refers to proponents of women's rights who broadly identified themselves as Muslim, but without any further qualification. Muslim feminists work at various levels of activism and serve various feminist causes from different perspectives (law, civil society, scholarship). What usually unifies these feminists is their desire to be differentiated from the ideological Islamist and secularist agendas and their awareness of the intricacies involved in the process of naming. Thus, Muslim feminism can be seen as a discourse and a practice that resists ready-made labels and is flexible in navigating between and within different fluid classifications.

Acknowledging the pervasive polemics/rhetoric of both Islamism and feminism, many women activists prefer to be called, if anything, 'Muslim feminists' and justify this on the basis of a number of argumentations. Ziba Mir-Hosseini, for example, advances that "there is no necessary association of 'Islamic' or 'Muslim' with 'Islamism' or 'political Islam', nor any necessary association of 'feminism' with lack of religious faith or inspiration," (Mir-Hosseini 2011, 68). While Mir-Hosseini hesitates to use the term 'secular' to refer to the latter feminists, she excludes working within a political Islamic framework on the basis that it fails to distinguish between faith (and its values and principles) and organized religion (institutions, laws, and practices) (Ibid).

On the other hand, Zeinah Anwar, the Malaysian founder of the nongovernmental organization 'Sisters in Islam', states in an interview:

> I prefer to call myself a Muslim feminist, because the term Muslim signifies human agency and how I, as a human being, understand God and religion (2009).[3]

Anwar's statement expresses a clear tendency to detach herself from both patriarchal understandings of Islam and ideological affiliations.

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[3]https://www.ummid.com/news/October/17.10.2009/zainah_anwer_on_islam.htm.

While many Muslim feminists inside their home countries do not include religion in their feminist activism, others have chosen to carry their faith with them and defend Islamic feminism abroad. Indeed, Muslim feminist expatriates have long proved to be an active part of the Islamic feminist project. However, the term 'Muslim feminism' is problematized by the word 'Muslim' which binds feminists to their Islamic identity, and therefore excludes non-Muslim women who believe in the Islamic feminist cause. Margot Badran asserts in this regard that "in claiming our faith, we are excluding others" in the sense that non-Muslims are excluded although they can direct and decide on issues in campaigns mobilizing Islamic feminist discourses (Mir-Hosseini 2011).

'Muslim feminism' is faced with the question of whether to position secular feminism within or outside its conceptual framework. Valentine Moghadam equivocates Muslim feminism in this regard by asserting that "'Muslim feminists' are those who believe in Islam and feminism but might also use arguments outside Islam such as international human rights agreement to combat gender inequality" (Arshad 2008, 4). However, it should be noted that secular feminism is distinct in terms of its reference system, approach, and practices (Bouzghaia 2012) and that secular feminists are reluctant to use Islamic arguments and insist that 'universal' values override the Islamic ones. While these views are important in the process of labeling, they do not exclude the fact that gaps between secular and Islamic feminist discourses may be bridged through various forms of reconciliation and hybridity.

'Third way' Islamic feminism

In addition to 'Islamist feminism' and 'Muslim feminism', attempts to claim women's rights within the framework of Islam include a 'third way' Islamic feminist approach, mentioned in the introduction. It is essential to note here that I deliberately associate the term 'third way' with Islamic feminism rather than with feminism in general because advocates of the former approach adhere to the Islamic reference whereas those of the latter approach don't.

Asma Lamrabet was the first scholar to use the 'third way' in the feminist domain. She indicates in an interview I conducted with her in 2017 that feminism is usually characterized by tension between two polarized movements: a secular trend that rejects the religious framework and an Islamic traditional trend that rejects attempts of reform even from within Islam. This is why there is a need for another trend that combines both by connecting spiritual values with universal principles; she calls this nuanced version 'the third way.'

In her book *Islam and Women: The Third Way*, Lamrabet emphasizes the need to look at the woman's question in Islam as an issue that requires, first and foremost, a liberation from the shackles of submission to negative 'tradition' and a liberation from the type of modernity that excludes any religious reference. A 'third way' perspective then emanates from going beyond the unproductive and confrontational nature of the tradition vs. modernity dualism) and propose a reformist and contemporary vision capable of giving a new dynamism to the liberation of Muslim women (Lamrabet 2014).

The idea of reform based on considering contemporary social realities is an aspect of the 'third way' approach that resonates with Nouzha Guessous' statement that "we have always taken a three-dimensional approach to equality in Morocco: regarding religion, human rights and the social reality that people are living in" (cited in Pedersen 2013). Guessous adds that "it is this combination that provided the impetus for a reform of the family code, and the later reforms of the nationality law and criminal code" (Ibid).

Probably with the same logic, the Center for Women's Studies in Islam,[4] presided by Asma Lamrabet, took the initiative to push for conducting a national survey on exploring contemporary social perceptions of the concept of *Qiwamah* (male authority) between the Islamic reference and social transformations. This survey aimed to address the intricate relation between religious interpretations of this concept and their implications for social realities, with the aim of underlying the need to find peace and harmony between people's faith and their quest for gender equality, justice, and freedom (El Hajjami 2014).

Another instance that testifies to the spread of a 'third way' Islamic feminist approach is its visibility and propagation in the digital world. Doris Gray and Habiba Boumlik acknowledge that Fatima Mernissi, Asma Lamrabet, and Amina Wadud have had the most marked impact on reformulating the scholarly gender discourse in Morocco thanks to their use of new communication technologies to promote their ideas and connect with the masses and with Muslim feminists around the globe. While not being present in the virtual world, Fatima Mernissi is the one to have coined the phrase 'Digital Ummah' (community of believers) to refer to a community that transcends national and regional boundaries because it is connected in cyberspace (Gray 2018).

Building on the above account, and in order to bring my search for a 'third way' Islamic feminism to a conclusion, I suggest that there are three

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[4] This center was created in 2010, as an affiliate to the al-Rabita Muhammadia of Ulama, a religious academic institution established by a Royal decree in 2006.

main characterizing features of this discourse. This is the topic of the following section.

APPROACHES AND STRATEGIES OF A RISING 'THIRD WAY' ISLAMIC FEMINIST DISCOURSE

The approaches and strategies of 'third way' Islamic feminism represent the key elements that make of this discourse a promising one with the potential to rise and prosper in the contemporary world. Below are the three main characterizing approaches of this discourse.

An academic theologian approach

The first prominent feature of 'third way' Islamic feminism is its tendency to be an academic theological type of activism, in the sense that it is typically found in scholarly/academic publications. In the majority of cases, 'third way' Islamic feminists engage in the world of theology and hermeneutics to reread religious texts from a feminist perspective. As a result, they are rarely found in the political arenas or in civil society activism. What mainly characterizes their work is its positioning within what is referred to as 'Islamic liberation theology' which, according to Doris Gray and Habiba Boumlik, resembles the liberation theology that emerged among Catholic scholars in Latin America in the 1950s and 1960s.

The common denominator between the three scholars mentioned above is that they position themselves within a broader quest for social and economic justice for women. Gray and Boumlik assert that "Mernissi, Wadud and Lamrabet each aims to liberate Muslim women from archaic and limited roles with negative social and economic consequences. Their ideas are consistent with the notion of a 'third way' Islamic feminist liberation theology, disseminated through networks on the ground and through powerful, contemporary social media" (Gray and Boumlik 2018, 121).

In his view as to what constitutes an Islamic liberation theology, the Iranian-American scholar Hamid Dabashi considers it an alternative to what is commonly referred to as political Islamism, and accordingly, is a theology that argues against the binary of Islam and the West while resisting 'globalized imperialism' (Dabashi 2008). Although Dabashi does not address the question of women's rights in a comprehensive way, many Islamic feminists seem to complement his work by their scholarly contributions that focus on women's rights. Examples of Islamic feminists that adopt a combination of the 'third way' approach and Islamic liberation theology includes Fatima Mernissi, Amina Wadud, Asma Lamrabet, Ziba-Mir Hosseini, Asma Barlas, Omaima Abou-Bakr, Zahra Ali, Kecia Ali, Rifaat Hassan, Mulki Al-Sharmani, and Azizah al-Hibri.

The preoccupation of these scholars with the question of women's rights in Islam has taken the shape of a scholarly endeavor to dig into the religious texts in an attempt to discover their progressiveness with regards to women. For Margot Badran, this type of endeavor is undertaken by 'scholar activists' "who have defined themselves in overtly religious terms and are producers of Islamic feminist discourse" (Badran 2010, 7). The main premise of this discourse is that gender justice can be derived from scholarly re-readings of sacred texts with the aim of bringing them closer to the real social life. Those who undertake this mission are usually highly educated women who explicitly show their religious commitment and often describe themselves as 'believing women' in a conscious understanding of the Qur'anic term 'mu'minat' (female believers). In the Iranian context, Fatemeh Sadeghi states that "Instead of Islamic feminists, some of these actors have taken to calling themselves 'religious revisionist women' (zanaan e no andish e dini)" (Sadeghi 2012, 215).

Conciliatory approach (hybrid feminism)

For 'third way' Islamic feminists, claiming progressiveness and reform in their societies does not mean to blindly embrace the modernist allegations against religion and tradition. These feminists are typically vigilant and aware of the hegemonic implications of the Western feminist discourse on women's rights. As such, 'third way' Islamic feminists try to avoid the trap of what Boroujerdi calls 'Orientalism in reverse,' meaning a discourse that is primarily conceived in terms of opposition to the West.

Being cautious not to fall in this trap, the conciliatory approach of 'third way' Islamic feminists is manifested in locating their discourse in opposition to the total endorsement or rejection of either Islam or feminism as closed and full-fledged paradigms. Gray (2014) locates 'third way' Islamic feminism in the inevitable negotiation of internal tensions between what has been dubbed 'tradition' and 'modernity'. Mir-Hosseini equally argues that a 'third' way' is one that is situated between those who wish to impose patriarchal interpretations of Islam and those who pursue a global neo-colonial hegemonic project in the name of the Enlightenment and feminism (Abdallah 2012).

Fatima Sadiqi qualifies this type of feminist endeavor as an attempt to bring together two seemingly opposite trends of thought in an 'in-between' space that she calls 'The Center', and which she describes as "an ideological middle-ground space between the increasingly antagonistic paradigms of secularism and Islamism in post-revolution North Africa" (Sadiqi 2020, 50). Sadiqi further explains that this discourse is "welcomed by the secular feminists for three main reasons: it draws on the *Sufi* (rather than legal orthodox) Islamic heritage, it adopts the principle of equality,

and it introduces change in gender relations within a powerful public space: religion" (Sadiqi 2016, 67). As such, 'third way' Islamic feminism seems to operate on the tight rope of Islam and modernity in a manner that produces a hybrid type of feminism.

Ahmed-Gosh uses Homi Bhabha's term 'hybrid' to describe such a 'third' trend of feminism and sees it as an "analytical tool to address women's issues as affecting them regionally and culturally. This flexibility is defined through women's real lives in their communities as dictated by their social norms and local and national politics" (Ahmed-Gosh 2008, 102). In fact, intersectionality, cultural relativity and decolonialism constitute significant elements in the 'third way' Islamic feminist discourse. Along these lines, Sara Borrillo asserts that "Islamic feminism is also conceived as the result of a hybridization process of many identity dimensions, linked to class, gender, ethnicity, Islam and feminism, in a renewed form of citizenship that Amina Wadud calls 'intimate citizenship, that combines militancy, public responsibility and subjectivity" (Borillo 2016, 116).

Being aware of these hybrid dimensions and armed with sufficient intellectual rigor, 'third way' Islamic feminists navigate through intricate issues of dualism like divinity vs. secularism, local vs. universal, and text vs. context. This supports Doris Gray's statement that "' third way' Islamic feminism inevitably negotiates internal tensions between what has been dubbed 'tradition' and 'modernity," thus, it incorporates national and cultural identity, post-colonialism and religious principles into its gender discourse." (Gray 2014, 66).

AN APPEALING APPROACH FOR POLITICAL REGIMES AND THE YOUNG GENERATIONS

Political regimes in the Muslim world have always sought to establish a combination of balance and control over competing sociopolitical actors. In the majority of cases, these actors represent a polarized combination of Islamists and secularists. Whatever the nature of the regime is, rulers in the Muslim world usually try to keep an upper hand by curbing the leashes of political movements that might threaten their authority. As a way out, they play on both ropes of modernity and conservatism as a strategy that is comforted with the 'third way' approach.

Souad Eddouada and Renata Pepicelli (2010) argue that the states' promotion of organizations or actors working on women's rights is an act of monopolizing the political and social scenes by countering women's demands made by nationalist oppositions, from the left, and civil society organizations with an Islamic reference. According to the authors, this attitude prevailed and is still maintained (Abdallah 2012). A similar opin-

ion is advocated by Aili Tripp who states that authoritarian leaders in the Maghreb instrumentalized women's rights to counter religious conservatism (Tripp 2020). Likewise, we can argue that many rulers have equally used Islam to neutralize and weaken secular feminist movements. This can be testified by the wide use of Islam to oppose the adoption of the Convention for the Elimination of Discrimination Against Women (CEDAW) in many Muslim countries.

Morocco represents a typical case in the adoption of a policy of balance and control by relying on an ambivalent dualistic system of reference derived from both Islam and international Human Rights laws. In a forthcoming article, I explain how the historical process of reforming the religious field since 2003 has contributed to achieving three goals set by the state: 1) curb the leashes of religious extremism, 2) pacify the tensions between contending religious and secular actors 3) pave the way for better engagement in intellectual and theological debates on Islam, feminism, and modernity (Bouzghaia, 2021). The underpinning foundation of this strategy is that the king, who holds the title of 'Commander of the Faithful', declared, on the one hand that he "cannot permit what God has forbidden or forbid what God has permitted",[5] and on the other hand , "has made the promotion of human rights a priority which lies at the very heart of the modernist democratic social project of which His Majesty is a leader" (Ibid). This is an overarching postulate that made it possible for both ideologies to operate under his arbitrage and for the kingdom to be a one of the progressive countries in the field of women's rights without excluding religion.

According to Doris Gray, since ascending to the throne in 1999, King Mohammed VI has pushed for an emerging new gender discourse that bridges the gap between secular women's rights proponents and some Islamist positions, in a manner that resembles the idea of 'third way' as suggested by several thinkers (Gray 2013). For Souad Eddouada and Renata Pepicelli, the 'third way' feminist discourse is somehow equivalent to 'state feminism' which is an attempt to appropriate and co-opt Islamic feminism to embellish the Moroccan state's image on the international scene (Eddouada and Pepicelli 2010). For Julie Pruzan-Jørgensen, state Islamic feminism represents a competition with the Islamists and their longstanding presence and activism among women audiences (Pruzan-Jørgensen 2012). In an interesting statement, Asma Lamrabet affirms that

> there is a need for another trend that combines both of them - secular and Islamic -, and I call it the third way, even if it is emerging from a high political will (referring to the state) because if there is no political

[5] Royal speech introducing the family code: February 5, 2004.

will, it wouldn't be possible for it to exist, so we thank god for having this political will which made us produce laws that are open to the international law and the Islamic reference. So, we should be proud of it and not necessarily call it 'state feminism' but rather a feminism of a political will (Lamrabet 2017, interview).

Asma Lamrabet has repeatedly expressed pride and pleasure in directing the Center for Women's Studies in Islam affiliated to the 'Rabita Muhammadia of Ulama', a body created by King Mohammed VI, and showed much enthusiasm that "this feminism is being welcomed by both the secularists and the Islamists as they have both recognized that this is an alternative way to polarization because they found that they have reached a dead end" (Ibid). However, in a surprising move in March 2018, Asma Lamrabet was forced to resign, when she advocated equality in inheritance, and expressed a will to distance her personal views from those of her institution, considered to be more conservative, especially on the issue of inheritance.[6]

Lamrabet's discourse on women's rights in Islam has gained considerable attention and appeal among the intellectuals and the young generations. The main reason is the aspiration of a large portion of society to remain faithful to their beliefs and at the same time catch up with the requirement of modern times." In her "The many paths to gender equality in Morocco"), Gray (2014b) asserts that "the idea of a third way grew, in part, from an informal survey of Moroccan women conducted by a group of scholars from social sciences and religion." The survey showed that many women express their 'fear of the question' about their religion as this involves the risk of being ostracized by their community for overstepping real or imagined boundaries. Gray describes the act of reinterpreting the scriptures as a "challenge of conventional Islamist discourse wherein women are defined primarily as relational beings; that is, in term of their function as a mother, wife, sister, or daughter rather than as an individual […]. Yet the *Qur'ān* portrays women not as a sub-species but as human beings who, like men, are endowed with the right to freedom of individual agency" (Gray n.d.).

STRATEGIES OF 'THIRD WAY' ISLAMIC FEMINISM

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[6] In a note published in the Rabita's website, it is stated that the appointment of Farida Zomorrod was made in line with the king's will to preserve the nation's religious constants http://arrabita.ma/Article.aspx?C=107558. This happened one day after a review of Asma Lamrabet's statements in a seminar where she expressed 'advanced' attitudes about inheritance in Islam
https://www.hespress.com/femme/384877.html.

By advocating an activism that is academic and theological in its approach, conciliatory and hybrid in its nature, and appealing to political regimes and the young generations in its scope, 'third way' Islamic feminism has put the cornerstone of a model of women's rights that establishes peace between faith and feminism. Strategies to consolidate this model are discussed in the following sections.

Hermeneutical, theological keys

'Third way' Islamic feminists rely heavily on hermeneutics and theology as keys to explore the 'hidden' egalitarian messages of Islam. Although it is beyond this article to elaborate on the nature and importance of hermeneutics and theology, it is essential to pinpoint that this field which "attempts to bridge the gap of text understanding between the past and the present" (Riyani and Ismail 2017, 152), represents a major tool for many Islamic feminists to understand the intended meaning in the sacred texts with regard to various issues faced by Muslims today. According to Irma Riyani and Ecep Ismail, "Qur'anic studies in the recent era offer many approaches to reading the Qur'an. One approach that is available is hermeneutics. Regardless of controversies surrounding its application to the understanding of the Qur'an, hermeneutics is preferred by several contemporary Qur'anic scholars like FazlurRahman (1982), Abu Zayd (1993, 2010) and Muhammed Arkoun (2006), to name but a few."

Islamic feminists who are engaged in rereading the sacred texts share the idea of reclaiming Islam in the sense that men monopolized this field (called *Tafsir*-exegesis) and provided misogynist and patriarchal interpretations of God's words. Jumping into the field of hermeneutics represents searching for the root of the problem and attempting to deconstruct the narrative of 'misogynist Islam.' Thus, as Adis Duderija argues "the very viability of the Islamic feminist project will rest heavily on how well it engages with not only the Qur'an and Sunnah but also the *Turath* as a whole" (Duderija 2015, 64).

Scholars have provided a myriad of approaches and strategies to explore the egalitarian potential of Islam and, thus, counter the Islamophobic accusations that Islam is a patriarchal religion. One way to identify these strategies is to suggest four prominent and recurrent hermeneutic keys that many Islamic feminist theologians use.

The 'Tawhidic' paradigm

The *Tawhidic* paradigm implies the oneness and uniqueness of God, which goes against likening God to men or assuming that men share in

God's authority. Amina Wadud points out that this is a form of idolatry (*shirk*) which stands as the biggest sin in the eyes of God. For Wadud "When a person seeks to place him- or herself 'above' another, it either means the divine presence is removed or ignored, or that the person who imagines his or her self above others suffers from the egoism of *shirk*" (Wadud 2006, 32). *Tawhid*, therefore, is the core theoretical and foundational concept that stipulates equality between genders in Islam. It is the paradigm that backs up Wadud's model of 'horizontal reciprocity' which means that all human beings are interchangeable because only Allah is *Akbar*! (The greatest) (Khaki 2012). Azizah Al-Hibri affirms this idea by stating that "the *Tawhid* principle provides the basis for the fundamental metaphysical sameness of all humans as creatures of God." (Al-Hibri 2000, 51-54).

Implications of this principle were extended to attack any male supremacist presumptions. Asma Barlas demonstrates that God's self-disclosure, which consists of three principles "divine unity, justness, and incomparability", leads us to: first, challenge the theory which assumes male as an extension of God's rule. Second, it acknowledges that God never does any *zulm* (injustice) to anybody and urges us to respect the rights of humans as moral agents, and third, it rejects the attribution of God as male, as represented in the Arabic-gendered language used in the Qur'an, because "God is beyond sex/gender" (Barlas 2002).

The Holistic approach

Subsequent to emphasizing the principle of equality in the Qur'an, feminist theologians stress a fundamental textual strategy called 'the holistic approach.' This approach invites readers to consider verses in relation to each other in a comprehensive way rather than 'atomistically.' This serves to perceive a cohesive ethos of the sacred text as a whole. FazlurRahman champions a cohesive outlook of the Qur'an when he refers to Ibn Taymiyyah, who encouraged the interpretation of the Qur'an using the Qur'an itself, calling it *tafsir al-Qur'an bi-l-Qur'an* (Sonn 1991).

This approach has also been referred to as 'intertextuality,' as it looks at the interconnection between similar or related texts. Amina Wadud, for example, calls for "the development of an organized exegetical system for how to compare different parts of the Qur'an with each other: studying recurring terms, linguistic structures, and themes in tandem to derive a broader and more unified picture of Qur'anic meaning and intent" (Hidayatullah 2013, 91). Fatima Mernissi equally suggests that there is need to synthesize our view of the religious text in a way that brings together the principles of Qur'an and the guidance of the *Sunnah* to decode the real meaning of Islam. She argues that if classical scholars had determined

these principles, "it would probably have allowed Islam as a civilization of the written word to come logically to a sort of declaration of human rights" (Ahmed-Gosh 2008, 65).

The contextual reading

Muslim feminist theologians suggest that Islamic law should be interpreted in the light of the current context and should therefore take into consideration the changing conditions of different times and places. Importantly, feminists draw attention to the fact that although the Qur'anic prescriptions are eternal, they were expressed in a form appropriate to the community to whom it was first revealed; thus, by historicizing the religious text, scholars do not change the eternal word of God; rather they make it more universal because they reject the fact that it only belongs to a specific context.

The contextual reading of the sacred texts sheds light on one of the most controversial issues among Muslim scholars. The differentiation between Qur'anic universal and particular verses has inspired feminist theologians to acknowledge that the first and most important thing is that the Qur'an seeks to establish a universal basis of moral guidance, while the particulars must be seen in the historical context of their time (Wadud 1999, xii). An Islamic term that highlights the idea of the context is *asbabal-nuzul*. Fatima Mernissi is reported to be one of the feminists who built on this tradition since *asbab al-nuzul* is after all a historical tool of analysis (Rhouni 2008). Asma Lamrabet goes in the same direction and suggests that Qur'anic verses can be divided into three types: 1) verses with universal aims (which advocate justice, equality, fairness, and dignity), 2) verses that are confined in their application to the context of the revelation (i.e verses that relate to issues like slavery, capital punishment, or war spoils), and 3) verses that need to be reinterpreted in new social contexts (such as those dealing with women's issues) (Lamrabet 2015).

The Ijtihadi and Maqasidi approach

The *Ijtihadi* and *Maqasidi* approaches are two methods that usually go together since one serves the other. According to miriam Cooke, Ijtihad is "a technical term that refers to the process of independent reasoning that scholars, but also non-scholars, may choose when a legal precedent is not immediately clear and available" (Cooke 2001, 62). *Maqasidi* reading, or *Maqasid al-Shari'a* (the spirit of the canonical texts of Islam), have the capacity to adapt Islamic principles to contemporary situations based on understanding the ultimate aims behind any text through extracting the internal values enshrined in it (Hidayatullah 2014).

Islamic feminists like Ziba Mir Hosseini, Asma Barlas, and Asma Lamrabet utilize their *Ijtihad* to call for reviving the ethical dimension of the Qur'anic message. Such a revival goes necessarily through transcending the longstanding literalistic misogynist readings that exist in many male-written exegeses (Lamrabet 2015). These Islamic feminists make it clear that there is a need to differentiate between the sacred text from God (Shari'a), which represents the ethical guidance to all Muslims, and the human interpretations of this text in different contexts *(Fiqh)*, which usually reduces the sacred texts to rigid inequitable prescriptions.

There are countless books and articles that have been written on *Ijtihad* and *Maqasid al-Shari'a*, both as controversial notions and as fundamental tools for Islamic feminists to extrapolate a female-friendly reading from the *Qur'an* and *Sunnah.* By employing these methods, Muslim feminist theologians join an Islamic reformism movement calling for *Tajdid* (the Arabic word for renewal) as opposed to *Taqlid* (imitation). Although this movement has been welcomed in the majority of *Fiqh-* related issues, arguably, it stops being acceptable when it comes to the woman's question in Islam. This explains the tension that arises every now and then when Islamic feminists come up with a 'shocking' attitude on women's rights in Islam.

The bottom line in this tension is the following question: who has the right to practice *Ijtihad*? On the one hand, advocates of liberal and moderate Islam argue that *Ijtihad* is a source of knowledge that is not limited to Islamic jurists, and that it can be employed by any Muslim who has knowledge of the Arabic language and the scriptures. On the other hand, advocates of the legalistic view argue that whoever practices *Ijtihad* should possess expertise not only on the Qur'an and Arabic, but also on Hadith, *Sunnah* and traditional Islamic scholarship (Khan 2006). Further details on this point are included in my article entitled "Islamic feminism: Texts and contexts, cross paths and prospects", where I discuss the question of legitimacy and credibility within the general discourse of Islamic feminists (Bouzghaia 2016).

From sacred texts to legislations

It is undeniable that the sacred texts have a strong influence on shaping the family legislations in Muslim countries. While the laws that regulate political, financial, and punitive matters are usually positivistic, the laws addressing family issues remain a dead set against attempts of secularization. Hence, there has only been space of amendment and adaptation in light of each country's capacity to use *Ijtihad* in order to highlight egalitarian potentials of Islam. Issues of *Qiwamah* (male authority), *Wilayah* (tutorship), divorce, polygamy, and inheritance illustrate how *Ijtihad* has been,

and still is an effective tool to generate laws that can guarantee a satisfying level of fairness towards women's rights.

Morocco, once again, represents an ideal example of a country that allowed *Ijtihad* and novel ways of looking at the sacred texts to infiltrate into the legislative arsenal. The heated debate over the family code before 2004 was significant insofar as it provided the needed intellectual (and political) atmosphere to produce a progressive family code based on Islam in a manner that tries to catch up with the requirements of women's rights.

As a manifestation of the 'third way' approach, both fundamentalist Islam and radical secularism were not an option to execute reform. According to Léon Buskens, the family law helped the King to legitimize his rule in Islamic terms, or in other words, through a new vision to Islamic values which made secularization no more an option for reform (Buskens 2003, 70-131). In fact, the religious symbolism of the monarchy taking charge of reviewing the Moudawana (family law), plus the participatory approach (*collective Ijtihad*) utilized to draft it, in addition to the political events that waned the Islamists' position (9/11 in 2001 and Casablanca Bombings in 2003); all contributed to calming down the Islamic anger against secular attempts to make reform, and create a peaceful atmosphere where the woman's question started to be shaped with more lenient attitudes. Examples of the provisions of the new family code that reflect this spirit of flexibility and *Ijtihad* are seen in issues like equality in choosing the marital partner, equality in guardianship over the family, equality in the access to divorce, and the restriction of polygamy.

Under the old family code (Personal Status Code), it was obligatory for the woman to bring her tutor (*Wali*) in order to sign the marriage contract. However, with the 2004 family code this condition has been abolished along with the concept of tutorship (*Wali*) but remained optional. This provision was derived from the *Hanafi* school of jurisprudence in an act of *Ijtihad* and openness to other schools than the *Malikite,* which is the school adopted in Morocco (Jansen 2007, 185).

In the issue of *Qiwamah* (male guardianship over the family), the old Personal Status Code gave the husband the position of head of the family, but with the new family code the definition of the family is 'based upon shared responsibility, affection, equality, equity, amicable social relations and proper upbringing of children'.[7] Thus, the new Moudawana has discarded the concept of 'the wife's obedience to her husband' (*Ta'a*), and removed the distinction between the special rights and obligations of

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[7] The Moroccan family lode' (Moudawana) : February 5, 2004. Unofficial English translation of the original Arabic text. *Global Rights.* http://mrawomen.ma/wp-content/uploads/doc/Moudawana-English_Translation.pdf.

'wife to husband' and 'husband to wife' through using the concept of 'mutual rights' in Article 51 (Ibid).

Divorce used to be performed orally and be a prerogative of the husband only. With the new family code, extensive judicial power is given to the court to have the sole authority to approve dissolving a marital relation, of course after attempts of reconciliation taking into account the interest of the children. Unlike the previous law, divorce today can be initiated by both spouses either on the ground of harm suffered from either one of them or through irreconcilable differences in divorce proceedings (*shiqaq*). The issue of divorce was controversial because many Islamists viewed that women are emotional and easy to lose their temper, so granting them the right to initiate divorce would contribute to breaking the family. The Moroccan law, based on the *Malikite* school, took into account the verse in Qur'an about *Shiqaq* (irreconcilable differences) and the Hadith that forbids doing harm to others in general 'neither harm nor be harmed' (*laa dar wa laa diraar*) to establish a more equitable relation between spouses in the case of divorce (Ibid).

The principle of justice was also central in the reform of polygamy, which has become almost impossible. According to Articles 41, 42, and 43, the judge does not approve the request for polygamy unless it is ascertained that the husband is able to provide equal justice to the first and second wife. The husband needs to present exceptional and objective motives that justify the request, and the first wife is summoned to the court to be heard before making the last decision (Ibid).

The new family law is, therefore, revised with a more open-minded vision to Islam, in an attempt to reconcile women's rights requirements with Islamic values. In fact, the bottom line in making reform possible from an Islamic perspective is the distinction between the terms Shari'a and *Fiqh*. While Shari'a is defined as the general right path of Islam and guidance emanating from Qur'an and *Sunnah*, *Fiqh* is defined as the set of understandings and interpretations of God's words produced by Muslim scholars. *Fiqh,* therefore, gains no sacredness compared to Shari'a, and this is what opens the gate of juridical reasoning *Ijtihad*. By this token, changing the Moroccan law was a legitimate goal, and enlarging the circle of *Ijtihad* was considered a historical necessity that makes Islam valid for all times and places (El Hajjami 2004).

Religion and Human Rights were therefore inevitably brought together in an act of feminizing Islam and Islamizing feminism as Zakia Salime puts it in her book, *Between Feminism and Islam. Human Rights and Shari'a Law in Morocco* (Salime 2011). *Ijtihad* was a key strategy that both trends resorted to in order to justify any future reform. Alexandra Pittman (2008) underlines "how Moroccan women's rights activists actively reshaped the seemingly fixed religious opposition to law reform and re-

appropriated religious discourses into an opportunity for the movement" (Pittman 2008, 11). This idea is more precisely discussed by Amna Arshad who argues that "addressing the question of reform in family law, based upon *Ijtihad*, is crucial to the overall debate on women's rights" (Arshad 2006).

In sum, the impact of the 'third way' Islamic feminism on women's rights can be seen and foreseen for short and long terms. Indeed, it has already proven its efficiency to reconcile the long-standing ideological conflicts in Morocco. In the same way, this discourse can forge a path for overcoming traditional ways of thinking and perceiving the burning issues of women's rights in the Muslim world. Once women's lives and their rights cease to be used in political bargain and ideological instrumentalization, gender equality and social welfare would be possible.

The 'third way' Islamic feminist approach has this potential of providing a three comprehensive and complementary strategy to promote women's rights; first, it does not negate an essential part of the people's identity (religion) and departs from its foundational texts to generate egalitarian and valid understandings for the contemporary contexts. Second, it does not get confined in the ideological boundaries of ready-made dogmas, which allows it to provide a pragmatic and efficient ground to resolve problematic issues. Third, it draws on an appealing discourse and invests in modern means of communication to meet the aspirations of the new generation. All these components, if grasped and practiced by a wide range of feminist and political actors, can make a big difference in the way women's rights are perceived and treated in Morocco and beyond.

CONCLUSION

This article started with examining the broad contextual scene in which the feminist and Islamic feminist issues emerged in Muslim societies. It is shown that the sociopolitical conditions played a big role in shaping the dichotomy between Islam and secularism that fueled ideological battles between what has been dubbed as tradition and modernity, patriarchy and women's rights.

The label 'Islamic feminism' made its way the debates in different forms, in an attempt to bridge the gap between Islam and feminism. This label, arguably, reflects the enveloping concept that encompasses a myriad of different types of activism aiming to champion women's rights from within the boundaries of Islam. Elaborating on the notions of 'Islamist feminism' and 'Muslim feminism,' made it possible to locate and identify the characterizing features of 'third way' Islamic feminism, which turned to be an academic theological discourse, with a conciliatory approach and a potential to be appealing to political regimes and the young generation.

Particular attention is given to the strategies 'third way' Islamic feminists utilizes, namely hermeneutics and theological rhetoric. The '*Tawhidic*' paradigm, the holistic approach, the contextual reading and the *Ijtihadi Maqasidi* approach are all essential methods that make the female-friendly reading of Islam possible. The relentless fight of 'third way' Islamic feminists to combat misogynistic readings of Islam, believed to be the root of many current injustices towards women, is paralleled by another struggle to deconstruct the Orientalist hegemonic discourse of white-supremacy feminism.

Significantly, these contours of 'third way' Islamic feminism present it as a rising discourse with the potential of bringing women's rights from a reexamination of Islamic sacred texts into new legislative provisions and social realities. Morocco is an example of a country that forged its 'third way' path.

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NEW ISLAMIC FEMINIST VOICES IN MOROCCO: THE CASE OF ASMA LAMRABET

MOHAMED YACHOULTY

Abstract: The purpose of this paper is to track the story of Islamic feminist practice in Morocco. It specifically traces the history and nature of the Moroccan Islamic feminist movement with a special focus on the trajectory of Asma Lamrabet as one of the most prominent Islamic feminist figures. The aim is to understand the specificity of her approach and contextualize it with the development of Moroccan feminist thought. This will be done based on a list of her publications and short articles posted on her website. Indeed, the importance of this article resides in the fact that it sheds light on another understanding of the historical timeline of the movement and its direction. Also, bringing such an experience to the surface would help women's agency in Morocco.

Keywords: Morocco, polyvocal feminisms, Islamic feminism, feminist figures, Asma Lamrabet.

INTRODUCTION

Despite its ideological fragmentation, the Moroccan women's feminist movement remains unique in form, dynamism, and gains. Indeed, its effectiveness is inherent or embedded in its polyvocal character (Sadiqi, 2016). Also, the various practices of female Moroccan activists and the discourses they use and produce are the gauge through which one can measure Morocco's modernization, development, and political progressiveness. In this regard, this article digs into half of the story of feminist practice and thought in Morocco. It specifically traces the history and nature of the Islamic block of the movement with a special focus on the trajectory of Asma Lamrabet as one of the most prominent Islamic feminist figures. The aim is to track and understand the specificity of her approach and contextualize it within the development of Moroccan feminist thought. The significance of this article resides in the fact that it sheds light on another understanding of the historical trajectory of the Moroccan women's movement and its direction. In fact, bringing such an experience

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to the surface would help in a better understanding of women's agency in Morocco.

To achieve this, the article is based on reading some of Lamrabet's publications and regular reading of her website (http://www.asma-lamrabet.com), as well as her talks on YouTube. Lamrabet's publications included in this article are: 'An egalitarian reading of the concepts of *Khalifah* (Muslim ruler), *Wilayah* (guardianship), and *Qiwamah* (authority) (2015), *Qur'an and Women: An Emancipatory Reading* (2016), *Croyantes et féministes; un autre regard sur les religions* (2017), 'How can a reformist approach to women's issue in Islam be adopted?' (2019a), and 'Muslim women's veil or hijab between a colonial ideology and a traditionalist Islamic ideology: A decolonial vision' (2019b). The choice and focus on these specific publications are motivated by the following reasons. First, they are the main sources that explain her alternative feminist thought about the Qur'an and the *Sunnah* (Prophet Muhammad's teachings) as main sources of Islamic teaching, a fact which will allow us to trace elements of continuity and change in her approach. Second, these sources explain in detail the analytical strategies and methodologies adopted by Lamrabet. This will allow us to get an idea about the tools, methods, and analytical strategies for developing her approach. Last but not least, these sources are available in many languages, a fact which makes them accessible to a large number of readers in Morocco and beyond.

This article is organized into five sections. The first section is a brief background on the feminist movement in Morocco. The purpose of this background is to acquaint the reader with the trajectory of the Moroccan feminist discourse and the types of activism that accompanied it. The second section briefly reviews the concept of Islamic feminism and its development with the aim to trace the origin of the concept and its different connotations. The third section considers the development of this concept in Morocco with the aim of understanding its purpose as both thought and movement. Sections four and five provide notes on the life and intellectual trajectory of Asma Lamrabet. The article ends with concluding remarks

BACKGROUND TO THE FEMINIST MOVEMENT IN MOROCCO

Feminism is both a movement and an ideology that fights against gender-based inequalities. Feminists believe that men and women are equal, and therefore should be treated accordingly. Feminism has roots in the 19th century when women sought to secure, among other things, property rights for themselves. In its modern form, feminism started to become a social movement in the 1960s when women started to ask for work, equal pay work, reproductive, and similar rights.

In Morocco, the first public debates on women's issues appeared in the national press in the 1930s and, interestingly, were largely championed by men (Baker 1998). Men tried to prove that Morocco would not take steps forward in fields such as development without educating and empowering its women. The best example in this regard is Allal al-Fassi- a prominent nationalist figure, who in his book *al-Naqd al-Dhati* (Self-Criticism, 1952)[1], called for the education of girls and criticized the then prevalent practices. He also called for the abolition of polygamy, judicial regulation of repudiation and divorce, and the equivalent of a set of alimony for repudiated women. In addition to Allal al-Fassi, Sadiqi (2003, 23) reports that all the men who first discussed women's rights in Morocco "were mostly highly educated with legal training and exposure to Western thought" but "their views were more abstract as they formed part of men's 'remedies' to the 'backwardness' of Morocco and their plan to produce future good Moroccan citizens." Indeed, the only female voice was that of Malika al-Fassi- who comes from one of the most prominent intellectual families of the Fes bourgeoisie (Ibid). This voice considered girls' education as the first priority for Moroccan women, and al-Fassi's articles at that time aimed "to persuade fathers of the necessity of sending their daughters to school" (Ibid, 48). In fact, access to education and schooling was seen by Malika al-Fassi as a threshold to a new life and an end to the seclusion of her generation of women.

Interestingly enough, before these early calls of civil and political activists to consider women's education, Moroccan women seized the momentum of the national struggle for independence to massively join the armed resistance, taking active militant roles in the fight against colonization; they managed to fulfil important tasks that facilitated men's fighting. In this regard, Baker (1998, 8) writes that the "Mission for resistance not only brought them [Moroccan women] out of seclusion but sent them into dangerous situations, travelling long distances by themselves carrying weapons and even setting bombs all the way using their wits to escape." Indeed, the struggle Moroccan women led at that time had a two-fold dimension: It highlighted women's rebellion against colonial occupation and oppression and unveiled the restrictive attitude of Moroccan traditional society.

Unfortunately, after independence, Moroccan women discovered that nothing changed in their society at large and regarding their issues and status in particular. The women's questions and the women themselves

[1] This book was written before the promulgation of the first family law. The latter was drafted later between November 1957 and February 1958 and Allal al-Fassi was a member of the commission but because of the precarious situation of post-independence Morocco, the first Moudawana (family law) was very detrimental to women.

were for the most part relegated to the periphery of the public and private spheres. In other words, women found themselves helpless with no power circles willing to speak for them and defend their cause. Different factors came up together during that period to prevent women from participating in public life, especially at the political level. These factors ranged from the high rate of illiteracy, and lack of interest, to the heavy burden of domestic chores. Additionally, this marginalization was exacerbated by the total absence of women leadership in the political parties and government official institutions, which could have advanced women's status (Yachoulti 2015).

By the 1960s and 1970s, namely during what is known as the 'Years of Lead'[2], the political atmosphere negatively impacted the vibrancy and effectiveness of active civil society groups including female ones. Authoritarianism and political oppression did not help women to take action except for some state-sponsored groups. Added to this, political parties were very reluctant to deal with gender issues seriously, except when these issues were part of pushing for a national consensus (Ibid).

Since the late 1980s, the political and economic reforms Morocco has engaged in favored and encouraged the rise of a number of associational bodies - under the rubric of civil society. These groups seized the opportunity to proliferate, voice their demands publicly, and also contribute to enhancing reforms. Because of their conviction that only autonomous activism would bring change to their status, women activists seized the new political atmosphere to establish a number of women's organizations as part of the emerging civil society groups. These organizations coalesced into a new movement pressuring to change many things for Moroccan women in a positive way. Therefore, the women's movement may be defined as "a set of feminine voluntary organizations, whose ideological discourse aims to defend women in a general framework of struggle and implement the laws that enlarge public liberties and guarantee equality between the sexes" (Chafaai 1993, 102)[3]. A number of ideas may be extrapolated from this definition. Firstly, women's activism in Morocco is practiced through women's organizations, a fact which makes 'women's movement organizations' the best label for this brand of feminism. Secondly, the Moroccan women's movement fluctuates between a social movement organized and directed by women and a political movement that struggles for gender equality. Finally, the precedence of the social characteristic over the political one validates the claim that Moroccan fem-

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[2] 'Years of Lead' is the term used by opponents to the rule of the former King Hassan II to describe a period of his mandate (from 1960s to the beginning of 1980s). This period of Moroccan history was marked by state violence against dissidents and democracy activists.

[3] Author's translation.

inists' activism emerged out of the real social needs of women and not from an alien Western concept (Yachoulti 2012). Additionally, because of the specificities of each society and culture, the Moroccan feminist movement is, to a certain extent, different from other feminist movements in the Arab world. Sadiqi (2003) argues that despite the affinities this feminism has with both Middle Eastern feminisms and Western feminisms, it remains different from both because of its historical and sociocultural backgrounds and contexts. She contends that, unlike Western feminisms, Moroccan feminism did not emerge as a militant feminist movement, and unlike Middle Eastern feminism, it did not emerge out of nationalism.

Interestingly, the 1990s ideological crisis[4] over the woman issue helped greatly in the rise of Islamic feminism as a new practice in Morocco. The best example in this regard is the creation of 'monadhamat tajdid al-wa'y al–nisa'i' (Organization for the Renewal of Women's Awareness) in 1995 by women activists in 'al-Islah wa al-Tajdid' movement[5] like Bassima al-Haqqaoui, a member of the Justice and Development Party and ex-Minister of Solidarity, Women, Family, and Social Development in the 2012 - 2016 cabinet. This organization was created with the objectives of renewing women's consciousness, ameliorating their intellectual level, promoting their issues, and rationalizing and orienting family relations. In 2002, another Islamist feminist association was created: "Muntada al-Zahraa li al-Mar'ah al-Maghribiyyah" (al-Zahraa Forum for the Moroccan Woman) which was created by a group of male and female Islamist figures. The forum addresses women and family issues from an Islamic perspective. It oversees a network of 114 non-governmental organizations working on strengthening the capacities of women and improving their situation politically, culturally, socially, and economically.

Today, the Moroccan women's movement organizations have grown in number and have acquired enough experience concerning organization, lobbying, and strategizing to reduce gender inequalities and push the democratization wheel forward. Also, their commitment to offering a new vision of the issue of women and ways of liberating their self-expression makes them a promising power that could lead not only to the advance-

[4] The causes of this crisis are explained in the section on Islamic feminism in Morocco in this article.

[5] The movement was first named 'Jam'iyyat al-Jama'a al-Islamiyyah' (Association of the Islamic Community). It was a political non-violent Islamic group whose purpose was to access the Moroccan political scene. In 1992 the name of the organization was changed to 'al-iIslah wa al-Tajdid' (Reform and Renewal), a strategy of its leaders to distinguish their group from activities and organizations of 'Jam'iyyat al-Jama'a al-Islamiyyah' in Algeria. The movement developed in 1998 into the present Islamic party Justice and Development, known as PJD.

ment of Moroccan women but that of their community as well. In this article, the purpose is not to trace the development of the Moroccan women's movement along with its struggles to reduce gender inequalities, but to track the development of the Islamic block of the movement in Morocco with a special focus on Asma Lamrabet as one of its prominent figures. The aim is to trace and understand the specificity of her approach and contextualize it within the development of Moroccan feminist thought. The following section briefly sketches the meaning and development of Islamic feminism.

ISLAMIC FEMINISM

According to Badran (2002), Islamic feminism may be defined as "a feminist discourse and practice articulated within an Islamic paradigm"; it "derives its understanding and mandate from the Qur'an" and "seeks rights and justice for women and men, in the totality of their existence." Another definition of Islamic feminism is provided by Egyptian political scientist Amani Saleh, who contends that this type of feminism is an "intellectual, academic, and movement-based effort that seeks to empower women by drawing on Islamic frames of reference from which intellectual and movement-based norms, concepts, methodologies, as well other related matters can be conjointly employed". (Saleh 2013, 11).

Based on these and similar definitions, Islamic feminism may be said to display three main characteristics. The first one is that it is an intellectual, academic, and social movement. Secondly, it aims to empower women by lifting injustices and marginalization. Thirdly, the essential sources, referential frameworks, and concepts of the Islamic feminist thought and movement are based on Islamic references from the Qur'an and authenticated Prophetic teachings and tradition.

Islamic feminism is a global phenomenon; it was produced in the writings of Muslim women in diverse sites around the world. "Some of these women lived under colonial rule and witnessed national struggles, while others did not; some are veiled, others are not; some are Muslims from the heartland; others are from the Diaspora; some are Arab Muslims, some are non-Arab."(Grami 2013, 112). These women are from Iran, Saudi Arabia, Turkey, South Africa, and Egypt (Badran 2002). Islamic feminism has also grown out of the works of the Muslim Diaspora as in the case of Pakistani-American academic Asma Barlas or convert communities around the world as the case of the African-American Amina Wadud.

Concerning the catalysts that were instrumental in the rise of the Islamic feminist movement, Badran specifies three reasons in her article 'Between secular and Islamic feminism/s: Reflections on the Middle East' (2005, 8). Firstly, women counted on secularist and religious blocks and

"grew increasingly concerned by the imposition and spread of a conservative reading of Islam by Islamist movements and found the need to respond in a progressive Islamic voice." Second, women's massive access to education in the last two decades of the twentieth century, which not only raised awareness among Muslim women but also allowed them access to the highest levels in the religious sciences, and thus equipped them with the adequate arsenal to engage in fresh readings of the Qur'an (Ibid). Finally, the spread of a new form of information technology resulted in a rapid and free circulation of information and ideas, hence, creating an unprecedented simultaneity of local and global knowledge production in the field (Ibid).

Islamic feminism starts from Islam as its referential framework. This referential framework takes the Qur'an and the Prophet's Teachings and tradition (*Sunnah*) as its main sources within which feminist thinking is expected to yield independent reasoning interpretation, jurisprudence, and even philosophy. As such, Islamic feminism aims to counterweight the prejudices in Western culture that have hurt Muslim women and Islam. The following section traces the development of Islamic feminism in Morocco.

ISLAMIC FEMINISM IN MOROCCO

Unlike in many countries such as Egypt and Iran, where Islamic feminism has evolved over the past several decades, Islamic feminist thought or movement in Morocco is a relatively recent trend As a thought or philosophy, Islamic feminism is generally said to have been founded by the Moroccan sociologist Fatima Mernissi though she never claimed so (Yefout 2016). Indeed, Mernissi started as a secularist feminist as attested by her book *Beyond the Veil* (1975). During the 1980s, she worked closely with male jurists and religious scholars in an attempt to explore what Islam brought to women. Towards the end of this period, and under the influence of such men (Rhouni 2010), she started to adopt an Islamic feminist stance, as attested in her book *The Veil and the Male Elite* – 1987 which was translated into French as *Le Harem Politique* and published by Albin Michel. The book was banned in Morocco for a while. At the beginning of the 1990s, she said publically in an al-Jazeera interview conducted by Driss Ksikes that she believed in spiritual – Sufi Islam[6].

Throughout her works, Mernissi favors a moderate and inclusive Islam and argues that Islam and mainly Prophet Muhammad set a very important status for women in public life but unfortunately there was a ma-

[6] I would like to thank Prof Fatima Sadiqi for providing me with this background information about the development of Mernissi's feminist approach and stance

nipulation of the sacred texts by the political power. To use her own words, Mernissi (1991, 8-9) states: "Not only have the sacred texts always been manipulated, but manipulation of them is a structural characteristic of the practice of power in Muslim societies."

As a movement, Islamic feminism is said to have begun in the early 1990s with the ideological crisis over the women issue in Morocco (Ennaji 2016, Sadiqi 2014 and 2016). The heated debates on the reform of the family law that characterized the decade showed in a clear scenario the existence of two ideological blocks that were and are still active in the Moroccan political arena: the modernists or liberals – the secular feminists and the democrats, and the conservatives – these included the traditionalists and the Islamists. The scale of the debate was so big that it involved the entire nation (Sadiqi 2016). The ideological confrontation reached its peak in 1992 when the feminists, supported by the modernist block, launched the One Million Signatures Campaign to reform the Personal Status Code[7]. In 1999, the socialist government launched the National Plan of Action to Integrate Women in Development[8].

The modernists, represented by secular feminists, human rights associations and independent individuals, viewed the Plan as 'revolutionary' and asked to put it into effect. On the other side, the conservatives, represented by the Islamists, opposed the Plan and centered their contention on the fact that it undermined Islamic principles. The wide gap between the modernists and conservatives was echoed in the two competing mass demonstrations that took place on Sunday, March 12th, 2000. "In the capital, Rabat, more than 60 women's NGOs, several human rights organizations, at least six government ministers and 300.000 people marched in support of the Plan … they chanted no to reactionaries". [At the same time], in "Casablanca, Morocco's economic capital, between 600.000 and a million people demonstrated against the Plan" (Ghazali 2001). Their

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[7] In 1992, *the* Union de l'Action Féminine (Union of Feminine Action), a Moroccan feminist association launched a huge petition with the objective of changing the Personal Status Code. The campaign started by sending a letter to the president of parliament, to parliamentary groups and to political parties to demand changes in the Moudawana , strengthened by a list of million signatures to back up its demands.

[8] On March 19, 1999, the government launched the National Plan of Action to Integrate Women in Development. The aim was to integrate women fully in society, and to make them contribute to and have a share in development. The objectives of the Plan were linked to the United Nations declarations, especially resolutions adopted at the 1995 Women's Conference in Beijing. The National Plan of Action brought about 215 proposals divided into four major categories: education, productive health of women, the integration of women in development and reinforcement of legal, political and institutional status of women. However, the fact that the plan bans polygamy; raises the legal age of marriage from 15 to 18 and reforms divorce, created a profound cleavage in Moroccan society between the modernists and the conservatives.

demonstration was well organized and men and women marched in separate rows; they carried banners with texts of Hadith (Prophet's Sayings) and slogans such as "na'am li- idmaj al mara fi -tanmiya la li-ttaghrib wa tt-aba'iyya" (Yes to the integration of women in development, no to Westernization and dependence).

The Islamists went further, issuing fatwas (religious decrees) denouncing and condemning feminists as atheists and encouraging veiled women to take to the streets. They also created the aforementioned Islamist women's association, al-Zahra Forum. These developments did not only mark the birth of Islamic feminism as a movement in Morocco but also showed that this movement was unintentionally initiated by "male Islamist politicians' tactics to counter secular feminists who were gaining considerable momentum" (Ennaji 2016, Sadiqi 2016). The following section outlines the nature and types of Islamic feminism in Morocco.

NATURE AND TYPES OF ISLAMIC FEMINISM IN MOROCCO

Researchers working on Islamic feminism in Morocco (e.g. Ennaji 2016, Sadiqi 2016 and 2014, Yefout 2016, Gray 2014 and Borillo 2016) agree that this feminism may be categorized into two types. The first one differentiates between the moderate Islamist Party of Justice and Development feminists and the more extremist Justice and Benevolence (JB) feminists. Both of these Islamic feminists adhere to the ideological line of their respective political party and association.[9] Also, both rely on preaching, charity, and activism to disseminate their ideologies. The difference between the two is that the first one is recognized by the state whereas the second is not. This makes the latter (Justice and Benevolence feminists) more vocal than the former (Sadiqi 2016).

As for the second type of Islamic feminism, it differentiates between 'state-based Islamic feminism)' and 'self-based independent Islamic feminism.' Islamic state feminism appeared in the aftermath of the 2003 terrorist attacks in Casablanca as an attempt to control and monitor the religious field, eradicate terrorism, and develop a positive international image of Morocco. In this regard, Sadiqi (2014 and 2016) explains that the Moroccan state through its Ministry of Religious Affairs and *Habous*, engaged in a number of initiatives and reforms. First, it encouraged the creation of feminist associations with an Islamist orientation. The purpose of these associations is to create and instill an 'Islamized' version of feminism which

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[9] PJD female activists are active within an officially formed political party. The party accepts the monarchy's legitimacy and acts within the state's political fabric. Justice and Benevolence female activists are active in an officially banned but tolerated Islamist group. The banned group advocates the Islamization of society and the political system and challenges the monarchy's legitimacy.

would channel the shared interests of the state and its allies and ensure their positioning as 'democratic' and 'open' vis-à-vis the national and international communities (Sadiqi 2014). Second, it created the *Murshidat* program in 2006 to support women's greater involvement within the religious sphere[10]. Third, the state also encouraged women to participate in the religious lectures during Ramadan (al-Durus al-Hasaniyya), in the local scientific councils (Majalis 'Ilmiyya), and in the Rabitat—councils—where twenty out of seventy *Ulama* are women)[11]. Fourth, it has integrated the *Alimat* (women religious leaders) into the regional delegations of the Ministry of Religious Affairs, where they direct family units.

As for 'self-based' or independent Islamic feminists, they include a limited number of women who act independently. The main protagonist of in thisgroups of feminists is Asma Lamrabet. In what follows, I will provide a brief note on her life and then discuss elements of continuity and change in her approach to Islamic feminism.

A NOTE ON ASMA LAMRABET'S INTELLECTUAL TRAJECTORY

Asma Lamrabet received her Doctorate in Medicine in 1988 and later a Diploma in medical biology in 1992. In addition to her career in medicine, Lamrabet has been engaged in reflecting on and studying women's issues in Islam. She has authored many multilingual books and articles on these issues and published themnationally and internationally.

As an active intellectual, Lamrabet has been developing her ideas and arguments for almost two decades, but it is only in the last decade that her discourse started to be heard. A reading of some of her publications and regular browsing of her website and talks on YouTube show that she is

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[10] The program trains fifty women each year and the courses include Islamic affairs, psychology, sociology, computer skills, law and business management, as well as Islamic history and geography, Qur'anic recitation techniques, the art of preaching, and communication. Upon graduation, the Murshidats are assigned tasks that include guiding women (and men) in their religious practices in mosques, as well as in various public institutions, such as prisons, youth clubs, hospitals, and so on. When addressing mixed audiences, the preachers share their interpretations of the Qur'an and Hadith (Prophet Muhammad's Sayings), but when addressing all-female audiences, they also give advice on private and sometimes intimate issues, such as how to dress in private and public spaces, how to interact with men in those spaces, how to deal with sexual problems, and so on.

[11] In 2003 King Mohammed VI invited Rajae Naji Mekaoui, a university law professor at Mohammed V University in Rabat, to be the first woman to give a lecture in al-Durus al-Hasaniyya (a series of lectures) at the Royal Palace mosque. This lecture series are presided over by the King every Ramadan, and are attended by the highest civil and military officials and religious authorities from all over the Muslim world. Since then, other women have been giving lectures in the same series.

leading an alternative feminist thought about the Qur'an and the *Sunnah* as the main sources of Islamic teachings. Further, her approach and method of deconstructing the sacred texts have influenced the debate on women's rights not only in Morocco and Muslim countries but also all over the world. More importantly, her approach and thought earned her the position of the Director of the Center for Women's Studies in Islam in al- Rabita al-Mohammadia of Ulema (the Mohammadian Council of Religious Scholars in Morocco)[12] from 2010 to 2018. Two years before being appointed to this position, Lamrabet co-founded the International Group for the Study and Reflection on Women in Islam. One of the goals of the group was to explore theological and legal questions pertaining to women and to develop an alternative discourse, capable of making up for the lack of an official Islamic discourse on women. Last but not least, thanks to her feminist thoughts, she has become a member of the International Academic Committee of the Musawah Network, a member of the Fatima Mernissi Chair at Mohammed V University in Rabat and a member of the Moroccan National Committee on Education and Culture. The question that emerges at this juncture is: What makes Lamrabet's approach different from the other approaches that make up Islamic feminist thought in Morocco?

To answer this question, I will use some of Lamrabet's main publications and her own website and YouTube talks. These works are selected on the basis of their content, deemed relevant to this article. They are also based on their clarity in terms of analytical strategies and methodologies, as well as their accessibility to the readers in Morocco and beyond.

LAMRABET'S APPROACH

Based on reading Lamrabet's aforementioned publications and regular consultations of her website (http://www.asma-lamrabet.com), as well as her talks on YouTube, six features of her approach have been identified. These features are different from those of the other Islamic feminist figures in Morocco.[13] First, unlike the latter, who hold leadership roles in both PJD and JB and who work under the ideological tenets of the party or association and who are strong and forceful in dominating their respective associations, Asma Lamrabet is independent. She describes herself as an 'independent intellectual,' unaffiliated to any institution of higher learning, political party, religious organization, or movement. Her knowledge is self-taught, a fact, which has delayed her access to public discourse

[12] It is a council of religious scholars established by King Mohammed VI in 2005 to curtail and control problems in the religious sphere

[13] These include Fatima Mernissi, Nadia Yassine and Khadija Moufid (For further details, see Yafout (2016).

Second, unlike the Islamic feminists of the PJD and JB who both adhere and insist on the veil as a sign of Muslim women's identity, Lamrabet neither wears the veil nor considers it as mandatory. She argues that by focusing on the veil, its theologians and advocates reduce women to "bodies" and background the fact that Islam is a religion of equality, knowledge, and compassion, values deemed by her as more important than the veil. In other words, she rejects the focus on simplistic issues like focus on women's bodies and their appearance. Indeed, Lamrabet (2019b) refuses the veil "as a standard for assessing Muslim women" [and contends that] women should be given freedom of expression, the right to restore the freedom of choice as a crucial right and not to reduce Muslim women's spirituality to their dress."

Third, while the Islamic feminist figures affiliated to both PJD and JB constituted a reaction to the secular feminists and their Plan of action, Lamrabet believes and insists on a 'third way' that builds bridges between secular Western feminism and Islamic feminists. Therefore, instead of making men the norm and demanding that women have the same status as men, she insists on the need to rethink this view by making the human being the norm and start from there. She prefers dialogue to confrontation and does not see herself as a revolutionary or overt rebel (Gray 2013).

Fourth, she is the first Islamic feminist in Morocco to call for rethinking the inheritance laws, a fact which caused her resignation from her position as Director of the Center for Women's Studies in Islam in the al-Rabita Council of Religious Scholars. She and a few other activists and political figures were among the signatories of the online petition released in March 2018. The petition stipulates that the Islamic law on inheritance "no longer befits the situation of Moroccan families and the current social context." It also states that the law "penalizes especially the poorest women and forces many parents to bequeath their assets to their daughters during their lifetime. Moreover, this provision is a result of *Fiqh* (Islamic jurisprudence) and not a divine commandment." Prior to all this, Lamrabet wrote her article "Justice requirement between men and women in Islam: The inheritance case" and her 2016 book *Qur'an and Women: An Emancipatory Reading*, in which she argues that inheritance is a complex issue and should not be reduced to a single rule which declares that man inherits twice a woman's share.

Fifth, unlike Muslim women who reject feminism because they feel it is a secular invention imposed on them by the West, Lamrabet argues that feminism is a universal heritage and all women have the right to appropriate and adapt it to their specific cultural contexts. For this reason, she states in her book, *Croyantes et féministes: Un autre regard sur les religions* (2017) that feminism, along with other concepts such as democracy and

human rights, needs to be appropriated by societies and integrated in their socio-cultural contexts.

Finally, unlike other Islamic feminists who claim that Islam already gives women all rights, Lamrabet argues that it does if it is stripped of the tradition of misogynist interpretations. To resolve this, she encourages female *Ijtihad* and fatwa-production. In other words, she asks women to engage in the re-reading of the sacred texts with the goal of deconstructing the traditionalist and conservative interpretations that focus only on the rights and duties of Muslim women. To do this, Lamrabet states in her article "How can a reformist approach to women's issue in Islam be adopted?" published on her website in February 2019, that re-reading the Qur'an needs to be done according to four dimensions: the global ethical dimension, the humanistic dimension, the egalitarian conceptual and normative dimension, and the social dimension.

The ethical dimension refers to the spiritual ethic that represents the essence of the message of the sacred text. For her, the founding principle of Islam is the concept of 'Oneness of The Creator.' This notion reflects human liberation and human equality. Unfortunately, the religious political instrumentalization of Islam over the centuries has marginalized this ethical dimension in favor of blind obedience to the ruler, and in the same patriarchal political logic, it imposed blind obedience in the family through the submission of the wife to her husband.

With regards to the humanistic dimension, it is represented by a central concept in the Qur'an, which is the 'human being' or *Insan*. For her, *Insan* includes men and women on equal terms and transcends gender discrimination. *Insan,* in Qur'anic discourse, is the center of the universe and the purpose of creation.

As for the egalitarian conceptual and normative dimension, it refers to a dimension reproduced by the spiritual message via key concepts and egalitarian verses. Lamrabet underlines the fact that there are, many egalitarian concepts; in this article, I include only five which are deemed gessential because they are pillars on which Lamrabet builds her approach. The first key concept is the '*nafs wahida*' (one essence), which reflects the egalitarian origin of men and women as created from the same spirit. The Qur'an says "It is He who created you from one soul and created from it its mate that he might dwell in security with her" (Qur'an 7; 189 (l-aʿrāf)) . The second egalitarian concept is '*al-Istikhlaf*', meaning the equal responsibility of men and women in the building of human civilization. Another concept is '*amana*' (depository) of creation, which concerns both men and women in the framework of '*khilafa*' (responsibility of every human being on earth)."Indeed, I will make upon the earth a successive authority" (Qur'an 2; 30 (Al-Baqarah)). The fourth concept is '*taqwa*' (moral integrity), a fundamental condition in the evaluation and judgment of human beings

regardless of their gender. The Qur'an says, "The most deserving (noble) of you (man or woman) in the sight of God are the most righteous" Qur'an 49; 13. 13 (al-hujurat). The last concept is that of '*Wilayah*' (mutual alliance) which affirms the sociopolitical equality of men and women in both the private and public spheres.

Finally, the social dimension refers to the verses about polygamy, inheritance, testimony, repudiation, and authority or superiority of men (*Quiwamah*) and is commonly used to justify and legitimize discrimination against women. For Lamrabet, when these verses are taken out of their general framework, they are not only interpreted as evidence and confirmation of discrimination but are also taken as the normative framework of what is known as the 'women's status in Islam. Lamrabet states that there are over 6233 verses in the Qur'an that contain the importance of women within the ethical global vision.

CONCLUDING REMARKS

Though she has been reflecting on women in Islam for only a couple of decades, Lamrabet has managed to impose herself as a fundamental and prominent voice in the debate about gender equality and the future of the status of women not only in Morocco but also in the Muslim world. Her experience and progressive approach allowed her to lead a 'third way' approach in the development of Moroccan women's movement practice and thought. Put in different terms, her alternative feminist thought about the Qur'an and the *Sunnah* (Prophet's teachings and tradition) as the main sources of Islamic teaching enabled her to bridge the gap between the modernist and the Islamist feminist blocks in Morocco. Also, her aim, to quote her own words,' is to "overcome the eternal opposing logic of modernity versus tradition within the debate over Muslim women." Indeed, it is this modern progressive approach that paved the way for her to head an official center as the Director of the Center for Women's Studies in Islam affiliated with the official religious institution al-Rabita Mohammadia of Ulema (Mohammadian Council of Religious Scholars) and to contribute in filling an academic gap in the field of women's studies from an Islamic perspective. However, the counterattack of her male colleagues in the League because she supported equal inheritance rights forced her resign in 2018. This shows that despite Morocco's pride on 'moderate' vision of Islam, there is still a long way to go to deconstruct and cause fissures in the existing 'religious patriarchy' that slows down, if not silences any voice claiming substantial eform.

To conclude, no matter how fierce the resistance facing Lamrabet as leader of the new trend of feminism in Morocco is and no matter how 'divisive' her approach might be, the energy she has shown in developing

and defending her approach in particular and moderate Islam, in general, is remarkable. I believe that Lamrabet will undoubtedly inspire and lead a new generation that is seeking and defending the re-reading of the Qur'an to redress social relationships, especially in its gender dimension.

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ISLAMIC FEMINISM IN POST-2003 MOROCCO: POTENTIAL AND LIMITS

MERIEM EL HAITAMI

Abstract: This article examines the development, promises, and limitations of 'Islamic feminism' in post-2003 religious reform in Morocco. It explores how Islamic feminism positions itself in relation to the state's efforts to (re)appropriate the religious field by defining public Islam and determining its 'legitimate' actors and therefore raises the following questions: Is it possible to speak of an Islamic feminism outside of the state's political projects and its mechanisms of co-optation and instrumentalization of both the women's movement and the religious establishment? Also, can Islamic feminism serve as a catalyst for collective action through the creation of alternative spaces where religious knowledge and subjectivity are reframed, de-centered and negotiated?

Keywords: Islamic feminism, religious reform, post-2003, public Islam, co-optation, alternative spaces.

INTRODUCTION

Islamic feminism as a discursive tradition advocates a gender-inclusive interpretation of sacred texts by problematizing normative traditions that center men as interpretive authorities and constructing alternative articulations of gender justice to recover Islam's pre-supposed inclusivist spirit. This article seeks to examine the development, promises, and limitations of 'Islamic feminism' in post-2003 religious reform in Morocco. One main question to be explored is whether we can speak of an Islamic feminist 'movement' in the context of Morocco, especially since Islamic feminism primarily engages in knowledge production and intellectual activism rather than challenging systemic order. This article, thus, explores how Islamic feminism in Morocco positions itself and negotiates its spaces.

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FEMINISM, RELIGION, AND THE STATE IN MOROCCO

The inception of feminism in Morocco in the twentieth century was articulated through a combination of nationalist, Islamic, and modernist arguments that promoted women's rights and gender equality. Fatima Sadiqi informs that "a unique combination of activism by secular and religious women, the calculations of political parties, and a significant role for the King has led to real progress" (Sadiqi 2006, 1). This suggests that feminism in Morocco cannot be framed in terms of mutually exclusive categories of analysis, it is rather a 'hybrid' expression, which contains convergence between secular feminism and Islamic feminism and brings them together in a collaborative form (Ahmed-Gosh 2008). Moroccan feminists began their work soon after independence in 1956 and they largely represented a liberal perspective, which later on accessed a religious framework to strengthen their long-fought demands to improve women's rights (Sadiqi 2006). Deniz Kandiyoti notes that "the post-independence trajectories of modern states and variations in the deployment of Islam in relation to different nationalisms, state ideologies and oppositional social movements are of central relevance to an understanding of the conditions of women" (Kandiyoti 1991, 2). These overarching trajectories were particularly significant in pushing for the revision of the reform of the Family Law (Moudawana) which was introduced in 2004 with the aim of replacing the patriarchal model of the family with a more egalitarian model. Another breakthrough for the Moroccan feminist movement is the recognition of the 2011 constitution of more rights, especially the symbolic Article 19, which reads:

> The man and the woman enjoy, in equality, the rights and freedoms of civil, political, economic, social, cultural and environmental character, enounced in this Title and in the other provisions of the Constitution, as well as in the international conventions and pacts duly ratified by Morocco and this, with respect for the provisions of the Constitution, of the constants [constantes] and of the laws of the Kingdom. The State works for the realization of parity between men and women. An Authority for parity and the struggle against all forms of discrimination is created, to this effect (Constitution, 8).

Article 19 is hailed as progressive, it explicitly enshrines gender equality in the enjoyment of civil, political, and socioeconomic rights, and highlights the government's commitment to work towards the creation of conditions that allow the achievement of equal gender representation in all realms. However, despite its promise, the prospects for a genuine reform remain questionable, as Soumia Boutkhil notes:

This major reform is deliberately checked and/or conditioned by the inclusion of the phrase "with [the] respect for [...] the constants [thawabit] and of the laws of the Kingdom. "The ambiguity of the wording itself comes from the word "constants," for which there is no specific meaning. […] What are these constants? Are they traditions? The political system? Or is it the hegemony of the religious order on public life? If so, the constitution will be subjected to the same religious-based interpretation as the Moudawana, in which case any hope of ever attaining significant citizenship for women under the new supreme law is forever banned (Boutkhil 2016, 254).

Thawabit or the determined laws become therefore a discursive instrument that serves to maintain political and social cohesion. The state spearheads initiatives to promote women's rights; these rights however are conditioned by customary constraints and defined through monolithic *Fiqh*[1]-based interpretations, which rather contribute to reinforcing gender-based inequalities.

All the while, emergent trends that could be referred to as 'Islamic feminism(s)'[2] developed as part of an ongoing movement that promotes women's empowerment and increasingly blurs the binary of liberal feminism and female Islamist activism. Islamic feminism has garnered the state's support and has become useful in counteracting political Islam projects (Eddouada and Pepicelli 2010). Such state support could be considered a move towards an 'Islamic state feminism' (Ibid). State feminism here is understood as the government's strategy to introduce top-down programs that promote women's rights and gender equality. The latter, however, creates a dialectical paradox considering the patriarchy of the state that simultaneously champions women's rights initiatives.

A prominent example is Morocco's policy of gender mainstreaming in the religious sphere. The reform of the religious sphere that was subse-

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[1] *Fiqh* is an Arabic term that refers to Islamic jurisprudence or a process through which jurists derive rulings and guidelines from the Qur'an and the Prophetic tradition.

[2] I use the composite term 'Islamic feminism' to refer to intellectual and social activism that is rooted in Islamic discourse and whose objective is to empower women within Islam. I position the discussion within Morocco's post-2003 engagement to promote women's religious authority in structures of state Islam, which has been conducive to the emergence of diverse religiously-inspired articulations of feminism beyond the traditional liberal feminism-Islamism binary. It is important to note that there is an ambivalence that many women feel towards the feminist aspect of their religious activism. Therefore, my use of Islamic feminism rather serves the purpose of tracing the emerging and evolving articulations that use religious frameworks to produce diverse discourses and praxis around women's rights.

quent to the 2003 Casablanca terrorist attacks has allowed space for women to occupy positions of authority in religious institutions in an unprecedented manner. In 2006, the Ministry of Islamic Affairs appointed an initial cohort of 50 female preachers (*murshidat*) in mosques and 36 women theologians (*'alimat*) in various religious councils. The appointment of women to key religious positions serves as a framework in which they are able to exercise their religious activities with full legitimacy, and promote the use of religious arguments in efforts to advance gender equality (El Haitami 2012).

The *murshidat* are appointed by the Ministry of Islamic Affairs after they complete a 12-month training program with the main purpose of counter-weighting extremism by disseminating moderate mainstream Islam. They have the responsibility of protecting Morocco's religious identity which comprises honoring King Mohammed VI as the Commander of the Faithful and promoting the Maliki[3]-Sufi doctrine. By educating women and mothers, providing a safe and productive avenue for youths, and offering pastoral care to prison inmates, the *murshidat* contributes to counter-radicalization. Their 'official' role enables them to have a significant impact on the larger community and alter structures of religious authority, especially since they are increasingly appropriating such core religious spaces as mosques and religious councils, and attract a broad female following (Ibid).

The *murshidat* are, however, faced with limitations that question their legitimacy before the longstanding male-dominated religious tradition. Although they have access to teaching and spearheading initiatives in mosques and other religious and social structures, they still face limitations in the practice of deconstructing patriarchal interpretations of religious texts. Female religious authority, as Hilary Kalmbach puts it "can be seen as ceded from men to women, and in most cases not a substitute for, or rival to, male authority. Women can be deputies, but not chiefs" (Kalmbach 2008, 14). The *murshidat*'s role becomes limited to their ability to offer social services, which largely depends on personal charisma and the capacity to relate to different communities, rather than classical or formal training. This creates gendered patterns within religious structures and endorses men's monopoly over the production of knowledge and the interpretation of the scriptures. This, as a consequence, generates unequal distributions of power and religious knowledge (El Haitami 2012).

Also, despite the *murshidat*'s significant contribution to disseminating the state's vision of 'moderate Islam,' indicators of their success in con-

[3] The Maliki School is one of the four major schools of Islamic jurisprudence within Sunni Islam.

tributing to countering violent extremism (CVE) do not necessarily translate into direct participation in CVE strategies. Success indicators rather include the *murshidat*'s ability to disseminate knowledge about women's legal rights in accordance with the stipulations of the Moudawana, and raise social awareness around such issues as minor marriage, girls' education in rural areas, and violence against women. These indicators acknowledge the role of the *murshidat*'s theological expertise in promoting better rights for women, yet they suggest no direct involvement in CVE policy. Women, therefore, continue to negotiate their marginality in the 'spiritual security' narrative.

The state's monopoly over religious discourse also has a significant role in limiting the possibility of a heterogeneous expression. The *murshidat* are trained to deliver an official discourse and homogenize the practice of Maliki-Sufi Islam. The post-2003 religious reforms promote the practice of progressive *Ijtihad* (independent scriptural reasoning) but, paradoxically, *Ijtihad* is uncontested since the monarchy and the Ministry of Islamic Affairs have centralized control over its process and execution, serving as the major channel through which Moroccan Islam is defined, and religious preaching and discourse are disseminated.

Morocco's bureaucratization of Islam rooted in reasserting the spiritual and temporal authority of the monarchy raises further concerns about structures of religious reasoning becoming a catalyst in maintaining a certain political and social order, by decreasing the authority of the 'ulama and *imams*, "regulating Friday sermons and tightening the grip on mosque activities" (Maghraoui 2009, 208). Thus, Morocco's commitment to promoting moderate Islam and curbing extremism is not free from political imperatives.

Therefore, although the state has played a significant role in expanding the space for women's visibility within the mainstream religious sphere, it nonetheless sends ambiguous signals about the amount of agency afforded to them. Shortly after the program was launched in 2006, the Supreme Religious Council issued a *fatwa* that frames the *murshidat*'s role, stating that the latter does not include serving as *imams* on the grounds that Maliki jurisprudence forbids women from leading men in prayer or performing the traditional functions of *imams*. The *fatwa* also noted that there is no precedent in Moroccan history of women leading mixed or women-only prayers. Ahmed Taoufik further stated that "the *murshidat*'s role is limited to teaching and counseling in mosques. They will neither today nor tomorrow or at any point in the future serve as *imams*, for this role is limited to men." (Al-Majlis 2006).

The *imamah* or ritual leadership is representative of other forms of communal leadership and of a larger debate about gender equality and reflects the complex relationship between feminism and the state, and the

ambiguities associated with Islamic feminism's political stands. The *murshidat* bargain with the state or exert what Assef Bayat describes as a 'non-movement' that is "deploying the power of presence, the assertion of collective will in spite of all odds, refusing to exit, circumventing the constraints, and discovering new spaces of freedom to make oneself heard, seen, felt, and realized" (Bayat 2010, 98). Bayat stresses that the act of presence in the public space blurs gendered binaries that relegate women to marginal positions and suggests a nuanced understanding of compliance with regulatory order and its ability to construct alternative spaces of maneuvering. This bargaining power process operates within the prevailing asymmetrical power distribution but does not necessarily reverse it, which leaves women disenfranchised within structures of religious legitimacy. As Valentine Moghadam argues, it "[...] is very difficult to win theological arguments. There will always be competing interpretations of the religious texts, and the power of the social forces behind it determines the dominance of each interpretation" (Moghadam 2002, 1160). Morocco comprises multiple and competing interpretations of Islam, the authority of which is determined by what structures of power favor as the more legitimate interpretation. This, therefore, raises the question of how instrumental state Islamic feminism is in appropriating the publics that forge heterogeneous social and religious expression.

MOROCCO'S THIRD WAY FEMINISM: A MOVE TOWARD A 'MUSLIMA THEOLOGY'?

Beyond the long-anchored gender hierarchies, new interpretive trajectories have emerged to center female-based narratives and subvert the exclusive male norms of interpretation. Such endeavor- which could alternatively be referred to as Muslima theology- "places women not only as subjects of study but at the heart of the interpretive process and as a category of theological knowledge production, intellectual analysis, and interpretive communities" (Rddad 2018, 17). Muslima theology was coined in the edited volume *Muslima Theology: The Voices of Muslim Women Theologians* (2013) to refer to "feminist hermeneutical approaches that are willing to interrogate the dominant traditional articulations of the 'true' meaning of texts [This lays the foundation for a] hermeneutic of suspicion that can confront the hierarchical and patriarchal biases brought to bear in formulating earlier interpretations" (Krämer, Schmidtke and Medeni 2013: 19).

Advocates of Muslima theology deconstruct the historical marginalization of women-centered interpretations by challenging the hegemonic male character of normative traditions and reconstructing women's histories and interpretive authority through the practice of *Ijtihad*. Sadiq Rddad

notes that the process of knowledge production by advocates of Islamic feminism has gained momentum over the past twenty-five years and advocates a more gender-inclusive theological practice that opposes fixation and historicity and privileges justice and equality (Rddad 2018). In other words, Muslim feminists are not in a process of deconstructing Islam but re-constructing the traditions from within. *Ijtihad* becomes a social act under the premise that Qur'anic rhetoric is rooted in time and context. It is therefore necessary to de-sacralize the interpretative heritage, without de-sacralizing the sacred texts (Ibid).

In Morocco, an emerging strand of Muslima theology aims at rereading the sacred texts outside of the patriarchal enterprise. Asma Lamrabet, a Moroccan physician, writer and former director of the Center for Studies on Women in Islam affiliated to the state-run religious institution Rabita Mohammadia of Moroccan Scholars, carved out a 'third way', associating the ideals of Islam and the egalitarian spirit of universal human rights in an effort to reconcile faith and modern demands. A central argument to Asma Lamrabet's work is that although the Qur'an is divine revelation, its teachings are only experienced within a specific social and political context. Therefore, a rereading of patriarchal interpretations of the Qur'an is of critical importance. According to Lamrabet, issues relating to women should be located within normative frameworks underpinning the aims and ultimate purposes of Qur'anic injunctions. There are three kinds of Qur'anic verses that encompass Islam's spiritual message: 1) verses with universal aims that advocate universal values such as justice, equality and respect for human dignity. These constitute the basis of the Qur'anic message. 2) temporary verses that are context-related and whose implementation is confined to the specific condition of seventh-century Arabia, such as the distribution of war spoils, slavery and corporal punishment. 3) verses that are subject to reinterpretation in new social contexts, obvious examples include the changing dynamics relating to women's issues. For Lamrabet, dominant interpretations privilege temporary regulations or those with specific social dimensions, which as a result undermines the Qur'an's spiritual and universal message (Lamrabet 2015).

Lamrabet argues that Islam comprehends the ethos of peace, love, and social justice, and equality. However, the interpretative tradition contains patterns of male domination that are exclusionary of women's endeavors. These interpretations are shaped by the geopolitical context, as well as the sociocultural politics in which they are produced; yet, they have become immutable and are not subject to critical reflection. As a result, it becomes difficult to distinguish between that which belongs to the sacred text and that which belongs to subjective human interpretation (Lamrabet 2007).

Lamrabet advocates the critical importance of feminist Islamic thought that although marginal can contribute to shaping new spaces for religious debate, "through their academic, social and theological research, and namely in the name of their faith, many Muslim female intellectuals, challenge prejudices and dispute misogynistic interpretations." These emergent forms of resistance are, according to Lamrabet, intrinsic to Qur'anic teachings that promote egalitarian ethics (Lamrabet 2007, 20-21). A rereading of the Qur'an from a feminine/st perspective, thus, enables the creation of a genuine dynamic of liberation from within the Islamic tradition aimed at enhancing the status of Muslim women. For Lamrabet, a believer is entitled to interpret what God has pronounced in the divine Book. She does not claim to promote exclusive feminine hermeneutics at the expense of a fourteen century-old tradition of classical exegesis. Classical exegesis, for Lamrabet constitutes an extremely rich tradition that is essential for an in-depth study of the sacred texts (Ibid). Therefore, Lamrabet's Islamic feminism project does not exclude Islam's interpretive tradition. It is rather aimed at deconstructing the historical prejudices and inequalities conveyed by a human, and therefore imperfect, understanding of the Qur'anic message. Lamrabet interrogates an entire patriarchal model of reading, which has relegated women to the margin. Asma Lamrabet's 'third way' approach, which seeks to promote Islam's humanistic ideals, has contributed to introducing into Morocco's religious scene a debate on Islamic feminism and the critical importance of promoting Islam's egalitarian spirit by reinterpreting religious texts. Lamrabet is therefore representative of an emerging intellectual trend in Morocco that has informed the diffusion of religious discourse and the "proliferation of religious knowledge, actors, and normative statements"[4], as Dale Eickelman points out, "the carriers of religious knowledge will increasingly be anyone who can claim a strong Islamic commitment" (Eickelman 1992, 168). Clerical claims to exclusive authoritative knowledge are, thus, being questioned by a wide variety of new voices, women among them.

MOROCCO'S THIRD WAY FEMINISM AT A CROSSROADS?

In March 2018, Asma Lamrabet resigned from her position at the Rabita Mohammadia, as a result of a backlash over her support for an equal share for women in inheritance, a demand that remains controversial in Morocco. Lamrabet has called for revisiting the traditional texts and understanding jurisdiction on inheritance in the light of the changing social and economic dynamics, including women's work and their equal contri-

[4] See Krämer and Schmidtke (2006, 12).

bution to the creation of wealth. Hence, the need for an equal distribution of inheritance becomes compelling. According to Lamrabet, the distribution of inheritance in the Qur'an should be understood within its socio-historical imperatives and in the context of the traditional structure of the extended family, which in our modern times is replaced by a nuclear family structure in which women contribute to the economic sustainment of the family or are heads of the family, "what can we say today of women who share the financial burden of the household, and may even assume the entire responsibility when the husband has a low income or has no income at all? What can we say of all those men who are totally unable to provide alone for the needs of all the family to confront the imperatives of an extremely difficult employment situation for today's couple?" (Lamrabet 2017, 53). Lamrabet argues for the revision of inheritance laws by taking into consideration women's contribution to economic responsibilities. Refusing to acknowledge the latter reality contradicts the ethical principles of the Qur'an. Lamrabet also problematizes the dual frame of reference -- religious and universal -- that underpins legal reform in Morocco and reveals discrepancies at the level of implementation, "the issue of inheritance, as well as other sensitive topics, forces us nowadays to review the whole approach of the Islamic frame of reference, in order to conceive it in a global way and go through a reformist reading of it so as to identify concrete answers that are capable of overcoming the current social legal deadlock" (Ibid, 44). Lamrabet suggests, therefore, a 'post-*Fiqh*'[5] approach that privileges a consideration of the Qur'an's ethos of justice and equality.

Additionally, feminist engagement with religious texts faces strong resistance on the part of traditional and conservative institutions and figures. For example, the Salafist preacher Hassan Kettani - formerly imprisoned on terrorism charges - strongly condemned the call for equal inheritance and discredited Lamrabet's qualifications to interpret what he describes as an unchanging revelation. Kettani represents a current that reinforces hegemonic masculinity that dismisses and delegitimizes feminist interpretive endeavors, and views them as 'defiance,' and 'religious innovation (*bid'a*)'. According to Kettani, Lamrabet is ignorant of the fundamentals of Islamic law since she is not trained in Islamic sciences and, hence, should not occupy a position in such an esteemed institution as the Rabita (Maroc Hebdo, 18). Also, after Lamrabet stepped down, the Rabita issued a statement stating that Lamrabet's resignation "goes in line with

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[5] The term 'post-*Fiqh*' refers to Lamrabet's argument for drawing on the Qur'an- and its believed ethos of justice, rather than privileging legal principle, such as *ta'sib* (which allows the closest male relatives, such as uncles to have a share inheritance).

the clear path established by King Mohammed VI with regards to pre-
serving religious constants and fulfilling the tasks of *Ijtihad* and scholarly
research" (Amouch 2018). Lamrabet's call for a gender-neutral reinterpre-
tation of inheritance law that privileges the sociomoral objectives of the
Qur'an becomes disruptive to religious constants. Constants become yet
again useful in excluding interpretive endeavors that fall outside of state-
approved interpretive frameworks and emphasize the role of the monar-
chy and the religious establishment in being the sole catalyst in the im-
plementation of political and social change.

Subsequently, Rabita Mohammadia of Moroccan Scholars handed
over the leadership of the Center for Women's Studies and Research in
Islam to Farida Zomorrod, who has expertise in Islamic Studies and Sci-
ences of the Qur'an. Her appointment seems to be in line with the ideals
established by the monarchy and the country's religious constants. Farida
Zomorrod is also a lecturer in Qur'anic sciences at Dar al-Hadith al-
Hassania, Rabat. She authored a number of books, including *The Concept
of Interpretation in the Qur'an and Hadith*. Zomorrod was the third woman
to present a lecture in the Ramadan lecture series.[6] She discussed the
Qur'anic verse 'I shall not lose sight of the labor of any of you who labors
(in My way), be it male or female: each of you is equal to the other' (3:195),
arguing that while the Qur'an expresses the moral and spiritual equality
of men and women, it acknowledges the complementarity of their social
roles and functions. Zomorrod, therefore, problematizes the absolute gen-
der equality that overshadows the social and biological specificities of
men and women. According to Zomorrod, the Qur'an addresses com-
plementarity in relation to concepts of servitude to God (*'ubudiyyah*), vice-
gerency (*istikhlaf*) and piety, and indicates that the principle of gender
complementarity mentioned in the Qur'an is what the Moroccan Family
Code (Moudawana) seeks to achieve (Benhachoumn n.d.). Further, Zo-
morrod acknowledges that misogynistic interpretations that undermine
women have contributed to producing a lexicon such as patriarchal juris-
prudence, patriarchal exegesis, and feminist exegesis. According to Zo-
morrod, patriarchal interpretations of the sacred texts are a result of the
prevailing misogynistic culture, because the jurist or the exegete is a
product of his environment. There is also an issue of methodology, Zo-
morrod argues. The exegete may consider the meaning of a verse without
considering its context. Although there is a need for a counter-discourse to
the prevailing misogynistic interpretations of religious texts, Zomorrod
does not necessarily support the idea of producing feminist interpreta-

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[6] The Hassania lectures series are presided over by the King every Ramadan in the
royal palace, and attended by officials and scholars from all over the world. Since 2003,
women started to take part in these lectures as speakers and attendees.

tions of religious texts, "exegesis should not be subject to categorization, because misogynistic interpretations of religious texts are not necessarily deliberate discrimination, it is mostly a problem of methodology in dealing with the texts" (Personal interview 2018).

Despite the expanded threshold of scholarly exercise, the state-sanctioned female theologians' discourse on women's rights continues to border on traditionalist interpretations. In her Hassania lecture delivered in the royal palace in 2015,[7] Widad Idouni, a university professor and member of the local religious council of Tangier, highlighted the importance of *Ijtihad* as a tool to bridge Islamic law with people's lived realities. She noted that the nation's scholars have detailed the process and methodologies of *Ijtihad* and that it is the prerogative of the learned elite who embody knowledge and piety, not the domain of the unqualified. She also highlighted that *Ijtihad* is a result of a collective consensus that is rooted in canonized traditions.

Idouni celebrated the role of the monarchy and the Supreme Religious Council in restructuring the practice of *Ijtihad* by guaranteeing that only qualified scholars engage in issues that concern the *umma* (nation) and protecting the established rulings that are not subject to a reinterpretation such as jurisdiction on inheritance, which she believes is an unchanging divine decree. Idouni also highlighted the role of the Supreme Religious Council in protecting the constants of the nation *(thawabit al-umma)* by opposing secular ideologies like in the case of the absolute articulation of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), despite the fact that Morocco retracted its reservations regarding CEDAW in 2008, after King Mohammed VI said during a speech in the sixtieth anniversary of the Universal Declaration of Human Rights, "Our reservations have become obsolete due to the advanced legislation that has been adopted by our country."[8]

Undoubtedly, the state-championed transformations in the practice of Islamic authority have created space for expanded participation of women in the structure of religious knowledge production and religious authority. That said, the ability to contest the patriarchal regulatory order remains a challenge. Also, these women's alignment with state-approved interpretive frameworks raises questions on how Islamic feminism positions itself in relation to the state's efforts to (re)appropriate the 'religious field' by defining 'public Islam' and determining its 'legitimate' actors, and whether it is possible to speak of an Islamic feminism outside of the state's politi-

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[7] See www.habous.gov.ma.

[8] 'Morocco withdraws reservations to CEDAW.' *Women Living Under Muslim Laws*, http://www.wluml.org/node/4941.

cal projects. In other words, what is Islamic feminism's strategy to challenge power relations in both society and state-backed Islamic law based on the Maliki school of Jurisprudence, a version of what Deniz Kandiyoti '1988) calls 'bargaining with patriarchy.'

Women are expected to work within the confines of the monarchical system in order to promote systemic order through an 'apolitical' engagement with issues of women's rights and social justice. The King presents himself as both the granter of women's rights and the protector of religion in Morocco. The King himself addressed these women by stating "be advised my dear Daughter, Moroccan Woman, that the Moudawana is above all a matter of my remit" (Cavorta and Dalmasso 2009, 496). By stating this, the King reasserts his prerogative as the defender of women's rights and the sole catalyst in the implementation of political and social change. The state, thus, takes on the championing of women's rights and promotion of gender equality through institutional mechanisms. Further, the construction of the Maliki Madhhab (School) as a framework for interpretation shrinks the possibility for a diverse interpretive tradition. Therefore, the promise of progressive *Ijtihad* that underpins religious reform remains highly questionable since the religious establishment has full control over its process and execution. Islamic feminism, thus, navigates the tension between conformity and opposition to existing structures, while it occasionally maneuvers to expand space for challenging theological patriarchy.

During Lamrabet's first public appearance at a conference - after her resignation, she celebrated Moroccan Islam as being moderate and pluralistic under the protection of the monarchy that guarantees religious freedom and fights religious extremism (Maroc Hebdo 2018). Lamrabet's stance seems to go in alignment with the systemic order and bypasses issues of recognizing diversity, which raises a question on the prospects of Islamic feminism to maintain independence from state projects and serve as a potential resource for legal reform, as well as the ambiguities of Lamrabet project of decolonial feminism that presumably deconstructs hegemonic orders, yet maintains an ambiguous stance vis-à-vis the ruling system. In other words, Lamrabet spearheads a theological and intellectual project with the definite potential of being a useful resource for legal reform for women, but the absence of a grassroots dimension and a critical engagement with the state's perpetuation of patriarchal power is a significant limitation. Therefore, for Islamic feminism to develop into a social movement it has to take a stand vis-à-vis the politics of both the religious establishment and the ruling regime.

CONCLUDING REMARKS: ISLAMIC FEMINISM AND THE NEED FOR GRASSROOTS ACTIVISM

This article explores the interactions between the proliferation of Islamic knowledge and social agency, as well as Islamic feminism's complex relationship with the state. Although Islamic feminism can serve as an emancipatory tool for women through its subversion of classical forms of religious authority, its alignment with the regulatory order remains nevertheless problematic. Oumaima Abou-Bakr notes that the state tolerates views calling for reform, as long as they play a part in undermining political Islam and do not engage in open criticism to traditional authorities, "a situation in which women bargain with the state, at the expense of ignoring fundamental violations and corruptions and only for limited and gender-specific gains, constitutes an ethically distorted form of state feminism" (Abou-Bakr 2015). Therefore, Islamic feminism's issue is complacency in the systems of oppression that impact marginalized communities and its silence over and avoidance of uncomfortable issues, such as individual freedoms and minority rights.

The ability of these new modes of interpretation to build interpretive communities depends on the ability of female theologians to claim religious authority, challenge the systemic order, develop an intersectional and inclusive approach that accounts for the multiple identities of marginalization, and deconstruct different systems of oppression. The latter requires grassroots work that translates the rereading of the sacred texts into practice. That said, it would be interesting to see what would be the dynamics if/when such a movement becomes grassroots. Islamic feminism as an organized movement will have to work in communities and in social and institutional venues to alter deeply anchored constructions of gender and construct alternatives to existing orthodoxies and canonical paradigms. However, the monopoly of the state, as well as the male theologians' hegemony over the religious field impedes Islamic feminism's potential to develop into a full-fledged theological and grassroots project. Further, Islamic feminism still operates on the margins of sociocultural order, which makes the likelihood of its reversibility rather slim, because of its elitist character and because of traditionalist norms that continue to prevail. It remains to be seen how Islamic feminism will perpetuate and develop its knowledge and activism and how it will continue to negotiate meaning and expand the scope for identifying non-normative expressions of religious practice and meaning-making.

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PART III

ISLAMIC FEMINISM IN NON-MUSLIM MAJORITY CON-
TEXTS

ISLAMIC FEMINISM IN A SOCIAL MOVEMENT LENS: MUSAWAH AND WISE[1]

CONNIE CHRISTIANSEN

Abstract: Islamic feminism is contested by a range of actors, among whom Arab governments and political parties. Regardless of ideology, they oppose Islamic feminism as primarily expressing influence from Western feminism, and not from an indigenous form of feminism. In this article, I ask what the major obstacles of the social change aimed for – Muslim women's empowerment in their religion and society – are when transnational Islamic feminist organizations are viewed in a lens of social movement theory. A closer look at two organizations in this lens, WISE and Musawah, gives a provisional answer: For both organizations, the links to local organizations and norm translators at this level seem to be either deprioritized or not an option until now, due to obstruction from the states of Egypt and Morocco.

Keywords: Social movement, transnational Islamic feminism, Musawah, WISE, Egypt, Morocco

INTRODUCTION

Within recent decades, researchers have pointed at the activities of transnational Islamic feminist networks as increasing (Sharify-Funk 2008), Abu-Lughod 2013). Scholar-activists, who according to Barazangi (2016) form the core of this movement (Asma Barlas, Omaima Abou Bakr, Asma Lamrabet, Ziba Mir-Hosseini, Amina Wadud, just to mention a selection representing a multitude of nationalities) frame their activism with arguments drawing on scholarly

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reinterpretations of Islamic scriptures. These scholars highlight the 'egalitarian voice in Islam' (Ahmed 1992) and claim that gender equality as an Islamic value is sustained. On this basis, they advocate for women's religious leadership and for reform of family laws within an Islamic framework. However, Arab governments and political parties, regardless of ideology, oppose Islamic feminism, as, for example, primarily expressing influence from Western feminists. 'Classical' or so-called secular[2] feminist organizations have in general rejected collaboration with Islamic feminists, since they find that references to Islam would compromise their aim of gender equality. Other scholar-activists do, in line with Islamic feminists, identify equality as a core value of Islam's holy book, the Qur'an, but they reject feminism's compatibility with Islam (Mahmood 2005, Seedat 2013, Barazangi 2016). Consequently, they too contest Islamic feminism as a notion and as activism.

In this article, I understand Islamic feminism as "a research branch of women's studies in Arab-Islamic culture" (Abboud 2013, 194) and as a claim for social change based on reinterpretations of Islamic scriptures that call for legal gender equality within an Islamic framework. This claim constitutes the controversial core of Islamic feminism. I ask what the major obstacles of the social change aimed for – Muslim women's empowerment in their religion and society – are when transnational Islamic feminist organizations are viewed in a lens of social movement theory. Islamic feminism may be regarded as a social movement, which is in its infancy rather than full-blown. The purpose here is therefore not to argue that Islamic feminism constitutes a social movement, since this assumption already underpins the endeavor, but to take advantage of the insights represented by social movement theory in order find a response to this question.

In Mir-Hosseini's account of the historical trajectory of Islamic law and women's rights the notion of *Fiqh* (jurisprudence), which emerged during the classical Islamic time period, allowed flexibility and the possibility for judges to rule in women's favor, despite the absence of norms about gender equality. As a consequence of codification – or transformation of *Fiqh* manuals into written law text, a process, which generally occurred after independence from colonial rule, this flexibility and touch with political life was weakened (Mir-Hosseini 2016, 69). In contrast to other areas of law, the codification of the family law was in North African and Middle Eastern states exclusively based on Shar'ia, with exceptions in

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[2] 'Secular' is in fact a multi-stranded notion and is here used to denote the parts of Arab women's movement that downplay the importance of Islam for social change, in contrast to others who highlight it.

Turkey and Tunisia; hence the emphasis on conservative approaches (Ibid). The time of codification also foreshadowed other changes:

> Twentieth century shifts in the politics of religion, law, and gender brought Muslim women onto center stage. Rather than merely being the subjects of family law reforms, they became active participants in the production of religious knowledge and in the process of lawmaking (Mir-Hosseini 2016, 70).

In brief, the link between women's rights and family laws that are based on law schools derive from pre-modern or classical Islamic jurisprudence where 'justice' had other connotations than equality and women no say in law-making (Mir-Hosseini 2016, 65). Today the question is whether Islamic feminists will be able to break this link. The new women interpreters of Islamic scriptures (including Islamic feminists) rely on Islamic *Ijtihad* (free Islamic reasoning) and find that Islam, women's rights and human rights are compatible. This finding translates into a cosmopolitan approach, in the sense that it embraces the values that are fundamental to global governance (Abu-Lughod 2013).

In this article, the openings and possibilities for Islamic feminist networks to influence reform processes of family laws in Arab countries are explored by drawing on social movement theory. Family laws – in some Arab countries referred to as personal status laws - have in most cases since independence of Arab states determined women's rights also beyond the family, and they continue to constitute a core obstacle for legal gender equality. While the convergence of 'Islam' and 'feminism' is problematic for some women and gender activists, whether of religious or secular background, Islamic feminist activism represents a strategy, which opens a venue for the critique of gender relations as they emerge from 'tradition' and classical understandings of Islamic scriptures, *and* as they emerge in the versions of modernity promoted by Arab states. To be transformative, however, I argue that transnational feminist networks and organizations need to apply in their activism a critical stance that goes beyond gender hierarchies and includes global power asymmetries (Al-Ali and Pratt 2009). This approach enables a stronger recognition of local organizations and their tendency to take local cultures that are in tension with international human rights more seriously when they approach international norms and universal values. The local organizations prone to Islamic feminist approaches may tend to serve as gatekeepers, but they are also able to mediate and translate international norms in local settings (Zwingel 2016, Merry 2006), including Islamic feminist approaches to gender equality. Consequently, local organizations are essential as allies for major transnational Islamic feminist organizations. The analysis is

based on information given and material found on the respective websites, and findings from other studies of both organizations, notably the study of Abu-Lughod (2013). I also draw on a single interview that I conducted with one of the founders of Musawah, Ziba Mir-Hosseini.

ISLAMIC FEMINISM, TRANSNATIONAL NETWORKS AND SOCIAL MOVEMENT THEORY

Transnational feminist networks are in Moghadam's conceptualization formations, organizations, or groups that connect beyond national borders, and conjoin women from at least three different countries over the same agenda (Moghadam 2005, 4). Further, they are fragments of the organizations that are promoting political reforms working beyond and across state borders. These organizations are also designated global civil society organizations, and they constitute a new public:

> Globalization has in fact brought social movements together across borders in a 'transnational public sphere,' a real as well as conceptual space in which movement organizations interact, contest each other, and learn from each other (Ibid, 4).

Transnational feminist networks collaborate with each other and with other organizations that highlight the negative consequences of globalization in relation to human rights, labor rights, social justice, and environmental issues, to put pressure on policymakers for reforms, and to include a feminist aspect in transnational activism (Moghadam, Ibid). These observations correspond to the core features of social movements (Tarrow 2011). Transnational feminism, however, may involve more than merely an extension of feminist networks or movements beyond national borders, or a transnational level of collaboration. Al-Ali and Pratt (2009), writing about women and war in transnational feminist networks relating to Iraq and Palestine, argue that transnational feminists invest their feminist approach and consequently their critical approach to power dynamics in the network. When feminists join a cross-border network, preexisting power asymmetries will persist in the movement and beyond, and not automatically collapse or vanish. Transnational feminism should, therefore, be understood more narrowly as the *connecting* of feminist agendas that emerge in different socio-political contexts across global divides, in order to trace how gendered hierarchies, intersect with post-colonial structures of race, culture, ethnicity, etc. (Ibid). In the following section, the theoretical framework of social movements is applied as a lens on the transnational networks of Islamic feminism.

The knowledge produced in transnational Islamic feminist networks has a larger potential impact on the perceptions of women's rights than hitherto attested in Arab national and local contexts, and if applied it might further sustain reform processes that promote gender equality at national level. Therefore, I argue that for Islamic feminist arguments to be accepted locally *norm translators* who interpret and adapt international norms to national and local contexts are required, often a task carried out by local NGOs (Zwingel 2016, Merry 2006).

However, the influence of Islamic feminism at national levels does not only depend on outreach to local organizations, besides the activism - careful research and strong arguments on the part of Islamic feminist organizations and individuals, but also on the space for maneuver that governments allow for civil societies, or on the strength of authoritarian governments. The push for advances in gender equality made by Arab feminist and women's organizations have occurred on the background of a bargaining with patriarchal states. Despite its alleged elitism, secular feminism did accomplish a number of advances towards gender equality across the range of Arab societies. Assuming that a religious framework is innately oppressive for women, this advance followed – and follows – the conviction that a promotion of a secular law framework is the core and most crucial task for achieving gender equality and women's rights (Mikdashi 2014). Advances have on this account been limited; state feminism – or initiatives that have allotted limited rights to women – in Arab countries subsumed women's issues under 'the larger social project' of modernization, with loss of autonomy, dependence on the state, political underrepresentation, and a class-specific feminism as the result (Hatem 1999, 77-79). In other words, advances were the result of a bargaining between elite or highly educated women and Arab states. In general, this strategy secured access to education and the labor market to some women, while unequal gender relations in broader segments of Arab societies were left untouched (Ibid).

In the following section, I apply a social movement lens on the activism of two significant and major organizations that are both Islamic feminist in the sense that Muslim women's rights are at their core of mission and objectives, although with diverse emphasis and focus. 'Musawah – for equality in the Muslim family'[3] and 'Women's Islamic Initiative in Spirituality and Equality' (WISE)[4] are both in their self- understanding operating at a global level, although their mission – gender equality within an Islamic framework clearly involves national legislation and frameworks. I approach both organizations as implicated in the transnational

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[3] www.musawah.org.
[4] www.wisemuslimwomen.org.

networks of Islamic feminism, WISE as a faith-based development organization, whose mission is to empower Muslim women, and Musawah as an organization that produces and makes resources relevant for law reforms within an Islamic framework available for other organizations and individual activists. Both of these organizations also have a potential in Arab societies.

SOCIAL MOVEMENT THEORY

Social movement theory consists of a vast range of approaches which have been elaborated and debated for decades,[5] their relevance for Arab societies have also been studied from different perspectives, ranging from an Islamic movement perspective by Wiktorowicz (2004a), a variety of Middle Eastern country perspectives by Beinin and Vairel (2011), and a women's movement perspective, by Moghadam (2005). Rather than reviewing the vast research literature on social movement theories and analytical approaches in general, the analytical approach taken here relies on a review of classical social movement theories elaborated by scholars who are already applying their approach in a Middle Eastern framework (Lei-Sparre and Petersen 2007, Wiktorowicz 2004a, Clark 2004). Clark draws on social movement theories to study the networks of Islamic social institutions in Jordan, Egypt, and Yemen, established and managed by moderate Islamist organizations. Clark notes how horizontal networks rather than vertical ones are theorized in social movement theory (Ibid, 943, 945), and she justifies this priority by arguing that Islamic social institutions (e.g. medical clinics) rely on horizontal ties (to other marginalized middle class groups) to recruit, and secure donations and employment of professionals.[6] A notable exemption from this horizontal focus is Yanacopolus (2002) who analyzes how organizations expand from one scale to another, going beyond borders (and beyond face-to-face relations), which is particularly useful for understanding how transnational networks of Islamic feminists are influential across scales.

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[5] See Buechler (2011) and Abu-Lughod (2013) for a discussion of a range of social movement theorists, among whom Tarrow (1998), who contributed to the paradigm shift necessitated by the so-called associational revolution in the 1960s (stretching from late 1950s to mid-1970's) in the U.S. and Europe that, among other things, showed that grievances cannot be a major factor in social movement mobilization.

[6] "People tend to associate with people similar to themselves" and consequently social movements tend to reproduce the category of people already supporting them (Ibid, 945). Recruiting participants or supporters is most successful when it is face-to-face among peers in one's own networks.

Non-governmental organizations (NGOs) and international non-governmental organizations (INGOs) are variously called 'independent sector,' 'volunteer sector,' 'civic society,' 'grassroots organizations,' 'private voluntary organizations,' 'transnational social movement organizations,' 'grassroots social change organizations,' and 'non-state actor' (Fowler in Yanacopolus 2015, 4). In other words, an international INGO belongs to a category of organizations that operate at a supranational level and overlaps with 'transnational social movement.' While the former is characterized by formal structures, the latter also includes spontaneous or non-organizational activities that nevertheless have some popular appeal and support (Ibid). Yanacopolus identifies three strategies that transnational networks apply in the framework of international development policies:

- Scaling up with help from information and communication technology, from local-national to transnational/international levels. The 'building of political power,' with political impact being the main purpose for this strategy (Yanacopolus 2002, 227), the sought after advantage is the bypassing of national governments in disputes, and the forging of alliances enabling a pressure on national governments from outside of its own territories (Ibid).
- Campaigning and lobbying to create mobilization for the cause and transfer the messages of the organization – campaigning is a process of educating the public, based on a story of villains and victims, whereas lobbying is a more targeted process to influence key decision-makers in the formal political process. These tools are necessary for effective advocacy (Yanacopolus 2002, 227).
- Bridging levels, a strategy that combines lobbying at international levels with local or national anchorage to preserve or reinforce legitimacy – since effective advocacy depends on both (Yanacopolus 2002, 227). Thus, reaching out to local communities sustains the social change that the organizations are aiming for.

Supplementing these analytical focus points directed at how movements move from one scale to another and transnational scale, an analysis of the *framing*, or the analysis of the ideology, core values and messages of a social movement, is prevalent in social movement analysis. Analysis of framing strategies has been applied specifically to the Middle Eastern context by, among others, Wiktorowicz (2004a) in his analysis of Islamic social movements (Lei-Sparre and Petersen 2007, Bayat 2005, Clark 2004). A framing analysis in this study is particularly justified by the emphasis on research among Islamic feminists. This analysis constitutes an argument for approaching Islamic feminism as one movement, rather than scattered groups and individuals. It is in fact taking a unified

direction when these scattered groups and individuals all reinterpret the Qur'an from an egalitarian perspective. As a movement engaged in interpreting texts and transferring them to a broader audience, the message of the movement and the way it is presented are pivotal. The relatively complicated message about unjustified patriarchal readings of the Qur'an and other Islamic scriptures is not easily transferred into smooth campaign slogans. In the perspective of social movement theory this problem is closely related to framing strategies – to the narrative of the movement addressing potential constituencies.

Wiktorowicz (2004a) offers an analysis of the framing of Islamist movements in the Middle East, which is based on a critical review of social movement theories more broadly. He argues that social movement theory, in contrast to prevalent assumptions, is applicable to social movements emerging in the Middle East, defying assumptions about Middle Eastern exceptionalism. Wictorowicz uses militant and partly violent organizations and networks as objects of analysis. Still his methodology serves – with reservations – as inspiration for the following tools of frame analysis. A framing analysis is the outlining of the *diagnosis* or the problems of society, as the activists (e.g. Muslims led astray from authentic Islam or patriarchal society monopolizing understandings of Muslim women's rights) and their ideological leadership understand them. The *prognosis* is 'what needs to be done' (restore the authentic message of Islam, or challenging patriarchal readings), i.e. the action that is proposed to amend this problematic situation. The action proposed may be concrete and directed at particular private corporations, institutions, the government, the IMF or religious courts, for example. Framing strategies go beyond identifying the problem, and beyond prognosis; they are constituted by the way arguments are presented to audiences – the historical, geographical and ideological contextualization, and the particular terms that are used. In a framing analysis, the issues causing disagreement and contestation among the activists and the different parts of the movement are studied. An intra-movement '*framing contest*' is the result when different sides of the movement are taking different positions, typically in terms of 'what needs to be done'. Despite a shared *diagnostic* frame, activists (alternately their intellectual or policy leadership) may compete with each other in their appeal to constituencies. In a framing contest of a religious movement -

> each contender not only asserts particular religious interpretations but also claims 'sacred authority' – the right to interpret Islam and religious symbols on behalf of the Muslim community (Wiktorowicz 2004, 162).

An important point here is the right that Islamic feminist scholars claim to interpret Islamic scriptures as women, in a countermove to prevalent long-standing male interpretations. Thereby, they are performing *Ijtihad*, or individual reasoning *as women believers*, contesting that the interpretation of Islamic scriptures should be reserved for the learned in the religion, who are overwhelmingly male. Islamic feminists are not alone in contesting religious authority in Arab states; rather a multiplicity of voices – university scholars, media preachers and feminists are supplementing the religious voices that are sanctioned by the state, by the way also diversified (Brown 217). However, Islamic feminists do not necessarily claim any particular religious authority beyond the right to study and present their findings as a right of any Muslim believer, male or female, but scholar-activists combine their authority as believers, with the authority that the hermeneutic techniques they apply; in other words, with their authority *as scholars*.

While authority is brought forward as a believer and as a scholar in the publications and advocacy strategies of the transnational networks of Islamic scholar-activists, these forms of authority are supplemented with *women's experiences*. Authority from personal experience is in standpoint-feminist scholarship approached as a necessary base for bringing forth versions of reality (such as women's) otherwise neglected in dominant discourses (Ramanzanoglu and Holland 2002; Sprague 2005). It is also a strategy of Islamic feminists, and the purpose is to convince their audiences. Nevertheless, what Islamic feminist scholars and activists have in common with the Islamic activists and militants analyzed by Wictorowicz is that they

> operate in a competitive religious marketplace of ideas and therefore must offer religious interpretations or 'products' that can effectively tap into audience predispositions and personal understandings about religion and its application in the modern world (Wiktorowicz 2004a, 162).

Needless to say, religious authority is also relevant for Islamic feminism, since it sustains the social change aimed for – gender justice through gender equality. Unless allies among local organization exist as a strong element of the activism, 'tapping into the audience' may constitute a weak point for Islamic feminists who are researcher-activists, but do not represent any religious authority in local settings (Sharafeldin 2015). The conditions of the 'religious marketplaces of ideas' are shared by secular and Islamist organizations and by Islamic scholar-activists in transnational feminist movements. Wiktorowicz offers vilification, exaltation, credentializing, and finally decredentializing as four different strategies that are

relevant for promoting the credibility of popular intellectuals advanced by Islamist groupings. Islamic feminists offer scholarly hermeneutical approaches to promote the credibility of their narratives, supplemented with tools and judicial resources. Their targeted audience is not only, as for Islamist organizations, "a vast majority of Muslims" who "find it extremely difficult to weigh the considerable religious evidence marshaled by both sides of the framing contest" (Wiktorowicz, Ibid); it includes other scholars, politicians, lawyers, judges, and activists, all potentially influencing relevant policies and reform processes. Interpretative techniques, both belonging to classic Islamic exegesis and modern hermeneutics, constitute the primary source of authority for scholars and activists. However, the local adoption of Islamic feminist perspectives still depends on their translation and adjustment to particular environments.

Prominent scholar-activists of Islamic feminism share two approaches. The first one contrasts the interpretive textual traditions such as *Tafsir* (exegesis of the Qur'an) and *Fiqh* (jurisprudence) with the Qur'anic worldview and core message of equality (Al-Sharmani 2014). The second approach stipulates that it is not possible to sustain Islamic scriptures as an unchanging sanctity (Ibid, 86). This means that the latter trend of Islamic feminists also challenges classical methodologies of Islamic exegesis:

> While Islamic feminism derives its legitimacy from the Islamic tradition, it transforms the very methodological framework that has long defined classical religious knowledge and the actors producing this knowledge (Al-Sharmani 2014, 85).

Islamic scholar-activists embrace a range of interpretive techniques, e.g., historical contextualization, applied by pioneer Fatima Mernissi in her seminal work '*The Veil and the Male Elite*' (1991). In this work Mernissi applies a classical Islamic methodology, 'confirmation and rejection' in which the credibility of (male) narrators of the Prophet's sayings are tested to investigate the authenticity of the misogynous Hadiths they have transmitted (Abboud 2013). Mernissi compared contradictory verses and current and classical understandings of women's rights with the practices and participation in societal matters of the wives of the prophet during his time and questioned the structure of the Qur'an, whereby she goes beyond classical methodologies. Leila Ahmed, a historian, questioned the Islamic origins of misogynist and oppressive practices involving Muslim women, highlighting an egalitarian but subdued voice in Islam's core religious sources in careful historical investigation, of both pre-Islamic and colonial epochs (Ahmed 1992). In addition, Amina Wadud presents the female characters of the Qur'an in a new framework as a step towards

building an understanding of equality in gender relations in the Qur'an, which she considers the highest authoritative text in Islam (Wadud 1999).

Application of these techniques in religious exegesis constitutes a core source of authority among Islamic feminists. Divergent additional sources of authority, and differences in audiences addressed by the networks means that the strength and leverage of the networks also diverge. When targeting established Islamic jurists, or 'official Islam', institutionalized during the process of state-building with or without colonial interference (Brown 2017), the classical hermeneutical methods of Islamic *Fiqh*, or jurisprudence, would clearly provide more leverage, but as accounted for, Islamic feminist researchers often replace these methods with hermeneutical techniques that are highly unconventional in Islamic exegesis. Choice of hermeneutical technique may therefore indicate the (narrow) audience addressed and clarify that they do not substitute for the work on the ground that prepares local communities in Arab societies for Islamic feminist perspectives and norm change. NGOs are potential norm translators – the ones who assume the task of 'translating' norms about gender equality and women's rights by adapting them to preexisting norms and notions of social justice in a local context (Merry 2006).

INGOS OF ISLAMIC FEMINISM: WISE AND MUSAWAH

According to social movement theory, activities, norms, and ideologies in transnational or international contexts may have an influence on the perceptions of rights at the national level, but this 'trickling down' cannot be taken for granted, since it requires norm translators (Zwingel 2016). A transnational network may connect locally anchored activists and organizations or activists at the national and international levels. INGOs, funded by individuals or governments, are working in more than one country, providing aid, such as a push for gender equality. An INGO is constituted by:

> durable, bounded, voluntary relationships amongst individuals to produce a particular product, using specific techniques. NGOs tend to be not-for-profit, voluntary and to work with a public purpose for the interests of an issue or a group (Yanacopolus 2015, 4).

NGOs that constitute a major part of civil society are assumed to be run by volunteers, and to be independent from government and public bodies, and are governed by themselves. When an NGO/INGO is registered, it is usually for purposes of governmental recognition (Ibid) but in Arab countries registration is a prerequisite for the legality of the activities of the organization (Ibid). Thus, Arab states are able to control which non-

governmental organizations and agencies operate within their territories. Because of this and other interconnections between the state, political parties and civil society, these types of collaboration or 'spaces of engagement' (Ibid) are perceived as mutually dependent. In Arab civil societies, they lack independence from state institutions and international agencies (Jad 2003). INGOs have developed into highly professional organizations, skilled in fundraising, communications branding and marketing (Ibid).

However, INGOs are limited in their activism; they need to engage publics, and to advocate for their cause in order to reach set objectives. The participation in political spaces, the normative character of the mission of INGOs, but also their dependency on a business model that requires donors, are in conflict with their ambitions to become self-sustained. Consequently, INGOs are experiencing a number of tensions (Yanacopolus 2015). Islamic feminist organizations are political in their outlook and advocacy, since they have a cause and a mission (women's rights, gender equality in the Muslim family) and they rely on funding and donors. The mission of NGOs (and INGOs) may be compromised by the agenda of donors (Jad 2003). Reaching out to know the needs of beneficiaries and constituencies and to targeted populations in advocacy and activities serves to maintain legitimacy from the 'grassroots.' Since INGOs are working for social change, they are inherently political, operating in a space that is perceived as shrinking due to the development of communication technologies, inviting scaling up and bridging, enlarging the political community (Ibid, also Eyben 2006).

The Islamic feminist organizations Musawah and WISE are the two major entities in the transnational network of Islamic feminists, but they are supplemented by others, the most prominent of which are: Karamah, (Muslim Women Lawyers for Human Rights)[7] established in 1993; Women Living Under Muslim Laws - WLUML,[8] established back in 1984 primarily to support women belonging to minority religions, but since then it has extended support to Muslim women that suffer from injustices related to Islamic family laws. WLUML has primarily applied a secular, rather than an Islamic feminist approach. Karamah, as the subtitle of the organization reveals, addresses lawyers and other professionals in order to further Muslim women's rights within an Islamic framework. Karamah is based in Washington D.C. and has an E.U. office in Belgium. In the past and currently Karamah has been extending training activities to other continents.

In their focus on gender equality and justice for Muslim women, these organizations have overlapping features with WISE and Musawah. Fol-

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[7] See http://karamah.org/
[8] See http://www.wluml.org/).

lowing Yanacopolus, I characterize these organizations as political spaces that, along with other INGOs, have developed particular ways of engaging publics and advocating for their causes and activism. Taking inspiration from Wiktorovicz (2004), the claim for authority made in the framing of each organization will take center stage.

WISE

Women's Islamic Initiative in Spirituality and Equality (WISE) – is an international NGO, and a faith-based organization, initiated in New York in 2006 with the purpose of forming a women's Shura council as a counterweight to male dominance (Abu-Lughod 2013). With an emphasis on advocacy, it addresses Muslim women's leadership, including religious leadership. In addition, social problems often associated with Muslim populations are addressed, such as religious extremism, FGM (Female Genital Mutilation), and violence against women. The leadership of Muslim women forms an important part of WISE's vision:

> WISE envisions a world in which Muslim women leaders are instrumental in creating a peaceful world anchored in gender equality and human dignity.[9]

WISE involves at least 25 different countries and was initiated by U.S.-based Daisy Khan whose book of her memoirs is promoted on the website of WISE.[10] WISE calls itself "a global program, social network and grassroots social justice movement led by Muslim women."[11] The Sufi basis for the organization is not openly communicated, neither is the links to the organization of the husband of the founder (Abu-Lughod 2013). With respect to the mission of the organization, it is explained that it is based on the belief that "both human and gender equality are intrinsic within the Islamic faith," declared as a value of the organization:

> We, the women of WISE (Women's Islamic Initiative in Spirituality and Equality), declare gender equality to be an intrinsic part of the Islamic faith. As Muslims, we affirm our conviction that the Muslim woman is worthy of respect and dignity, that as a legal individual, spiritual being, social person, responsible agent, free citizen, and servant of God, she holds fundamentally equal rights to exercise her abilities and talents in all areas of human activity. Furthermore, we insist

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[9] See www.wise.org.
[10] See https://www.wisemuslimwomen.org/ accessed June 9th, 2018.
[11] See wisemuslimwomen.org.

that these rights are embedded within the Qur'an and six objectives of Shari'a—the protection and promotion of religion (al-din), life (al-nafs), mind (al-'aql), family (al-nasl), wealth (al-mal), and dignity (al-'ird).[12]

By endorsing the mentioned six purposes of Shari'a, the mission of WISE is to enhance Muslim women:

> As WISE women, we embrace our collective and individual responsibility to work towards building a unified change movement of Muslim women – driven by compassion and justice – that will enable Muslim women to realize their full potential as individuals and in relationship to family, community, nation, and globe.[13]

The *prognosis* of WISE – 'what needs to be done' – is that Muslim women must unite to enable each other to reach full potential. The Muslim women forming the organization initially gathered to establish a global women's Shura council, since the existing ones do not count any women among them. The Shura council of WISE, consisting of more than 30 women, includes prominent researchers and activists. Creating this Shura Council as a counterweight to other, male-only Shura councils, was the first initiative and original motivation for establishing the organization, but other areas of WISE projects range from adoption and female genital mutilation to artistic expression and sports. The first campaign that WISE launched was called 'Jihad against violence.' This campaign slogan, juxtaposing jihad and violence to indicate that jihad is a peaceful endeavor, reveals how the organization addresses gender-based violence in peace and in conflict, and at the same time Islamophobia (Ibid). A more recent campaign, carried out primarily on Twitter, promoted 10 most important Muslim women in history.

The framing of WISE is that Muslim women are leaders, presented individually as '100 extraordinary Muslim women.' Visitors of the website would nominate a Muslim woman leader, so a wide range of historical Islamic figures are spanned, ranging from princesses, presidents' wives, to CEOs of organizations. In July 2018, WISE published a book with contributions from 72 expert authors. The book, titled 'WISE UP Knowledge Ends Extremismn' gives voice to American Muslims in order to let them 'set the records straight' regarding Islam and Muslims within five areas of

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[12] See http://www.wisemuslimwomen.org/our-values/.
[13] See http://www.wisemuslimwomen.org/our-values/.

action: Public Policy, Townhall Dialogues, Learning Tools, Resilient Communities, and Impacting Public Opinion.[14]

The anti-Islamophobic framing of WISE is apparent in the campaign and book, 'WISE-UP', highlighting – 'the differences between Islamic theology and extremist ideology, and best practices for preventing extremist recruitment and hate crimes against Muslims.' Gender equality is presented as an Islamic value and an aspect that confirms the true and non-extremist message of the Qur'an:

> We promote an overarching message of gender equality 1) to echo the Quran's emphasis on human and gender equality 2) to thwart patriarchal interpretations of the Holy texts which attempt to impede the equality of women and girls and 3) to assert gender equality as a value intrinsic to the Islamic faith meaning that a denial of any of those rights constitutes a violation of Islamic principles.[15]

In sum, the framing of WISE combines anti-Islamophobic messages with the message that gender equality is an Islamic principle, highlighting Muslim women intellectuals and leaders to demonstrate that this principle is realized and practiced. The diagnosis is that Islam is misunderstood as a misogynic religion. Instead, Islam is said to mean 'justice to women' and 'endorsement of gender equality,' which reveals that WISE targets an audience, probably in the United States or other countries where Muslims constitute a minority, and where Islam is assumed to be a threat.

According to Abu-Lughod (2013), WISE is organizing women who find that Islam is compatible with their equal rights and that these rights are congruent with the objectives of Islamic law; however, it carries out this project without specifying how women's rights are related to these objectives. Reinterpretation of Islamic texts is part of the activities of WISE, as communicated in its website, where inheritance laws are criticized for being unjust. The broad range of activities in which WISE is engaged does not include how Islamic principles and women's rights a priority. The authority to declare that there is a congruence between the message of WISE and Islam is not primarily established in exercises of Islamic exegesis; it is rather to be found in the mere existence of the many WISE women, whose merits and status are sought to provide authority and credibility to the message of WISE.

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[14] See https://www.wisemuslimwomen.org/projects/wise-up/.
[15] See www.wisemuslimwomen.org.

In contrast, reinterpretations and egalitarian readings of Islamic scriptures constitute a core priority of the activities for Musawah, as a step towards promoting reform in Islamic family laws.

MUSAWAH

'Musawah – for equality in the Muslim Family' was launched in 2009 in Kuala Lumpur, Malaysia. Emphasis in the work of this organization is put on building and disseminating knowledge about women's rights in the Muslim family, drawing on national laws, human rights, and Islam. Musawah managed in 2010 – 2015 a knowledge building project, funded by international donors. The findings of this project underline that more egalitarian readings of Qur'anic verses, particularly that of the terms of *Qiwamah* and *Wilayah* that have been basic in Islamic family laws across the Arab region, are possible. Potentially, these findings open a space for a renewed critique of current family laws in the Arab countries, all of which claiming to be based on the Qur'anic message.

Musawah involves activists and scholars from a range of countries in both the global North and the global South with the aim of furthering equality in Muslim families. Musawah aims to become global, i.e., to reach all Muslim societies and communities in Muslim-majority and Muslim-minority countries (Christiansen 2016). As a professional INGO, output and outreach are extensive, aided by website and social media. By providing comments to the CEDAW (Committee on the Elimination of Discrimination Against Women) and the Office of U.N. Commissioner of Human Rights during reviews of countries that have Islamic family legislation, Musawah is an actor in global governance. Finally, Musawah published important and insightful scholarly work that analyze and question taken-for-granted truths about gender equality and family laws, most significant among which is the volume that provides some of the findings of its knowledge building project (Mir-Hosseini, Al-Sharmani, and Rumminger 2015).

The strategies of movement growth, scaling up, bridging and campaigning/advocating (Yanacoupolus 2015) are all represented in Musawah's work – with scaling up, and the ambition to become global in reach as the motivation for initiating the organization. A preparation committee consisting of 12 participants from a wide range of nations secured bridging to a transnational level, and at the launch a framework of action secured that some basic principles were established: 1. The universal and Islamic values of equality, non-discrimination, and dignity; 2. Full

and equal citizenship, including full participation in all aspects of society; 3. Equality between men and women requires equality in the family.[16]

Musawah conducts global campaigning and advocacy primarily based on audiences seeking information, and communication in social media. However, Musawah has encountered resistance in Malaysia from official Islam proponents, the Ulama, and in the countries of Egypt and Morocco where the organization attempted to open an office during and after the Arab Uprisings in 2011. Musawah's framework of action is elaborated on the basis of a *diagnosis*, or an analysis of what the problem is:

> Very often Muslim women who demand justice and want to change discriminatory laws and practices are told 'This is God's law' and therefore not open to negotiation and change. To question, challenge or demand reform will supposedly go against Shari'ah, weaken our faith in God and lead us astray from the straight path. In a world where women's rights are considered part of human rights, where modern constitutions of Muslim countries recognize equality and non-discrimination, where women's daily realities make them the providers and protectors of their families, the continuing discrimination found in family laws in much of the Muslim world is increasingly untenable and indefensible (Anwar 2009, 1-2).

In other words, according to Musawah, references to 'God's law' are used to suppress Muslim women's access to justice but cannot be a hindrance for requesting equality and justice for Muslim women. Further sustaining this diagnosis is the more recently published 'The Global Life Stories,' a collection of narratives from women who have experienced injustice because of Islamic family laws in 10 different countries around the globe. This publication presents first-hand evidence that it is the lack of gender equality in Muslim families that constitutes a serious problem. The women who recount these injustices as divorcees or in other ways disadvantaged by the family law of their countries are presented as authoritative voices that constitute reasons for demanding change and law reform – in other words, their injustices and sufferings form an important part of Musawah's framing strategies – the diagnosis that Musawah presents to audiences.

Musawah is, however, not just concerned with conservative and patriarchal understandings of Islam; its other concern is the negative stereotyping of Muslims and Muslim women. This is where a transnational

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[16] See https://www.musawah.org/wp-content/uploads/2018/11/MusawahFrameworkforAction_En.pdf.

feminist concern is present in Musawah's motivation – the way that women relate to each other across beliefs, races, etc. This concern is transferred to the *prognosis* of Musawah, when Musawah is pointed out as a defender of human rights and diversity – while maintaining equality and justice as an inherent part of Islamic tradition: "In many ways, Musawah offers a contrast to the image and experiences of Muslims in this current 'War on Terror' context."[17] As a follow-up to this point:

> Musawah reveals how we are forward-looking, embracing change and determined to highlight diversity in interpretations and to challenge any human claims to know the One Truth. It also offers a challenge to authoritarian forces within our own societies that seek to use the United Nations platform to roll back gains made in human rights language, and to use national social and political platforms to roll back gains women   and men have made in building just and tolerant societies.[18]

Here Musawah frames its own existence as a bulwark against authoritarianism, intolerance and 'One Truth'- in religious matters: The image of Muslims in the 'War on Terror' context is backward-looking, opposing change and willing to embrace One Truth. The challenges that Muslim and non-Muslim may encounter because of proponents of One Truth is, thus, included in the framing of the organization, and the problem is located with these claims not being recognized as in reality 'human', not given by God. Musawah's advocacy has to a limited extent targeted the Ulama or Islamic scholars of prominent and government-controlled Islamic institutions of learning. Nevertheless, Musawah has collaborated with these institutions, including Al-Azhar in Egypt and the The Mohammadan League of Scholars in Morocco.[19] Musawah's reaching out to the local level is shown by collaboration with individual activists and scholars, by supporting local women's groups, in capacity-building to reinterpret Islamic scriptures, in which the organization involves the local activists as ambassadors for Musawah. In these activities, the framework of action is only a framework, not a plan, leaving the more specific designs of actions to be unfolded.

The framing strategies of Musawah emphasize the possibilities for equality in Muslim families enabled by a rereading of the Qur'anic verses that are relevant to gender relations, marriage, and divorce. The knowledge building project presented the *prognosis* of Musawah - a num-

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[17] See http://www.musawah.org.
[18] See http://www.musawah.org.
[19] Online interview with Mir-Hosseini, January 2019.

ber of reinterpretations, using modern hermeneutic techniques of, for example, historical contextualization. The organization uploads material that addresses law reform in individual countries, including briefs and videos,[20] making them available to national activists. However, global inequalities infringe on approaches to gender equality historically (Ahmed 1992 and in specific international, national, and local contexts, especially where violent conflict and war are involved: Mahmood 2008, Al-Ali and Pratt 2009, Abirafeh 2009). Instigated by the legal approach, Musawah excludes global imbalances of power and their impact on the possibilities of family law reform.

While 'The Global Life Stories' presents vivid documentation pleading for the need of amending Islamic family laws across the region, they did not illuminate differentiations or positions between Muslim women or Muslim women in different regions or between Muslim women and women of other beliefs, or between states. Instead, these narratives illustrate that the inequalities between women and men whose families are regulated by Islamic family law mean that they are in need of reform, thus documenting the need for Musawah's work at a national level. Concentrating on human rights, national constitutions, and legislation, such as the rights-based or legal perspective, and on dealing with the Islamic religion as open for reinterpretation and gender equality, the approach of Musawah does not invite the consideration of postcolonial power hierarchies.

Musawah is also involved in norm translating, while avoiding direct interference with law reform or law formulation within a specific state, nation or society. It, thus, only cautiously transfers the translations that it elaborates to national levels. In other words, 'countries should elaborate their own Musawah, their own organization, and contacts at the national level target individuals – and deliberately not local organizations, since they tend to act as gate-keepers once collaboration is in place'.[21] Activities of Musawah at a national level are limited to conferences, workshops, and trainings. The activities have, however, been limited, and the difficulties in opening an office from which to operate in Egypt and Morocco serve as a message to Musawah that these states are willing to counter its influence and a 'trickling down' of influence from Musawah to actors at national levels in key positions, and to local communities. Both are necessary steps to create a pressure for law reforms and to fulfill Musawah's ultimate aim of creating equality in the Muslim family.

[20] See www.musawah.org.
[21] Online interview with Mir-Hosseini, January 2019.

CONCLUSION: ISLAMIC FEMINISM AND
THE PATRIARCHAL STATE

Framing constitutes a core activity of a social movement, that reveals the diagnosis and prognosis that are applied. The framings proposed by WISE and Musawah are overlapping in the sense that gender equality and Islam are assumed to be compatible. This overlapping message of two major organizations in the nascent social movement of Islamic feminism operating at a global level and reach, is at a closer look more specific. Although there are conversations in transnational Islamic feminist networks, there are also divergent objectives and divergent targeted populations – or as Wiktorovicz (2004) phrases it, intra-movement competitive framings. Musawah-founder, Mir-Hosseini, joined the inaugural meeting in 2006 and the board of WISE, but later withdrew from it, qualifying it as more American than global, and following a line that she did not agree with, 'Women muftis and the like – I do not agree with that (-) WISE is primarily doing advocacy, it is primarily anti-Islamophobic.'[22]

In a social movement lens, transnational Islamic and feminist networks that self-identify as 'global' serve divergent purposes and engage in divergent conversations. WISE seems to be primarily targeting Muslim minority- and Musawah Muslim-majority societies. The sources of authority presented to 'the marketplace of religious ideas' in the framing are divergent, with WISE presenting a range of women intellectuals and professionals as a living proof that gender equality is an Islamic principle, and Musawah publishing studies by recognized scholars to demonstrate that reinterpretation and legal gender equality is an Islamic principle. Musawah seems to be relying on local ambassadors to disseminate and translate its framing strategies. For both organizations, the links to local organizations and norm translators seem to be either deprioritized or until now not an option, due to obstruction from the Arab states of Egypt and Morocco.

According to Sharify-Funk "the growing involvement of Muslim women in transnational interpretive dialogue has significant implications for the study of Islamic interpretation and activism" (Sharify-Funk 2008, 30). These transnational networks are instrumental for the exchanges and cultural encounters that are shaping the way Islamic scriptures are approached and understood. In an interconnected world, these interpretive processes occur in overlapping spheres of influence, be they religious, political, cultural, or economic. Scholars like Mohammed Arkoun, Arturo Salvatore and Peter Mandaville have argued that a global Islamic public is emerging, making it increasingly untenable to maintain culture-specific,

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[22] Interview with Mir-Hosseini, January 2019.

essentialist and enclosed arguments that apply 'mono-dimensional hermeneutics' about a normative past (Ibid). In such an interconnected world, Muslim existence has become complex, inviting a relativistic approach, in countries of Muslim immigration and in Muslim-majority countries. Sharify-Funk finds that the literature on 'Women and Islam' testifies that this space is thoroughly transnational and that 'no cultural space can be insulated from 'otherness' (Ibid). Hermeneutic techniques are currently expanded and multiplied in the literature that more explicitly connects classic interpretations that are suppressing textual ambiguity, universalizing the particular and constraining *Ijtihad* (Sharify-Funk 2008) with current formulations in national family laws, building on Islam as dynamically and historically molded. Musawah is an important organization which contributes to the transformation and multiplication of hermeneutic techniques in Islamic exegesis.

Such techniques should be approached as more than techniques, since they constitute sources of authority for Musawah, other organizations and individual scholars-activists, when they present their arguments for gender equality within the family as possible within an Islamic framework. These methodological innovations may not only be advantageous, but also disadvantageous for the ability of Islamic feminism to promote the social change that it purports – gender justice through gender equality. The question is who the introduction of innovative hermeneutic methods in *Tafsir* and *Fiqh* are convincing for. Currently, they are accepted among activists and funding institutions, mostly located in Western Europe, but less so among most representatives of 'official Islam.' Local populations may, according to Sharafeldin's study of local NGOs in Egypt, not be convinced that they represent religious authority at all (Sharafeldin 2015). In Al-Ali's analysis of the secular Egyptian women's movement (Al-Ali 2000) the dilemmas that this movement faces are pinpointed. When (the Egyptian) state sets limits as to how much Islam can constitute the source for values and norms in a nation, "the question of identity," Al-Ali maintains "is as central to their activism as concrete struggles over women's rights and aspirations." For Egypt's so-called secular feminists, it is more important to delimit the influence of Islam and Islamic values than to develop effective tools and strategies for gender equality and social justice:

> For secular women activists even more is at stake as their rejection of Islam as the only possible framework for political struggle and nation-building evokes suspicion and doubt about their place within the indigenous landscape of 'traditions' and 'authenticity' (Al-Ali 2000, 2).

The bargaining with the state of secular feminists in Egypt is a bargaining which balances on their loyalty to the state. This issue is far from exclusive

for the secular wing of feminism, and in Egypt, Islamic feminism is still searching for a position between secular feminism, Islamist groups and the religious conservative establishment (Al-Sharmani 2014). In the spring of 2018, Asma Lamrabet, a female scholar of the Mohamm-adan League of Scholars, or *al-Rabita* in Morocco, made a statement in public where she states that gender equality in inheritance is in accordance with Islamic principles of justice. From a personal conversation with Fatima Sadiqi, these remarks were apparently seen as a sign of disloyalty to the state, and she had to resign from her position.

Institutional arrangements of religion are not similar in all Arab countries; rather the particulars of these arrangements have been shaped by the process of state-building in each Arab country. The difference between Islamic feminism and 'secular' feminism is therefore more likely to be that secular feminists prefer to confront the state directly, whereas Islamic feminists are confronting 'official Islam' on its own ground, Islamic exegesis, pushing for 'reform from within' and questioning if official Islam is in fact representing authenticity and tradition.

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THE MANY ALTARS OF FEMINISM[1]:
SECULAR FEMINIST THOUGHT IN EUROPE
AND ITS RELATION TO ISLAMIC FEMINISM

HEIDEMARIE WINKEL

Abstract: In European contexts, such as Germany, Muslim women's interest in Islamic feminism has steadily increased over the past two decades. However, secular feminist thought is biased toward religious feminisms. I argue that this results from the secular/religious divide and its epistemic foundations in European thought. As a consequence, religion operates as a colonial knowledge schemata in the secular mind-set, that is, as schemata of exclusion from the space of political relevance. The specific epistemic positioning of religion and faith-based practices feeds the racialization of Muslim subjects in the public realm of European societies. This article concludes with a discussion of how a sociology of knowledge approach can open up a different view of religious feminisms that allows it to go beyond the attested bias and decolonize secular feminisms as one of many altars of feminism.

Keywords: Islamic feminism, secular feminism, religion, secular/religious divide, liberal feminism, Europe.

INTRODUCTION

In European contexts, such as Germany, Muslim women's interest in Islamic feminism has steadily increased in the last two decades, not only in academia but also at the level of social and political activism.[2]

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[1] The title of this article takes up a basic idea of Berger's essay, "The many altars of modernity." Berger (2014) is concerned with the coexistence of *multiple realities*, a term coined by Alfred Schutz following William James' concept of varying orders of reality in the sense of diverse subuniversa. Schutz distinguishes between the paramount social reality of the everyday lifeworld and further areas of reality, such as science, theatre, or religion. In the course of this article, I take up this phenomenological approach (Schutz 1945).

[2] A growing body of literature shows this such as El Masrar (2010, 2016), Kaddor (2010), El Omari (2010), Ali (2012), Amirpur (2013, 2020), Sirri (2017), Wunn and Selçuk (2013). The interest in a new, feminist Muslim self-understanding manifested itself in

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This turn towards feminist interpretation of religious fundamentals unfolds against the backdrop of very ambivalent experiences in the secular European-majority societies. This includes a continuous problematization of religious affiliation, as thematized in the following encounter. On the occasion of a lecture on Islamic feminism in the community center of a West German city, I met the Muslim social worker who organized this event. In an exploratory interview about her areas of activity, she also talked about the way in which her self-understanding is shaped by her parents' migration biography and the experience of being constantly addressed as a Muslim immigrant, which, as someone born in Germany, she actually is not. As a result, her entire social existence is structured by multiple, highly ambivalent layers of sensing and understanding the world. This includes the 'tiring' experience of heteronomy and racism in terms of a constant attribution to "a certain image,"[3] as she explains: "the moment you say you are a Muslim you are assigned to a certain community and a certain image."[4]

Behind the categorization described above is an epistemic distinction that is based on a sociocultural bias. It is the distinction between the unquestioned secularist self-image of most of the *white* German population,[5] which is considered neutral, and the ascribed religious identity as two seemingly categorically different, if not irreconcilable ways of being in the world. In European societies, such as in Germany, this secular/religious divide and the related (epistemic) primacy of the mundane, immanent frame of life over faith-based conceptions of social reality is taken for granted as the natural horizon of meaning and action in the public sphere, while religion is understood as a private matter. The primacy of the secular worldview also structures the social worker's action orientation, whether on the personal level or in the context of her work in the community center. As it turned out in the course of our conversation, the secular/religious divide contributes to the experience of ambivalence in a threefold way, whereby anti-Muslim racism intersects with sexism – in the sense of sexual racism – and with patriarchal dominance. As a result,

the mid-nineties, when the first *Center for Islamic Women's Studies and Advancement* was founded in Cologne.

[3] Transcript social worker Adile (1:01:65). Quotations are substantiated by the time (hour: minute: second). This and all following passages are anonymized. The interview was conducted in German in 2019 as part of an exploratory study for a project on Islamic feminism in Germany. All quotes are translated into English by me.

[4] Transcript social worker Adile (1:01: 63 - 1:01:65).

[5] I use the notion of white/ness as a power-theoretical concept following the critical whiteness approach of Dietze (2010). It focuses on the structural, discursively underpinned power asymmetry between privileged persons from the global North and deprived persons from contexts in the global South.

the answer to the question of whether the social worker, Adile, sees herself as a believer, is structured by the various facets of othering that overlap and reinforce each other's conflicting nature. Adile explained it the following way:

> I would like to believe, but, […] the moment you say you are a Muslim you are assigned to a certain community, […] this struggle is tiring, that's why I leave it with me and say that I'm a Muslim agnostic, and because I'm still in this searching motion and I don't want to position myself, because positioning myself means that I don't only have to fight these battles in the dominant culture [of secularism, sexism and anti-Muslim racism; HW] but also in my own community […] again and again because there is this patriarchal dominance; you have to legitimize yourself again and again, even if you take the Qur'an and say look at this, look at what's written in it, damn it, you don't have the sovereignty of interpretation, you don't have the power of interpretation.[6]

It is no coincidence that this situation aroused Adile's interest in Islamic feminism; an interest which she shared with the packed audience in the center's large event hall.

This brief excursion in the complex but typical mode of processing racism and sexism in European migration societies like Germany illustrates two poles of the controversies about Islamic religion, namely its function as a marker of othering and denigration *and* as a resource of identity and emancipation in the secularist and racist societal environment. The vast majority of literature about these contestations focuses – for a good reason – on the public controversies about Muslim believers that began in the early 2000s with the so-called headscarf debates in France and Germany.[7] This literature unmasks the complex processes of racialization and essentialization of Muslim actors by means of the assertion of a fundamental incompatibility of Islamic gender ideas with European secular attitudes.[8] However, a reflected engagement with religion as a source of feminist thinking, that is, as a resource of personal emancipation and

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[6] Transcript social worker Adile (1:01:55 - 1:04:00).

[7] Important contributions to this were made by Amiraux ((2016), Amir-Moazami (2007), Korteweg and Yurdakul (2016). In these debates, the 'discursivation' of an imagined religious gender order has become a crystallization point of social boundary making and exclusion. This is accompanied not only by a renewed culturalization of gender against Islamic religion, but also by an ideologization of religion along the category of gender.

[8] This was prominently critized by Attia (2009), Rommelspacher (2009), Shooman (2010), and Amir-Moazami (2018).

societal gender justice, has not yet been developed. And also the epistemic bias between secular and religious worldviews as well as the epistemic tensions between secularist, feminist and religious modes of viewing the world have been rarely critically discussed in feminist mainstream.[9] To this day, particularly Muslim women are predominantly imagined as subjects who "fundamentally test [...] the secular order of liberal democracy".[10] In the meantime, however, it has become visible – not least due to the continuation of anti-Muslim racism – that this perception is based on a structural, epistemically shaped power imbalance. The way 'religion' is discursively invoked (re)produces profound power asymmetries between those subjects who are conceived as religious and those positioning themselves as secular. Particularly alarming is the mobilization of ideas about gender equality by xenophobic, nationalist and populist right-wing movements; they instrumentalize gender equality principles to justify racist policies. As a result, *white*, secular (and Christian) women are situated in opposition to non-*white*, Muslim women (Winkel 2018, 2021).

Meanwhile, secular feminists realized the necessity to systematically address these processes and the exclusions they entail in the form of sexual and anti-Muslim racism (Dietze 2019, Hark 2017). As a consequence, the ambivalent relationship between secular and religious feminisms and their mutual exclusions are increasingly a subject of academic reflection. However, although both feminist currents are equally directed against the hegemonic script of male power and female subordination, albeit under different auspices due to the varying epistemic formula of these scripts, secular European feminists approach religious feminisms with strong reservations. I argue that these reservations cannot only be explained by different attitudes to political rights, such as in the area of body politics and women's self-determination over their bodies; they are rather rooted in deeper epistemic dissonances related to the secularist epistemic formula of the liberal script of rights. Hence, I gear this contribution to the epistemic foundations of secular feminist reservations and ask how the epistemic power imbalances reflected in them can be explained and deconstructed. To this end, I will discuss the epistemic liaison of feminism and secularism in European thought and argue that a colonial pattern of thinking about religion finds expression in the (unreflected) connection between feminism and secularism. As a result of this colonial knowledge legacy, religion turns out to be a gendered colonial schema of othering. Framed by the dualism between religion and secularity, this schema functions as a

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[9] This was critically discussed in Braidotti (2008), Bracke (2008), Aune, Vincett and Sharma (2008), Butler (2008) Asad, Brown, Butler and Mahmood (2013), Scott (2018), and Winkel and Poferl (2021).

[10] See Doughan and Tzuberi (2018).

medium of symbolic boundary construction that presents religious subjects as *others* in the secularist European mindset.

Theoretically, I approach the task to deepen the understanding of epistemic inequalities in secular feminism's approach to religious feminism from a phenomenological sociology of knowledge approach. I seize on Alfred Schutz' (1945) notion of *multiple realities* as *coexisting provinces of meaning* that constitute a plural, meaningful construction of the social world. Against this backdrop, Islamic and other forms of religious feminism become visible as one of manifold forms of experiencing, sensing and understanding the world. Not in opposition to, but alongside secular forms of feminist thought, Islamic feminism proves to be one of many *altars of feminism*. To this end, I start with a reflection on the secular/religious divide and briefly reconstruct selected epistemic facets of European secular feminist thought in order to identify the bias toward religious feminism more clearly. This is further deepened in a second step in which I discuss the way in which religion and the secular/religious divide operate as colonial knowledge schemata in the secular mindset, that is, as schemata of exclusion from the space of political relevance and the way in which this feeds the racialization of Muslim subjects in the public realm of European societies. The article concludes with a discussion of how the phenomenological sociology of knowledge approach can open up a different view of religious feminisms that allows it to go beyond the attested bias and decolonize secular feminisms.

THE EPISTEMIC LIAISON OF FEMINISM AND SECULARISM IN EUROPEAN THOUGHT

When I discuss the sociopolitical and epistemic conditions of feminist thinking in the following sections, I aim to contextualize its development, that is, to historicize and provincialize its position within the dominant framework of *white*, liberal European thought. I briefly recall a pivotal position of feminist critique in the 1970s and 1980s and refer to the German context as a proxy. Further on, I sketch feminist links to liberal, secular thought and shortly sort out the effects of the religious/secular divide, which functions as a basic, but unnoticed epistemic premise of thinking. Let me state at the outset that as a *white* feminist gender sociologist with religious affinities, I am geo-politically and socio-politically situated in a European context where religious fundamentalism is very present in all religions. However, this does not exclude the existence of feminist positions, some of which seeing themselves as liberal, reform-oriented, or progressive and stand up "for democracy, freedom, and women's rights" (Amirpur 2013). Against this backdrop, I am interested in keeping an eye on the power effects that result from privileged positions, such as my case,

and that result in specific knowledge regimes and powerful ways of speaking about – instead of with – Muslim feminists in a European context such as Germany (Amir-Moazami 2018). This also means that my reflections cannot simply be transferred to other contexts but are closely linked to the history of ideas and culture of scientific thought and the political realities in Germany.

From the very beginning, the development of feminist theory in the 1970s and 1980s was linked to the question of its epistemic relation to the power of androcentric knowledge production. At that time, religion was already considered as "part of a patriarchal past" that would soon become irrelevant (Woodhead 2017) – given religion's loss of sociopolitical legitimizing power and the increasing individualization tendencies in European societies in the second half of the 20th century. A central question was whether feminist critique could initiate a paradigm shift in academia that goes beyond the unobserved status of male experience as the social norm and benchmark of theoretical conceptualizations (Fox Keller 1986). In this regard, feminist critique did not eschew the issue of how it had become part of normalizing processes and power relations. However, as postcolonial feminist theorists have demonstrated, Western, European feminist theory has nevertheless produced severe blind spots and manifold exclusions due to its colonial gender epistemology (Mohanty 1988, Lugones 2007, 2008). Primarily, gender was developed as a category of analysis in the engagement with European bourgeois-capitalist history and its structural foundations, such as the gendered division of labor, the related public/private divide, and women's exclusion from socio-political rights ((Pateman 1988).[11] Neither Europe's colonial legacies nor *white* women's involvement in the social history of exploitation, oppression, and slavery was considered in this conceptualization of gender as analytical prism.[12]

This mirrors the close connection between feminist critique and liberal thought based in the shared history of ideas. Accordingly, a primary concern of feminist theory was the dismantling of institutional barriers to women's political participation in the public sphere and the systematic inclusion of the private in the realm of civil rights. With good reason, political theorists such as Carol Pateman, Susan Moller Okin and Martha Nussbaum. Nussbaum (1999) and Okin (2004) problematized the fact that the private sphere, conceptualized as a space of natural familial relations, has been explicitly located outside the social contract in political liberal-

[11] In the background of this socio-political regime is the bourgeois gender contract; it restricted women in legal and economic terms in new ways in the course of the 19th century by tying their social existence to the historically new domestic work sphere.

[12] Particularly, the significance of the colonies as a negative foil of bourgeois gender relations received little attention for a long time (Dietrich 2007).

ism, with disastrous effects for women's rights such as the recognition of domestic violence.[13] However, despite its gender blindness, political liberalism is considered a crucial theoretical approach in feminist theory. According to this position, political liberalism 'only' needs to be interpreted correctly, that is, "properly understood with [...] its focus on the freedom and equality of individuals" (Okin 2004, 1546). As these approaches follow the operative logic of individual liberalism and the public/private divide, they fail to notice the extent to which the bourgeois public domain is not only an exclusively male but also an exclusively *white* (Winkel 2018, 2021) *and* an exclusively secularist sphere. The social constitution of the public sphere rests not only on the back of colonial oppression and a systematic exclusion of people of color from equal participation;[14] it is also structured by a secularist logic, as a result of which unequal power positions of religious and non-religious, secular women and related hierarchical knowledge regimes are produced. A central facet of the unnoticed secularist epistemic premise is, for example, the way in which the framework of analysis is "defined within which the (in)permissibility of religiosity is publicly negotiated and scientifically thought about" (Amir-Moazami 2018, 20). The obvious example is the ongoing "disputes about Islamic body practices in European public spheres. In these, certain questions emerge almost inevitably and quasi-naturally, while others are not even asked." With the consequence that through this "one-sided inspection" all other, non-religious "body practices are normalized" (Amir-Moazami 2018, 20).

This kind of (scientific and political) observation and sorting out of reality includes a hierarchy of knowledge that is anchored in the idealized notion of the public domain as a rational sphere of discourse. It is a secularist conception that goes hand in hand with an exclusion of religious notions and languages, and this means the exclusion of religious forms of sensing and experiencing the world. This does not mean accepting every religious position, such as orthodox, misogynist, or extreme right-wing religious positions; rather, I am concerned with considering the secularistic foundations of the epistemic possibility of understanding the world, the underlying epistemic bias of religious and liberal-secular thinking and

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[13] They were neglected until the end of the 20th century.

[14] Despite postcolonial and historical feminist research on colonization and racism since the 1980s (Anzaldúa 1987; Mohanty 1988; Spivak 1988; Schiebinger 1993; Stoler 1995; Yegenoglu 1998), the way in which racist and sexist categorizations are equally woven into the scheme of the public/private divide, is still not fully spelled out for present-day societies in Europe. The extent to which colonization and racism are constitutive for the constitution of the bourgeois public sphere in European societies has so far only been systematically pursued by a few in a socio-theoretical perspective (Gutiérrez Rodríguez, Boatcă and Costa 2010; Bhambra 2007, 2014; Go 2013, 2016).

the epistemic liaison of feminist critique with the latter. To , it is fostered by the liberal conception of critique as depending on the "political and moral autonomy of the subject" and the free, individual will (Mahmood 2005). As a result, secularism is *a priori* defined as a premise of critique;[15] the implied idealization of the secularist stance deepens the power-knowledge-asymmetry. Additionally, it overlooks the fact that the idea of free will is based on an idealization of individual autonomy of action (Mahmood 2005) and that the secular script of an alleged categorical gender difference continues to significantly cause structural inequality today (Scott 2018). This idealization of the secular gender script contributes to the marginalization of religious women in the public sphere in a twofold way: qua gender and qua religious positioning, while the norm of the *white*, non-religious subject contained within remains hidden underneath (Amir-Moazami 2018).

This knowledge regime not only feeds on the assumption that religious worldviews are considered unintelligible and normatively undesirable in the public domain (Rawls 1997); it also has far-reaching epistemic implications for the way of understanding the world, as secularity functions as the unnoticed methodological prism of analysis. Following Charles Taylor, I understand secularity as an immanent frame of experiencing, sensing and interpreting the world that is situated in the history of European ideas and culture (Taylor 2007). This immanent mental frame of meaning and sense-making is, as Taylor argues, perceived as a "'natural' order" that is contrasted with a 'supernatural' one" (Taylor 2007, 542). The supposed naturalness and neutrality of immanence obscures the social constitution of the secular as a particularistic construction of reality that is rooted in European social history – not least in the frame of the religious wars of the 17th century, which initially resulted in the formation of religious nation states all over Europe. Accordingly, the social reality of secularity as a normative political framework and as an unquestioned condition of everyday action is socio-historically "inextricably interwoven with 'religion'"; and this means that both patterns of meaning and orientation are "co-constitutive" (Brown, Butler, and Mahmood, 2013, Preface, x).

From the insight that feminist secular thought is not only the result of a particularistic social history, in which a specific secularist script of sexual difference legitimates male power and female subordination, it is not far from considering feminist theologies of liberation, democracy and women's rights (Amirpur 2020) as not categorically 'different' per se, even if this is associated with an ontologically as 'different' experienced attitude that reckons with transcendence. Against this backdrop, secular feminist

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[15] See Brown, Wendy, Judith Butler, and Saba Mahmood (2013, Preface: x).

thought cannot only start to rethink its epistemic liaison with secularism, but also its supposed categorical difference from religious feminisms. Before I deepen this point from the phenomenological sociology of knowledge perspective, I sketch out how religion and the secular/religious divide operate as colonial knowledge categories in European migration societies, given its relevance to the assumed divide between secular and religious feminists.

THE SECULAR/RELIGIOUS DIVIDE AS A COLONIAL KNOWLEDGE CATEGORY

So far, I have pointed to secularity as a largely unnoticed epistemic premise of feminist thinking. In the following sections, I focus on how the related epistemic bias in European thought towards religion is reflected in its status as a colonial knowledge category, both empirically and epistemologically. An engagement with the colonial conditions of knowledge production deepens the understanding of how "Eurocentric epistemologies have managed to conceal their own geopolitical and biographical localizations and successfully put the myth of abstract and universally valid knowledge into the world" (Amir-Moazami 2018, 4).

Following the Peruvian sociologist Anibal Quijano (Quijano 1992, 2007), coloniality signifies a heterogeneous set of power relations. The term refers not only to material or territorial divides, but also to the production of intellectual hegemony. This hegemony results from a hierarchization of senses (Asad 1993), experiences and perceptions in imperial knowledge institutions such as anthropology, sociology or feminist theory in Germany (Winkel 2018). In some areas, such as gender sociology, the hegemony goes hand in hand with the neglect of colonialism in the conceptualization of the discipline's genuine research object – the bourgeois gender order. This results in the disregard of the colonial foundations that spawn the social order in European nation states (Bhambra 2014). However, intellectual hegemony is not only characterized by blind spots, but also by the way knowledge production proceeds, for example, by defining what counts as profound and reliable knowledge. Accordingly, science produces intellectual normativities and inferiorization – in the sense of a *colonial power matrix* (Quijano Ibid) – alongside nodal points such as religion and gender.

A prominent mechanism of the production of a *colonial knowledge matrix* is a comparative approach such as in Max Weber's studies of religions. Weber's comparisons are based on the concept of the rationalization of social action and thought in all spheres of life. It developed from his analysis of European societies, which functioned as the standard of comparison. When Weber applied the rationalization thesis to religions outside

Europe, whether in the case of ancient Judaism, China or in coeval Muslim contexts, this resulted in the 'identification' of deficits, such as in Hinduism and Islam, according to their discrepancy in relation to the European standard (in terms of the assumed degree of rationalization). Here, a *colonial episteme of difference* is at work. It results from the hierarchical classification and polarization of research objects along a self-defined and ascribed mode of superiority. As, for example, Janet Abu-Lughod (1989, 1991) has argued, this assessment results from the failure of European centered epistemologies to identify extra-European social realities and the existing forms of knowledge. Gayatri Chakravorty Spivak argues that this facet of coloniality is caused by an ontological distance; it does not only result into the non-intelligibility of extra-European realities, but also in a mental alienation. Frantz Fanon was one of the first scholars who apprehended this alienation and its effects on the level of individual experience; he identified the colonization of the mind as a central facet of colonization at large. With regard to European migration societies, such as Britain, Stuart Hall describes this state of affairs as a recurring experience of being different: "Thinking about my own sense of identity, I realize that it has always depended on the fact of being a *migrant*, on the *difference* from the rest of you […], the colonized subject is […] always *other*" (Hall 1987, 114).

It is not by chance that religion functions as a nodal point of the colonial matrix of power and othering in European migration societies. In the background of this development is the growing multi-religious differentiation of European societies, which, however, as a fact in itself, does not explain why "the question of the legitimate or illegitimate place of Islam is at the center of almost every discussion on the shaping of religious-cultural plurality in Europe".[16] As Nilüfer Göle (2004, 2008) argues, the focus on Muslims is an effect of their visibility in the public sphere, which is perceived in neo-racist ways as a challenge to 'the cultural order', which turns out to be a culturally racist argument based on the concept of a so-called German *Leitkultur*.[17] From a secularization theoretical perspective, the visibility subverts the public-private distinction and opposes the notion of religion as a private matter. In this perspective, the absence of religion in the public sphere is understood "as normal and progressive, that

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[16]   Amir-Moazami.   n.d.   *Der   inspizierte   Muslim,*   9. https://trafo.hypotheses.org/10999.

[17] As Göle (2008: 51) explains, this is an individual appropriation of Islam. It is conceived as an expression of the pluralistic frame of European public spaces, namely in contrast to the parents' generations, who failed to do so. She adds that migrants' turn towards religion confirms a difference that is ascribed by the host societies anyway. For further reading see, for example, Winkel, Heidemarie and Angelika Poferl (2021).

is, as the quasi-normative implication of being a modern, enlightened European" (Casanova 2004).

In order to fully understand why 'Islam' is so central to public debates and functions as a new language of racism that is used to characterize the supposed 'cultural inferiority' of people in terms of othering and orientalization, an additional look at Europe's colonial past is necessary. Religion was the first marker of otherness in the modern/colonial world system of the 15th century. Arabs and Jews in Spain were identified as "'people with the wrong religion'" and functioned as the *internal others* (Grosfoguel and Mielants 2006). Parallel to their expulsion from the Iberian Peninsula, the *external others* were 'discovered' in the Americas. They were identified as people without any religion, which meant having no sign of humanity at all. Over the course of time and due to the then ongoing conflicts between European powers and the Ottoman Empire, as the '*internal others*' were turned into savages and uncivilized subjects in the *white* European perception. According to Grosfoguel and Mielants this process culminated in the 19th century, when the inferiorization of non-Christian religions blended with racism due to the intersection of the Christian-centric global religious hierarchy with the Eurocentric global racial/ethnic hierarchy (Grosfoguel and Mielants 2006).

In this respect, it is not by chance that inferiority is again "concentrated in the [Muslim] 'other's' religious practices and beliefs" in the present (Grosfoguel 2006). This is the context within which secular feminist theory is currently reorienting itself in terms of its own position towards religion, and in particular towards Islamic religion and religious feminism, as the racialization of religious *others* is increasingly related to new forms of sexism by fundamentalist, nationalist, and right-wing populist movements, which is not only unbearable, but based on the instrumentalization of gender rights against 'migrants' that are also fought in these fundamentalist groups. However, this does not necessarily include an evolved understanding in secular feminism, of whether and in which way religion should or could be made an emancipatory resource for religious feminists. As stated at the beginning of this article, a central cause of the distance between secular and religious feminist positions is not to be found in various positions on the matter, but rather in epistemological foundations of experiencing and theorizing the world. Additionally, differences also exist *within* secular and *within* religious positions. I assume that there is an enormous information deficit on the history of feminist-religious, and especially feminist-Islamic positions, not least on a global scale. In the future, secular feminists in European contexts will have to do more about this; however, I will not go into this in the following sections.[18] In the next step,

[18]For further reading see, for example, Winkel and Poferl (2021).

I discuss how the epistemic bias of secular-feminist knowledge production and the power asymmetry it contains can be productively dealt with.

ISLAMIC FEMINISM AS A KNOWLEDGE RESOURCE OF INDIVIDUAL RIGHTS AND POLITICAL VISIONS OF GENDER JUSTICE

The way in which religion functions as an emancipatory resource, that is, as a source of personal strength and political visions of gender justice in European migration societies, is a topic of growing public, political and academic debate since about two decades.[19] With a few exceptions, however, Islamic feminists discuss this mainly among themselves. Not least because of the ongoing experience of racism and sexism, but also of male dominance, as the statement from the social worker's interview at the beginning of this article shows:

> […] the moment you say you are a Muslim you are assigned to a certain community, […] this struggle is tiring, that's why I leave it with me and say that I'm a Muslim agnostic, […] I don't want to position myself, because positioning myself means that I don't only have to fight these battles in the dominant culture [of secularism, sexism and anti-Muslim racism; HW] but also in my own community […] again and again because there is this patriarchal dominance; you have to legitimize yourself again and again, even if you take the Qur'an and say look at this, look at what's written in it, damn it, you don't have the sovereignty of interpretation, you don't have power of interpretation.[20]

Hence, the turn to Islamic feminism includes a double emancipation strategy in European societies, both towards "an autonomous interpretation of the scriptures from a feminist perspective, and […] a fight against all forms of discrimination," above all anti-Muslim racism and secular sexism (Hamidi 2012, 97-106). Transnational and global references, such as to Asma Lamrabet and Amina Wadud were, of course, of immense importance for the development of Islamic feminist approaches in European contexts; in particular, for the development of feminist hermeneutics and interpretations of the scriptures (Ali 2012). However, this does neither protects against racism nor against secularist reservations and the related epistemic bias of secular-feminist knowledge production. In European con-

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[19] For further reading see, for example, Rumpf (2003).
[20] Transcript social worker Adile (1:01:55 - 1:04:00).

texts, faith-based feminism is constantly confronted with the social reality of secularism that lacks an understanding of the way in which this secularism evolves as an ideological power project with a colonial history (Deo 2018). In order to understand secular feminism's reservation about religious feminism, the former must unveil its epistemic roots in the history of European ideas and culture, and here, particularly, in political liberalism and the secular, immanent frame of the mind. The unnoticed social construction of the immanent mode of sensing the world, which constitutes a seemingly 'natural order' "where instrumental rationality is a key value," forms the central anchor for the supposed contrast of "the supernatural (..) 'immanent' world over a possible 'transcendent' one" (Taylor 2007). Both the liberal political theory and the immanent frame of experiencing the world prove to be part of a particularistic and ethnocentric knowledge frame that includes a *colonial matrix of difference* in the form of religious/ secular divide. It is based on the constructed idea of two categorically different spheres of sensing and being in the world. The perception of this categorical difference is also erroneously associated with the assumption of a comprehensive separation of the two worlds of meaning. With a phenomenological sociology of knowledge perspective, this assumption can be overcome, and religious feminisms will appear in a different, not any longer contrasting light, as the *other* per se.

At this point, I would like to counter the doubts about the content of religiously based positions by pointing out once more that the diversity of these positions is as heterogeneous as in a 'secular' perspective. This includes manifold positions according to which Islamic practice and interpretation are by no means contradictory to human rights and democracy (Amirpur 2020).

The vehemence with which this is disputed shows that, in addition to orthodox and fundamentalist theologies, there are many reform theologies oriented toward equal rights and equality. As Ann Elizabeth Mayer argues, reservations against human rights are often not an expression of religious convictions or doctrines, but rather result from political power differences on the global scale, as well as within European nation states (Mayer 2003). This means that Muslim and secular actors are not on par with each other, which is *why* religion is a particularly important identity resource from this perspective as well. However, this does not rule out the existence of an overlapping consensus on human rights issues (Schutz 1945).

Precisely because of the asymmetry of power, it seems useful to consider the sense and action orientation of religious actors in a plural world. Once we are aware of the status of religious modes of being and sensing the world, religion can be understood as one of many multiple, coexisting provinces of meaning. From the phenomenological sociology of

knowledge following Alfred Schutz, the secular/religious divide can be approached in a way that considers the possibility of multiple coexisting forms of knowledge and sensibilities instead of taking a methodologically secularist stance and focusing on their mutual exclusiveness. This does not deny that varying sensibilities can conflict with each other. However, I claim that, in taking into account the social existence of *multiple social realities*, this perspective does not give epistemological priority to one particular knowledge position.

In his essay *On multiple realities*, Alfred Schutz developed the notion of various (finite) provinces of meaning in terms of multiple realities alongside each other, such as religious experience, theoretical thinking, play, and dreaming next to the paramount reality of the everyday 'lifeworld' (Schutz 1945. Each meaning province is based on a distinctive cognitive style and attitude, the *epoché* that shapes the respective experience such as in a daydream, a theatre play, or a prayer. In this conception, cognitions can oscillate quite naturally between the different provinces of meaning; they are to be understood not as something ontologically static, but rather as permeable knowledge spheres. Hence, religious feminist's everyday experience of 'the religious' and 'the secular' does not necessarily unfold as irreconcilable, dichotomous areas of life. Instead, they turn out to be coexisting dimensions of experiencing and acting in the social world that actors can effortlessly switch between and that can both include feminist thinking.[21] Accordingly, I claim that both modes of life worldly experience, the 'religious' and the 'secular,' differ only gradually from each other. However, as long as Islamic religion is not acknowledged as a taken-for-granted facet of the social order of meaning for various actors, that is, as part of their *common sense* (Schutz 1974), the claimed categorical difference can be time and again turned and used politically by fundamentalist right-wing populists and new nationalists. Secular feminists should clearly distance themselves from these fundamentalist positions and not appropriate them against religious actors who have the same goal at their core: gender justice and the realization of women's rights in all spheres of life, including bodily self-determination.

CONCLUSION

This article started from the conviction that the ambivalent relation between secular and religious feminisms in European contexts, such as Germany, resulted from a specific epistemic distinction that is embedded

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[21] I discussed the relevance of religion as one of various multiple realities that coexist with other dimensions of experience and sensemaking in an article on the Mashriq as empirical arena (Winkel 2021).

in the secularist worldview of most Europeans. In its center is the religious/secular divide, which is closely intertwined with the public/private distinction, and as such, strongly shaped by the particularistic social history of ideas and culture in Europe. I have argued that the secular/religious divide and the immanent secularist frame of experiencing the world are the epistemic foundations of feminist reservations against religious feminisms, and that religion and the secular/religious divide operate as colonial knowledge schemata in the secular mind-set, that is, as schemata of exclusion from the space of public, political relevance. This epistemic constellation feeds the racialization of Muslim subjects in the public realm of European secular societies. In contrast, the younger Muslim generations have started to openly identify as Muslim and recognizably mark themselves as religious in the public sphere (Nilüfer 2008). While the European public is polarized over this development, and anti-Muslim resentment becomes entrenched, young devout Muslims find themselves 'sitting between all chairs,' that is between racist, growingly right-wing populist attacks on the one hand and the expectations of their parents' generation who, in their own way, are caught up in patriarchal beliefs. Muslim women's growing interest in Islamic feminism is a response to both constrictions.

The reflection on the epistemic foundations of secular feminist reservations against religious feminisms in general and Islamic feminism in particular shows that secular feminism, of course, is not the only form of critique of domination. Critique is not secular per se; however, secular feminist understanding of critique is, to a high degree, anchored in the secular-liberal worldview. It is Eurocentric as far as it does not reckon with other indigenous, for example, religiously based notions and forms of emancipation. Viewed in terms of the history of ideas, feminists' position goes hand in hand with a self-conception that is understood as liberal-emancipatory and as such as secular, i.e., based on the postulate of the individual characterized by her or his free will. Its contour is defined decisively by demarcation from the religious sphere, which is presented per se as repressive and, thus, fundamentally impeding emancipation. And indeed, religious fundamentalisms have become very prominent across the globe; it is a well-known empirical reality that all religions produce severe patriarchal gender orthodoxies. However, religious fundamentalist positions are also contrasted in many ways by liberal religious currents and reform movements. Neither have these anti-authoritarian religious voices been taken seriously, nor has secular feminist theory reflected on the secularist conditions of the – epistemically obstructive – polarization of religious-feminist and secular-feminist positions and in which way it feeds the homogenization and essentialization of religion. As a result, the ac-

companying hierarchizing view in the observation of female religious actors has remained largely unaddressed.

In contrast, the phenomenology of knowledge approach allows a reconsideration of the relationship between the immanent and the transcendent mode of experiencing the world, namely not as mutually exclusive but as coexisting grounds of being. This perspective does not trivialize conflicts between diverse worldviews; however, authoritarianism, radicalism and extremism are not unique characteristics of religious movements only. Neither are religions fundamentalist in a uniform, homogeneous way, nor are they fundamentally closed to liberal, democratic, and gender-just core values. Against this backdrop, it is only a small step to recognizing the extent to which the recourse to religion can have an important emancipatory potential under postcolonial conditions such as in European contexts. In this regard, context, of course, plays a decisive role. In my view, the cooptation of *white* secular feminists (with right-wing positions) against religious feminists is one of the main challenges of feminist thought and politics in Germany. I agree with Zahra Ali, when she concludes that the "unity of feminism *and* its non-homogeneity [are] quite possible at the same time" (Ali 2012, 207).

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REPRESENTATION OF DIFFERENCE AND MEDIATION: THRESHOLD POSITIONS OF THE MUSLIM GIRL AND THE GERMAN NATION

SYLVIA PRITSCH

Abstract: This article examines the ambivalent politics of representation concerning Muslim women that are related to national narratives articulated in German public discourses. Reading the public headscarf debate symptomatically can show how a rhetorical figure named 'Muslim girl' is constructed, taking on symbolic functions in the national narrative, while this narrative itself is changing through the inclusion of diversity. It is further shown that the ambivalent positioning of Muslim girls in Western countries can be linked to the concept of the neoliberal informed Top Girl. What is declared as a subject of agency and capacity oscillates between successful self-expression and neoliberal appropriation. The collection of contradictory positioning connoted as 'Muslim' between adaption and exclusion shows how difference is to remain visible in the service of the self-assurance of the majority norms. In contrast, artistic strategies show how this demanding gaze can be deconstructed and rejected.

Keywords: Representation, Muslim girl, German nation, neoliberal, artistic strategies, difference, and mediation.

INTRODUCTION

Muslim women have a highly ambivalent stance in Germany. They belong to those groups that are, in the words of the German historian Fatima El-Tayeb (2016), produced as 'un-German' and that do not only not belong to the national community, but also represent a danger. El-Tayeb identifies a general externalization of racism and racialized groups from Europe's history as a mechanism that "implements an unquestioned normative white Christian socialized identity that in turn makes migrant groups the ultimate threat to a Europe of

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which they have in fact long been a part" (El Tayeb 2016, 26).[1] Thanks to this *racism amnesia*, migration history, including racism and racialized groups, could hardly become part of European and especially German memory culture. Instead of acknowledging this history, the 'new arrival' would be staged in the manner of a continued compulsive repetition (Ibid). More particularly, the number of Muslims in the self-qualified secular society causes diffuse unease. This goes so far as the actual number is often overestimated and equated to the total number of migrants.[2] In the German-speaking public, the compulsive repetition is directed at the Muslim head covering and its legal, as well as moral, permissibility.

On the other hand, participation and cultural mediations are honored by different social institutions and public discourses. Contrary to official denials, multiculturalism, a described by El Tayeb, is a 'neoliberal' canal to be attributed to German policies:

> Neoliberal multiculturalism promises the conditional influence of previously excluded groups-if they prove capable of inclusion. Thus, not only is the disciplining of marginalized communities shifted to them themselves -the burden of proving that they are not pathological or threatening- it effectively pits them against each other, while majority society assumes the role of mediator and guardian of basic rights, while continuing to set norms (El-Tayeb (2016, 17).[3]

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[1] Die Externalisierung von Rassismus und rassifizierten Gruppen aus Europas Geschichte] […] implementiert eine unhinterfragte normative weiß-christliche sozialisierte Identität, die wiederum migrantisierte Gruppen zur ultimativen Bedrohung eines Europas macht, dessen Teil sie in Wirklichkeit schon lange sind (translation by the author).

[2] In 2018, 25,5 percent of all inhabitants were migrants by themselves or by their parents; more than the half own the German citizenship; one third does not have migration experience on their own, but still counts as persons with 'migrant background' (Bundeszentrale für politische Bildung, *Zahlen und Fakten. Die soziale Situation in Deutschland, Bevölkerung mit Migrationshintergrund 1* (Bonn, 2019), www.bpb.de/nachschlagen/zahlen-und-fakten/soziale-situation-in-deutschland/61646/migrationshintergrund-i. A former study found the number of about 5,5 percent Muslims among all German inhabitants in 2015 (half of them with family bonding to Turkey, one third coming between 2011 and 2015). This is in sharp contrast to the estimates of 25 percent by the majority of German citizens (Stichs 2016).

[3] "Neoliberaler Multikulturalismus verspricht den bedingten Einfluss vormals ausgeschlossener Gruppen - sofern sie sich als einschlussfähig erweisen. So wird nicht nur die Disziplinierung marginalisierter Communitys auf diese selbst abgewälzt - die Beweislast, dass die nicht pathologisch oder bedrohlich sind, liegt bei ihnen -, sie werden auch effektiv gegeneinander ausgespielt, während die Mehrheitsgesellschaft die Rolle des Vermittlers und Wahrers von Grundrechten einnimmt, aber gleichzeitig weiter normbestimmend bleibt " – translation by the author).

Under these conditions, certain positions have emerged that are associated with stereotypical images of 'the' Muslim woman/girl. This article examines the politics of representation concerning Muslim women that are related to national narratives articulated in German public discourses and asks how Muslim women can be heard under these ambivalent conditions and/or alternate them. Reading the public headscarf debate symptomatically can show how a rhetorical figure named *Muslim girl* is constructed, taking on symbolic functions in the national narrative, while this narrative itself is changing through the inclusion of diversity (Ibid). Here, the *Muslim girl* figures a certain threshold-position: It marks the border of "Germanness" and simultaneously mediates the differences, as can be observed in popular (social) media, including those distributed by governmental and academic institutions. What runs through the various attributions is the localization as *internal other*– a positioning of the *migrant Other* not as completely antagonistic to the national subject, but also not fully accepted (Balibar 2005).⁴

In this frame, speakers from Muslim families who rejected not only the headwear, but preferably Islam as such, gained high media visibility, while the everyday work of Islamic women's organizations remained invisible for a long time. Further, these strategies did not lead to a fully accepted subject-position. With reference to two case-studies from Great Britain (Rashid 2016) and Canada (Kassam 2011), it is shown that the ambivalent positioning of Muslim girls in Western countries can be linked to the concept of the neoliberal informed *Top Girl*, developed by Angela McRobbie (2011). What is declared as a subject of agency and capacity oscillates between successful self-expression and neoliberal appropriation. Governmental education programs have been proven as highly ambivalent, as have commercial projects). The collection of (im)possible positionings connoted as 'Muslim' shows the continuous mechanism where difference is to remain visible in the service of the self-assurance of the majority norms. Finally, some artistic strategies that reject and deconstruct the demanding gaze are presented. My perspective is an outsider one, situated at the position of a white middle class academic in the global North, not involved in any kind of religious practices, but interested in the construction of gendered and culturalized (speaking) positions.

⁴ On the one hand, I follow Bojadžijev 's analysis of current refugee discourses, which, with reference to Balibar and Baumann, defines the migrant Other to be constructed not as the simple other to the national community, but : "rather, […] we observe a shift to an internal Other, in which the refugee becomes the central mediator" (Bojadžijev 2018, 338). The development of the female threshold position, on the other hand, was described by Bartsch (2016) within the field of the history.

GENDER AND NATION: DIVERSIFICATION
IN A MODERNIZED FRAME

Gender-relations and the concept of the modern nation are deeply inter-woven. The stabilizing function of women as 'bearers of the collective', outlined in Yuval-Davis' well-known analysis on *Gender & Nation* (1997), is a helpful analytic tool for today's situation. Particularly relevant in this context is the classification of women as 'border guards' that "can identify people as members or non-members of a specific collecitivity. They are closely linked to specific cultural style of dress and behavior […]."Yuval-Davis continues: "At the same time, discourse and struggle around the issues of 'woman's emancipation' or 'women following tradition'[…] have been at the centre of most modernist and anti-modernist nationalist struggles" (Yuval-Davis 1997, 23).

Current national allegorizations in popular media show that the symbolic reproductive role of women is still valid. For example, in 2006, the famous former German top model Claudia Schiffer was presented on advertising posters, dressed in a German flag, signifying beauty and naturalness by her open (blond) hair and visible naked parts of the body. These posters were part of a national campaign initiated by the government and the central industry association and linked to the FIFA World Cup with the aim of conveying an image of Germany for investors as creative, innovative, future oriented.[5] The female model on one of the pictures is framed by the words 'Follow your instincts. Invest in Germany. […] Land of Ideas." The poster-series had been sharply criticized because of its sexism. But it is important to understand that not only a sexualization is at work here, but also a naturalization of both the female body and what it stands for, a receptive, united nation. Furthermore, the image transmitted associations of the veil which Silke Wenk drew attention to from the perspective of visual culture. (Wenk 2012). As cultural and transnational gender studies have shown, the motif of the veil is deeply rooted in the cultural repertoire of images and is repeatedly invoked in different contexts; fundamentally interwoven with colonial history and orientalist fantasies of veiling and unveiling, seduction and subjugation and the persistent will to knowledge and truth (Yeğenoğlu 1998, Wenk and Krebs 2007). In recent times, this has become more apparent in the contexts of forced migration. In the case of the photo, we could also think of the return of the repressed in the psychoanalytical sense – what never

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[5] See *Land der Ideen – Flagge zeigen für gute Ideen*, https://land-der-ideen.de/dialoge/flagge-zeigen-fuer-gute-ideen.
https://www.zum.de/Faecher/G/BW/Landeskunde/rhein/kultur/ausstell/hdg_bonn/flagge_zeigen/ideen_gr.jpg.

could have been a symbol for Germany if linked to Muslim associations, but still has been an object of desire since colonial history, the veiled woman, was transformed into an acceptable national representation by the white and blond body, seemingly naturally female and German.

At the other end of the representation scale, we find as the 'mythical embodiment of the other' the headscarf –wearing women (Yuval-Davis 1997). *Headscarf* here signifies all sorts of hair-, face-, and body-covering as a seemingly Muslim ways of dressing and is taken as the symbolic articulation of 'Islam', meaning in the first line *backwardness and danger.*[6] In the international studies on headscarf-debates in Europe, conducted by the sociologists Korteweg and Yurdakul, the authors state that the headscarf is often stylized as an attack on public safety and Western values such as women's rights. According to the findings, this covering of the body is regarded, especially in Germany, as a sign of failed integration par excellence and this idea has become so entrenched that no justification is required (Korteweg and Yurdakul 2016). It is therefore hardly surprising that the *Muslim Girl* and her dress often becomes the anchor-point for regulations of Muslim ways of life in order to fit into what is imagined as the German culture. Debates about the prohibitions of headscarfs or the obligatory participation in swimming lessons at school evoke the image of 'lack' of Muslim families and culture in general. Various studies point to the profit for the majority society: The symbolically charged headscarf marks the difference between a patriarchal Islamic and tendentially oppressive culture and the liberal enlightened secular majority society. Here, *the Muslima* appears in a 'neo-ethnic construction' as bearer of an homogeneized Muslim collective See (Çakir 2014) which serves as a projection screen for a secular self connoted as German and as such, marks and stabilizes the national symbolic borders (Amir-Moazami 2016).

At the same time, we also find a public recognition of those Muslima who manage to be successful despite the rigid integration requirements, especially for the second and third generations of (former) migrants. Women in politics, culture or other social domains are presented as modern, young, and ambitious, while their origins or their religion is strongly emphasized (Pritsch 2020). With the effect that the belonging to German society seems not to be sure, Schirin Amir-Moazani, researcher of Islamic Studies, explains this as a "paradox of assimilation to denote the connection between recognition and exclusion. The paradox of recognition,

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[6] A number of covers of German magazines, like 'Der Spiegel' or 'Focus' used and distributed this figure; also a number of media analyses and critical readings of this became popular, such as Shooman (2014). With respect to backwardness and danger, see Ulrike Lingen-Ali and Paul Mecheril (2020).

assimilation, or actually integration consists in the fact that within the process of recognition minorities are marked and reproduced as such, meaning as 'different' (Amir-Moazani 2016).

The national narrative has started to change. The longstanding national narration called 'Germany is not a country of immigration' is based mainly on the concept of the cultural nation (*Kulturnation*). Since 2000, this concept has been experiencing a renaissance, this time under the name *Leitkultur* ('leading culture'), which remained largely undefined in terms of content, except that it became widespread as a counter-concept to the multicultural society. More recently, a modernization under the name 'new German identity' can be observed. In this sense, the authors Herfried and Münkler proposed a 'new Germanness' that is not based on ethnic homogeneity, but on certain principles, like constitutional patriotism, individual liberties, and secularity (Münkler and Münkler 2020). This concept aims to provide an ideological basis for an easier replacement of workers due to the demographic situation in Germany, especially higher qualified ones. Furthermore, it seeks to appease social polarizations that became visible in public, more so after 2015 when the last admission of refugees took place. Anti-Islam attitudes are explicitly rejected; all migrants shall serve on both levels, the economic as well as the cultural, as mediums of 'revitalizing' the democratic society (Ibid). But the acknowledgement of diversity through migration proved to be based on a neoliberal conception that excludes some main problems, such as the social gaps or gender-inequality.[7] Diversity is affirmed, but still under the conditions of a fixed *Germanness* imagined as secular and liberal and its economic needs. The image of the 'new Germans' is used for national advertising purposes, e.g., by the Federal Foreign Office, and has also influenced program formats produced by public broadcasting services and related social media.[8]

The image of the normal diversity of Germany as a multicultural society is also provided by the Youtube-channel *Germania*, produced by public broadcasting services. It presents a series of portraits of young migrants or young people from former migrant families that present their stories of arriving in the German society in a personal and moving style. These narratives include experiences of discrimination, exclusion, conflicts, and violence, but foreground the individual strategies of overcoming that lead to a successful life as influencer in social media, with 'actor' or 'rapper' serving now as role models. *Germania* is named in an old-fashioned style, but

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[7] For a fundamental critique and a description of social polarisations in Germany, see Bojadžijev (2018).

[8] See f.e. *Die neuen Deutschen*, www.deutschland.de/de/topic/politik/frieden-sicherheit/die-neuen-deutschen (Last accessed in October, 2020).

not allegorized in the traditional way by female figures. Instead, it is figured through the series of 'differences.' In this picture of diversity, Muslim women are included, but not those wearing a headscarf.

Finally, the idea of diversity has also influenced the strategy of the national campaign mentioned in the beginning of this paragraph ('show the flag'): Ten years after Claudia Schiffer, the blond supermodel does not represent any longer the innovative nation; now, the model Zohre Esmaeli, presented as 'refugee from Afghanistan' figures as 'the liberal German society, as the managing director of the marketing initiative states – after having renounced the headscarf.

From a perspective of the post-migrant society, these strategies are criticized as one-sided: difference and diversity appear only desirable under the condition of assimilation, and integration is conceived as adaptation. For Naika Foroutan, sociologist of the Berliner Institut für empirische Integrations- und Migrationsforschung (BIM), and member of the scientific Council on Migration in Germany, heterogeneity and the migrant element are an inherent part of being German; so, the new narration should be called 'nation of migrants' (Foroutan 2015).

At present, however, this is not the case. So, the question that arises is: How does this frame of recognition and exclusion under the sign of modernity lead to positions for women identifying themselves as Muslima?

REFUSING ISLAM – PRACTISING ISLAM

Positions that were accepted in the first instance in Germany have been those that demanded or implied a rejection of Islamic beliefs and practices as patriarchal and oppressive. A whole range of autobiographies, political essays and statements reinforced the western-Islamic-opposition by focusing on experiences of violence and oppression of women. The seemingly authentic voice from within made them easily consumable for western mainstream ears and were honored by various national and high-ranked awards.[9] What is often ignored in the discussions are the structural, socially caused reasons for violence attributed generally to 'the Muslims'. Naime Çakir critizises the fact that differences between Muslim women cannot be described solely in terms of the difference between 'secular' and 'religious', but only against the background of possibilities for social participation (Çakir 2006).

[9] Not the discussion about experienced violence, but the one-dimensional character of these debates and the instrumentalization for one's own purposes were often criticized (Castro and Dhawan 2016, Shooman 2014).

Finally, as the position of the 'Islam critic' gains in strength through the characteristics of the Muslim Other, this place cannot be changed easily, but is captured within the 'paradox of assimilation': The critics are "made to speak as Muslim others and heard as such" (Amir-Moazani 2016, 26).

Behind these loud proclamations, a couple of 'hybrid' positions have emerged at least since the 1990s, that seek to establish livable combinations of different components of self-understandings as Islamic *and* German with external demands. Some of the ways in which women organize themselves is through non-profit women's clubs, associations and networks.[10] The Muslim women's organizations set themselves apart both from patriarchal theological interpretations of Islam by Muslim associations and from racist stereotypes, which they sought to counter with their own identity.[11] This development cannot be separated from the international Islamic women's movements, in which Islamic feminism or an Islam-based commitment to women's rights have established themselves in contrast to 'secular' feminism. Also in Germany, courses for a hermeneutic rereading of the Qu'ran following the program of *Ijtihad* are offered, as well as preventing and consulting services in the fields of health, family, and education. Some of these groups participate in public events, others prefer to work in a protected space and to also tackle issues of violence and oppression – not in the name of 'new Germans' but in line with their own needs. The visibility of Muslima has also been strengthened by the institutional academic occupation with the role of women within Islam through the establishment of centers and study programs of Islamic studies (about 20 since 2010, where 'Islam and gender/women' is a subject of research).[12]

Additionally, there exist different media channels, blogs in social media or columns in print and online media where Muslima – feminist by self-identification or not – gain visibility. Journalists, bloggers, or do-it-yourself activists communicate about their lives and their experiences, comment on popular culture events or sell their self-produced handcraft or fashion articles. Here the heterogeneity becomes clear, which appears as overlapping of different demands and needs, as well as lines of conflict.

These different forms of appearing as a Muslim woman in Germany, mainly conducted by the second and third generations of migrant families, aim to counter the image of the oppressed Muslim woman by demonstrating the emancipatory forces within Islam, as stated by Çakir

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[10] Overviews are provided by Çakir (2006).

[11] For information about women's networks from 1995 to 2010 see Markus Gamper (2011), Gamper and Reuter (2008), and Çakir (2006).

[12] On the emerging popularity of Islamic feminism already ten years ago, see Hoda Salah (2010).

(2014). Korteweg and Yurdakul assert that even if the dominant narrative of belonging may not acknowledge the existence of German Muslima, the everyday practices show that there will be a "more cosmopolitan understanding of belonging," that is not rooted anymore in the homogeneity of a common culture (Korteweg and Yurdakul 2016. Thus we see deeply divided public positions at the forefront, while at the back a series of mediating positions have already long since developed and are increasingly becoming visible.

MODERN *MUSLIM TOP GIRL-P*OSITIONS

Not only concepts of nationality have been modernized in neoliberal-orientated frames, but so is the image of femininity. Angela McRobbie coined the well-known key-term of *Top Girl* to mark the favorite figure of what she calls the *new sexual contract*:

> Sexuality, access to consumer culture and the gaining of qualifications and thus the capacity to work define the terms of the sexual contract while political participation is relegated to a marginal role. Such a contract in effect leaves the gender hierarchies that exist more or less intact, while women appear to have won a range of freedoms and entitlements which make the case for a renewed feminism irrelevant or unconvincing (McRobbie 2011, n.p.).

So, women gain access to the working-consumerist world as 'subjects of agency and capacity' whilst maintaining the tasks linked traditionally to femininity, including the spheres of beauty and fashion – political feminism is cast into the past. Within this neoliberal frame,[13] young women are targeted as a group 'with immense potential' (Ibid).

While McRobbie observes a global development that has produced the *global girl*, Naaz Rashid identifies remarkable differences in her research on *model Muslim girls*, here in a British context. She perceives young Muslim women of the Global North to be subordinated more under a similar 'girl effect' than (young) women in the Global South, that are targeted as subject of change in global development discourses:

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[13] "The political project of neo-liberalism promotes deregulation, privatization and the shrinking of the public sector and welfare state, while at the same time resurrects an ideal of the social according to the values of the market. It speaks loudly about choice and freedom, it "despises the 'dependency culture' and it promotes self-reliance and individualization through mobilizing notions of human Capital" (McRobbie 2011, n.p.).

The rationale for this is the idea that *girls hold the key to ending world poverty*; healthy and well-educated girls are expected to marry later and have fewer children. Through improved economic prospects, family health and life expectancy, the economic situation of developing nations is transformed. Broader structural issues of global inequality are obscured (Rashid 2016, 259).

With different aims but analogous means – education and professional qualification – young Muslima are 'empowered' to overcome the assumed narrow borders of their families. Central to this position is a work (or demand) of mediation between Muslim and non-Muslim communities. Rashid shows how this capacity is used for security-policies in the U.K. special programs addressing Muslim women as wives, daughters, and sisters in order to prevent the development of Islamist extremism and terrorism in their families. The empowerment of women through education is not seen as an aim in itself, but as the precondition to combat terrorism (Rashid 2016). Similar projects are developed in Germany. Under the title 'Women Strengthen Democracy,' financed by the Federal Ministry for Family Affairs, a project addresses women as responsible mothers and members of their communities to whom basic democratic values should be made accessible, in order to counteract the danger of radicalization.[14]

Indeed, the *white savior paradigm* is targeting young girls and women, homogenizing them under 'the Muslim girl' that needs rescue because of her oppressive culture, as also stated by Rashid (Ibid). It often implies the notion that Muslim families are not willing or not able due to religion and culture to encourage their daughters to reach for higher education. This general message of a lack of aspiration is contradicted by the results of an empirical study that found no relation between the religion and graduation. Instead, graduation depends on the social status.[15]

Apart from governmental strategies, it is mostly younger women who have found their own way of mediation: In order to make Muslim/Islamic values acceptable for the mainstream, dressing strategies seem to be promising in aiming to recode the Islamic dress from backwardness and oppression to modernity and self-determination. Emma Tarlo underlines the emancipatory effect of both creating and wearing

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[14] See Modellprojekte zur Radikalisierungsprävention www.demokratie-leben.de/modellprojekte/radikalisierungspraevention/modellprojekte-zur-radikalisierungspraevention/frauen-staerken-demokratie.html (2015).

[15] See Bundesministerium für Familie, Frauen, Senioren und Jugend. *Familienreport 2014: Leistungen, Wirkungen, Trends*, (Berlin 2015), 75.
www.bmfsfj.de/blob/93784/e1e3be71bd501521ba2c2a3da2dca8bc/familienreport-2014-data.pdf.

these dresses. For her, these dresses should not be seen as just a turn to Islamic tradition, but as a creative mode of appropriation of traditional elements in globalized times and of *visual integration* (Tarlo 2010). A study on the ways of combining a professional career with wearing a headscarf in Germany identifies several strategies of visual integration that are based on compromises in order to avoid conflicts. For example, the turn to Islamic dresses starts slowly and the women alter the ways of dressing between private and professional spaces (Adelt 2014). Studies in this field speak about the creation of an ideal of the pious woman by Muslima themselves, a pious woman that is covered *and* a modern consumer (Ibid.). Tarlo goes to the extent of envisioning 'new forms of Islamic cosmopolitanism' that may overcome the dichotomies of religious/secular, traditional/modern, Islamic/western (Tarlo 2010). In the meantime, the growing international development of *Modest Fashion* can be mentioned at this juncture as it has increased the visibility of Muslim-connoted dresses – and the commodification as well.

In a critical reading of the Canadian magazine *Muslim Girl* Shelina Kassam links the image of the modern Muslim woman to neoliberal requirements in the shape of a '*can-do' woman*:

> […] a particular type of identity for Muslim women as a marketable global citizen and neo-liberal subject in an increasingly consumerist world. This identity imagines an ideal Muslim woman, portrayed as liberal, open-minded, educated, fashionable, a can-do' woman who remains committed to the principles of her faith (Kassam 2011, 543).

In this short-lived magazine, exemplary perspectives from within are articulated, which condensed women into an idealized figure: "a woman who is both 'North American' and 'Muslim', simultaneously a symbol of modernity and 'the ideal of the 'good' pious woman that carries the ideals of 'tradition' on her body.' (Kassam 2011, 557). Here too, the moment of mediation is central, which Kassam derives from the concept of the *familiar stranger* (Ibid.). It is constructed within an antagonist frame: "This so-called 'modern' Muslim (read: 'good Muslim') is juxtaposed both against the 'fundamentalist' Muslim (read: 'bad Muslim') and the 'normalized' white North American subject" (Ibid). Once separated from unwanted properties, the 'good Muslim' can be assimilated into the nation "and can then both reinforce the nation's image as benevolent and be co-opted into support for the policies of the state." (Ibid, 560). In this way the delimitation of the nation via the characteristic 'emancipated' vs. 'oppressed' is not abandoned, but it shifted into the double construction of the good/bad Muslim. In effect, the inclusion of the good Muslim makes the nation appear as modernized.

The possible costs, on the other hand, must be borne by the women themselves who take this path of (visual) integration. Iindividual strategies of normalization appear to be ambivalent: Showing religious bonds in the contexts of education, work and activity can work against the stereotype of the passive Muslima. But it also leads easily to a triple demand of religion, profession and family for the individual woman who must deal with contradictions that may arise on her own (Adelt 2014).

GAZING BACK: REJECTION AND DECONSTRUCTION

So far, I have mainly dealt with strategies of integration, working with tactics of transvaluation, especially in regards to dress, media and Islamic networks in general that are related to demands of integration through modernity. I will close with some examples that mirror and deconstruct the demanding gaze.

A successful way to reflect discrimination and exclusion is parody, as shown by the actress and comedy star Idil Baydar, who has been running her own YouTube channel since 2011. She created the fictional character *Jilet Ayşe*, an 18-year-old German-Turkish girl from a well-known migrant neighborhood (Berlin-Kreuzberg) as a personification of stereotypes that satirizes the absurdities of integration requirements.

A disillusioning result of the *paradox of assimilation* is a sometimes harsh and demanding, melancholic rejection of participation in what is called *Heimat* (homeland). *Young Urban Muslims*, also the title of a former blog (Huffington Post), analyze very clearly the barriers of acceptance that they experience although they have followed the demands of integration. "It does not depend on graduation, whether one is integrated or not," says a young Syrian woman, raised in Germany, who cannot declare this country as her homeland, because it might not be possible to integrate elements that appear foreign to the German way of living in order to create her own, even broken form of 'Germanness' (Assaad 2017). The author Kübra Gümüsay emphasizes the particular vigilance of the descendants of third-generation immigrant families against reductive foreign attributions that prevent them from feeling a sense of belonging as a whole person and speaking more freely. She, herself an engaged author and activist, describes withdrawals from political participation as a result (Gümüsay 2017).

The authors of a recently published book *Your Homeland is our Nightmare* reject the fascist connotation of *Heimat* and their traces in the actual politics and claim for a plural understanding of home(s) (Aydemir and Yaghoobifarah 2019). What can be seen as a *talking back* (bell hooks) en-

larges the homogenizing gaze so that differences become visible, whether of people called 'migrants' or those who are not.

In the field of visual culture, there is a number of projects that deal with the deconstruction of the Orientalizing/Muslimizing gaze. In her 2014, Sarah Dornhof describes various contemporary art strategies. She identifies a trend towards ways of 'seeing Muslims differently': "The focus is not on representations of an o/ajective reality, but on subjective perspectives which can open up other potential spaces and visions […] deconstructing and reconfiguring the category ''Muslim' (Dornhof 2014, 177). In this context, I can cite the photo series 'We, they, and I' published by Feriel Bendjama, a photo artist from Germany, as part of a competition entitled 'Islam in Germany?' organized under the patronage of the former German President Wulff. She comments on the photo series in the following words:

> The 12 self-portraits show different perspectives on the Islamic head-dress. In the photographs you can see a woman with the Islamic headscarf. Sometimes, you see the headscarf from the perspective and wishful stance of Muslims. Sometimes from the clichéd perspectives of non-Muslims, and the woman with the red headscarf shows facets of a Muslim woman that do not normally conform to conventional ideas (Bendjama n.d.).

> While the work makes use of classical stereotypes, but multiplies them and juxtaposes self-perceptions and perceptions of others, it confuses the regimes of gaze, according to Dornhof's interpretation. It is thus not just a series of stereotypes, but rather different ways of perceiving and looking: "one where the Muslim woman is shown as the object of a collective gaze, or a screen for projecting collective fantasies, and another where the object of view is simultaneously a subject that returns the gaze, looking at the viewer in a manner that is unsettling, disturbing or not quite easy to read (Dornhof 2014, 181).

This also addresses the connection between photography and veiling/unveiling under the rubric of Orientalism. In a postcolonial perspective, photography appears as a materialized expression of a violent, fixating scopic regime of the colonial system, by which the colonizers are constituted as superior subjects of knowledge.[16] As a key

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[16] "Together with anthropology, photography played a central role in the attempt to record information about one's 'own' population and about the rest of the world, and it therefore played an important role in the politics of colonialization." (Wenk and Krebs 2012, 25).

scene, we find the prominent analyzed violent act of unveiling Algerian women during the Algerian civil war (1954-1962) (Fanon 2003). Wenk and Krebs describe the photoshooting as "exemplary for how medial and colonial use of violence actually intersects." After the French army in Algeria decided that all native citizens were to be registered and given a (French) identity card, Garanger was ordered to photograph Algerian women. Without their veils, they were obliged to give their identities to be seen. It was Garanger himself who associated this photographic act with an act of violation and male aggression (Wenk and Krebs 2007). But this power is opposed by another, as the quoted reading of the photos by the media scientist Phillippe Dubois reveals:

> There is not the slightest sign of shame, wanting to escape, or defeat here […]. The amazing thing about these photographs lies fundamentally in their *reversal* […] Because these women direct their gaze at the lens, which is violating them and trying to take their identity, focus it […] they all not only maintain their gaze […] but also *turn it around* and *send it back* (to us). By positioning the operator in his act, and by revealing the dispositive in which he is only an acting agent, these women appear to tell us: *You have me looking, trying to impose your gaze upon me, you have forced me to unveil my face. Then look, look me right in the eye and somehow you will see yourself and discover what your gaze is made of* (Dubois 1998, n.p.).

What comes to light in the return of the gaze is, in a psycho-analytical reading, not only the significance of the veil as a particular form of provocation because it is an obstacle for the will to know and refuse the male invasive gaze; rather, it is precisely the reflection of this view that questions the power relations, explained by Alloula: "Thrust in the presence of a veiled woman; the photographer feels photographed; having himself become an object-to-be-seen, he loses initiative: *he is dispossessed of his own gaze*" (Alloula 1986). This phenomenon would explain the vehemence with which (not only) the German-speaking public rejects head and face coverings, especially the niqab, until today.

The reversal of the gaze and the reference to the prevailing gaze regime is also a proceeding of the photo series: *Reda* (Satisfaction) by Isra Abdou. It comprises eight portrait photographs showing various women wearing the most common Muslim headdresses (hijab, burka, turban, shayla, al amira, selendang, chemar, niqab), the special feature being that they are transparent. Under the titles 'Your hijab doesn't work' (your burka, turban, etc. doesn't work), we are shown younger women in white clothing and the respective transparent head coverings, who look self-

confidently into the camera (Abdou 2019). The group portrait, which can be seen here, concludes the series:

Isra Abdou introduces herself as a German/Egyptian visual arts and teaching student from Berlin. The comment in a blog narrates that the artist experienced exclusion as a teacher in Germany because she was wearing a headscarf herself. 'Reda' addresses the expropriation process that is connected with dress regulations and the underlying projections:

> The advocates of headscarves are happy, because the women wearing veils; the critics are happy, because the veil is transparent. All are satisfied. Only the self-determination of the women - who originally should decide for themselves what they will show, how they live their religion, what the meaning of the headscarf could be - gets lost (Abdou 2018).

The desires appear doubled here, as both the desire for unveiling and the desire for covering are represented. At the same time both are thwarted - the covering 'does not work', but the unveiling does not reveal any deeper 'oriental' secret either. What we can see, are individual women wearing individual hairstyles, that do not deviate at all from normality. The white clothing may be seen as a screen, but it also renders visible its function. Instead, the question of covering and visibility becomes negotiable as a question of projection and power and as a struggle between foreign and self-determination. Abdou does not only want to address those who equate wearing a headscarf with coercion and

oppression, but also the headscarf wearers themselves, to invite them to a move of self-reflection by asking themselves whether they 'cover themselves for themselves or for others.'

AMBIVALENT POSITIONINGS

Under the imperatives of visibility and integration in German politics and society, contradictory attributions of positions that can be taken by Muslima have emerged. On the one hand, we can see how the construction of *the Muslim Girl* defines the borders of an assumed Germanness, especially the recurrence of the headwear. In a homogeneizing act, the Muslim women is attached to the (also western) traditional role of 'carrying tradition and faith' (Kassam 2011). On the other hand, is the *Muslim (Top) Girl* a position that is promising participation in and belonging to a western (here: German) society. As a symbol of hybridity that can mediate between 'both worlds' it is marked as modern in a globalized world and can also be appropriated to modernize the image of the nation. Strategies related to this topic were the rejection of Islam and different forms of mediation. The latter appears to lead not only to the function of the bearers of the (particular) collective, but also to the saviors of 'us all', in the sense of a fictional national community.

While professing Muslim women can experience appreciation as public mediators under the condition of an adapted appearance, the everyday mediation work that has already been done in the communities has remained invisible for a long time. If a career path is taken in accordance with the neoliberal society, structural disadvantages must be individually compensated for. Here we see that the expression of 'combining both worlds' idealizes the situation. These worlds are not homogeneous, and it is left for the women to deal with the structural conditions of discrimination, and the intersection of social, racist, and other factors. The limits of the assimilation paradox, in which difference is to remain visible in the service of the self-assurance of the majority norms, are constantly proving themselves anew.

The danger does not consist in resignation and withdrawl as a result of constant non-acknowledgement by the mainstream society. An alternative may be the path of deconstruction, which leaves behind the homogenizing gaze and construction in favor of a perception of the individual as well as of the structural conditions of provided threshhold positions.

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LIBERALISM AND RELIGIOUS REASONING: CROSS-CULTURAL INTERVIEWS OF ISLAMIC FEMINISTS IN EUROPE

TOURIA KHANNOUS

Abstract: 'Un Féminisme musulman, et pourquoi pas?' is the question posed by sociologist Malika Hamidi, echoing a concern regarding the incompatibility of Islam with feminism. This article investigates such concerns through analysis of interviews of Islamic feminists in Europe. In these interviews, Malika Hamidi, Salma Yacoob, and other Islamic feminists discuss the subject positions they adopt in relation to Islam and how these positions are shaped by media representations, the rise of Islamophobia, and the policing of Muslim-gendered subjects. They also reflect on the relationship between Islam and secularism as it is reconfigured in European societies. The article looks at the strategies the interviewers use to make sense of their respondents' feminism, at times viewing them as non-feminist or at a less evolved stage of feminist consciousness. On a theoretical-philosophical level, the chapter draws on John Rawls' and Jürgen Habermas' concepts of 'public reason' to pose the question as to whether public consent can be reached about religious reasoning in a secular society, whether European Islamic feminism draws upon European egalitarian principles in addition to Islam, or whether it has its own ideological concepts.

Keywords: Islamic feminism, Europe, interviewers' strategies, Intersectionality, public reasoning.

INTRODUCTION

This article examines interviews of Islamic feminists in Europe and focuses on how interviewing shows the contrasting worldviews of both the interviewees, Islamic feminists in English and French-speaking European countries, and their interviewers, most of whom are European, white, and non-Muslim. The goal is to highlight the distinction between the interviewers, who find themselves interviewing in a different

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cultural context than their own, and Muslim feminists who set out to use interviews as a source for giving Western audiences more insight into how they are viewed by the public in Europe. The article looks at the extent to which prejudice on the part of the interviewers might influence the kind of questions they ask their Muslim feminist interviewees, and the strategies Muslim feminists develop in order to shed light not only on the relationship between feminism and Islam within a secular European setting but also their own liberalism. The article sheds light on how the Islamic feminists being interviewed present certain strategies that bring to light an emerging Islamic feminism in a European context, that includes not only the Muslim strategy of *Ijtihad* but also liberal feminist theories such as intersectionality and womanism.

THE THEORY OF PUBLIC REASONING

On a theoretical-philosophical level, the article draws on John Rawls' and Jürgen Habermas' concepts of 'public reason' to pose the question as to whether public consent can be reached about religious reasoning in a secular society. Rawls' concept of public reason provides a useful theoretical framework, which allows us to look at the limitations of public discourses due to the strict separation of the religious and the secular in Western European countries, as well as the new strategies for open debate proposed by Islamic feminists. Unlike Rawls, Habermas does not propose definite norms for how to reason, what premises to use, and what conclusions can be reached. But he discusses the ways a modern society can deal with conflict, and offers what he calls a 'proviso,' in order to draw a direct comparison between his idea of public reason and Rawls'. Habermas argues that a modern society should set up institutions to assist religious believers to translate their ideas into publicly interpretable reasons (Habermas 2018). He also argues that a modern society needs to take into consideration the possible ethical insights that religious believers might provide a secular society (Ibid).

The article also draws on Rawls' concept of the 'veil of ignorance,' as a metaphor that signifies the privilege of the European interviewers and strategies, they can adopt to overcome their biases. Rawls argues that in order to eliminate bias in the original position, public discussions and agreements need to be reached behind the veil of ignorance, a thought experiment in which no one knows his or her own identity or values yet must reach an agreement on social rules. Because of inequalities, in order to negotiate purely on the basis of facts and to agree on universal and public principles, the hypothetical parties go behind 'the veil of ignorance,' since "First of all, no one knows his place in society, his class position or social status" (Rawls 2009, 118). For Rawls, the veil of ignorance is a tool

of enlightenment that will allow the interviewers to transcend the limitations of their personal biases. It is thus a means to gain better knowledge of what constitutes justice in European society. As participants in public discourse, the interviewers might not be very well intended in the kinds of questions they ask Muslim feminists, and they do not sometimes adhere to the rules of public reason. Rawls' idea of 'the veil of ignorance' is a power that the interviewers can potentially exercise over their own thoughts in order to avoid their own biases.

The European interviewers may not be homogeneous in their thinking, but a central problem of their mindsets concerns their narrow definitions of feminism and their characterizations of Muslim feminists as a monolithic group. This article examines the strategies the interviewers employ to make sense of Muslim women's feminism, at times viewing them as non-feminist or at a less evolved stage of feminist consciousness. While the interviewers reject Muslim women's identification as feminist, the subjects insist on using the label feminist, and approach the term from multiple positions. The interviews are full of cultural meanings and labeling which are rooted in their use of language (either French or English) in order to convey their message. Language becomes also a question of power since the language being used is the dominant discourse of those who define the agenda. This renders any kind of mutual understanding in an interview situation difficult if not impossible. Online interviews are often unstructured and open-ended. The result is that the Muslim feminists being interviewed speak at length on subjects of their own choice with relatively little prompting by the interviewer. The effect, as with all such open-ended interviewing, is the obvious difficulty in interpreting the responses of the interviewees even within the same cultural settings, let alone across cultures. Additionally, cultural and religious differences might cause the interviewer to not know enough about the topic at hand in order to ask insightful questions.

The question is also whether these interviews are authoritative or representative of Islamic women's feminism. David Silverman has noted that interview subjects construct not just narratives but sociopolitical worlds because they provide access to meanings they attribute to their experiences (Silverman 2004). The interviews might also be viewed as preliminary, and just one example of the problems of the mediation of Muslim women's representation. In their interviews, Islamic feminists Malika Hamidi, Salma Yacoob, Ismahane Chouder, Zakia Meziani, and Miriam Hatibi discuss the subject positions they adopt in relation to Islam and how these positions are shaped by media representations, the rise of Islamophobia, and the policing of Muslim gendered subjects. They also reflect on the relationship between Islam and secularism as it is reconfigured in Euro-

pean societies, which are increasingly shaped by immigrants of non-European origin, leading to a plethora of marginal cultural identities.

NEW ISLAMIC FEMINIST PARADIGMS

Muslim feminists in Europe are promoting a new form of religiosity and terminology that engages new theological and political projects of liberation from the sexism in their communities, on the one hand, and the racism and multiple levels of discrimination in European societies, on the other. "Un féminisme Musulman, et pourquoi pas?" [A Muslim feminism, why not?] is the statement proclaimed by French Algerian sociologist Malika Hamidi in her recent book on Islamic feminism, echoing a concern that is currently voiced across Europe about the contradictions between feminism and Islam (Hamidi 2017). Hamidi argues that Islamic feminists in Europe are questioning Western feminism, which sees its principles as the universal norm for women worldwide. She argues that it is necessary to deconstruct dominant theories that allow Western feminists to position themselves as the norm and as representative of all human experience (Ibid). The questions are: What are the points of differentiation between Islamic feminism in Europe and Islamic feminism in majority Muslim countries? Does European Islamic feminism draw upon European egalitarian principles in addition to Islam, or does it have its own ideological concepts? How could Islamic feminism function as a weapon of liberation? And what kind of contribution can Islamic feminism in Europe make to the civilization of the universal?

Islamic feminists in Europe adopt new methods of approaching scriptural sources in order to construct egalitarian precedents within the Muslim tradition. They also draw on feminist theories and postcolonial and subaltern studies that allow them to claim a position of marginality both as *women* and as *Muslim women* facing a variety of forms of oppression. Islamic feminism in Europe is thus a movement that bases its conceptual tools both on a 'feminist' rereading of Muslim texts and traditions, as well as feminist theory and postcolonial studies (Hamidi 2018). The way in which Muslim feminists in Europe have appropriated methodological tools pertaining to gender studies combined with a rereading of scriptural sources all prove that there is indeed compatibility between Islam and feminism. For every religion, there are feminists seeking to reinterpret religious tenets in ways that authorize women's freedom. By drawing on religious sources, Islamic feminists in Europe repudiate the public/private distinction between what is secular and what is religious, which makes their situation more complicated in the public sphere. They are engaged on two fronts. On the one hand, they are reinterpreting Islamic texts in a modern way to create an authorization for women's agency. On the other

hand, they feel the need to explain their goals to an unsympathetic public audience in order to gain allies.

In her book, *Muslim Feminism, Why Not?* Malika Hamidi demonstrates that Muslim feminism is not an oxymoron but a real notion that exists not only as a movement of thought but also as a means of action for Muslim women activists. It is a heterogeneous movement that is synthetic and syncretic and does not rest on binary distinctions: "This new 'model/profile' of European Muslim women is halfway between the western model of emancipation and the traditional model of the Muslim woman" (Hamidi 2018). The vision of such feminism is based on community, since it is a movement that is shaped by countless experiences and therefore has the potential to change the trajectory of Islamic feminism by including issues that are unique to Muslim women in Europe. Hamidi locates five major themes in European Islamic feminist thought. First, this movement creates future authority and agency by naming experiences that enable feminists to fight against negative representations. Second, it identifies the course of action for fighting against the interlocking structures of discrimination in Europe in terms not only of race, but also of class and gender, and suggests ways to 'foster solidarity.' Third, it develops 'a new model,' which combines political activism and intellectual thought. Fourth, it claims cultural and religious heritage in a way that gives feminists the tools to fight injustices in the fields of work, housing, and education. Finally, Islamic feminists in Europe are involved in local initiatives at the grassroots level, as they question anti-Islamic cultural practices within their own communities such as forced marriages, excision, domestic violence, and honor killings (Hamidi 2018).

Hamidi traces the emergence of the Islamic feminist movement in Europe to the 2004 law that banned the headscarf and to the rise of Islamophobia, which she describes as "un réflexe psychologique d'auto-défense contre l'Autre" (Hamidi 2018) [a psychological reflex of self-defense against the Other]**.** This kind of feminism emerged as a result of such exclusions and what she calls 'les blessures' (the wounds) of Muslim women (Hamidi 2018). The 2004 law as well as recent events have marked turning points because Muslim women who used to be invisible in the public space, have now emerged more forcefully onto the political scene. Their increased level of participation owes much to the intense media debates in France following the 2004 ban which focused on the conflict between religion and legal obligations. According to Joan Scott, "The ban on headscarves established the intention of legislators to keep France a unified nation, secular, individualist and culturally homogenous" (Scott 2007, 15). For Hamidi, however, the headscarf debate represents a more complex reality than the religion versus secularism dichotomy. According to her, the law is part of the colonial logic of the liberation of veiled women, as

discussed theoretically by Frantz Fanon, notably in *L'an cinq de la guerre d'Algérie*. Hamidi refers to an incident in 1958 when the French colonial authorities in Algeria orchestrated an event where Algerian women took off their veils and burnt them in public. This event might have been what motivated Frantz Fanon to write the first article of his book *A Dying Colonialism*, entitled "Algeria Unveiled."

INTERVIEWING PRACTICES

The question is how do Islamic feminists discuss these issues, and what should guide their public discussions? John Rawls has suggested that we should not base our participation in public debates on religious or philosophical doctrines, but on what he calls 'the ideal of public reason,' which places "public political discussions of constitutional essentials and matters of basic justice within the framework of what each sincerely regards as a reasonable political conception of justice, a conception that expresses political values that others as free and equal also might reasonably be expected to endorse" (Rawls 2005). As Islamic feminists in Europe engage in public debate, they often adopt a religious reasoning, which is based on logic and ideas of rights that are different from the liberalism of Rawls' public reason. Nevertheless, as we will see in their interviews, Islamic feminists in Europe are liberals who desire to secure Muslim women's rights, liberties, full participation, and equality that is due to all citizens of liberal democracies. The task of the Islamic feminist theorist is not only to show that liberalism is embedded in the Muslim doctrine through a reinterpretation of the sacred texts but also to persuade liberal democracies to live up to their stated ideals and not deprive religious and racial minorities of their liberties.

The very notion of feminism has a completely different resonance for the Muslim feminists being interviewed than it does in mainstream European culture, where people find it difficult to conceive of a feminism within the context of Islam. For the interviewers, feminism is largely a Western notion. By the same token, the Western concept of feminism is largely inexpressible in the same terms by Islamic feminists. Questioning the interviewees' religious practices is a common strategy, with interviewers often subtly criticizing Islamic feminists for speaking about gender and political rights within the tradition of Islam. Because Islamic feminists base their discourse on religion, the interviewers at times accuse them of violating one of the tenets of democracy, which is the separation of the spheres of religion and those of state. By wearing the veil and bringing religion to public debate, Islamic feminists break away from the secularism that defines modern democracies. Nonetheless, Islamic feminists emphasize that shared religious affiliation is inherently political. This explains why terror-

ism has added to the challenges of Muslim women in Europe, and the interviewers often place the blame for the recent terrorist attacks in Europe on Muslim women. In an interview with Ismahane Chouder, Co-President of *Collectif féminin*, and Zakia Meziani, President of an association for Muslim women's rights, the interviewer Léa Bouchoucha focuses most of her questions on the terrorism carried out by French Muslims of North African origin. Meziani reminds her French interviewer that she is not an expert on terrorism (Meziani, Chouder and Bouchoucha 2005), while Chouder adds that when Muslim extremists commit terrorist acts, it is always "female Muslims who pay the price for it. . . . This is why women should be included in any discussions of war" (Ibid). Such questions show that to Léa Bouchoucha terrorism is a Muslim woman's burden and a Muslim woman's issue. Bouchoucha's questions also focus on whether Muslim women face any bias because of their traditional attire. Chouder and Meziani point the finger at the French government, noting that it has not curtailed discrimination. The French government legitimizes discrimination against veiled women by outlawing the Muslim garb in certain milieus: "Many veiled female students are not allowed to go to class; sometimes they are denied access to recreational centers, doctors or driving schools" (Meziani, Chouder and Bouchoucha 2015). Such discrimination is also evidenced by the French government's recent defense of the republication of Prophet Muhammad's caricatures in the satirical magazine *Charlie Abdo*.

Religious groups are political, with shared beliefs and goals. Hence, due to their religious affiliation, the interviewers demand that Islamic feminists explain their plans: who they might ally with, and what their goals are. If their religious practice is entirely private, they would not have been subject to such inquiries. Islamic feminism, however, does not adhere to the conceptual distinction between private and public spheres. Philosophers John Rawls and Jürgen Habermas both proposed ideas about how to manage this private/public divide. Rawls's concept of 'public reason' requires religious groups to make their arguments in a common language of reason, so that the obligation of public reasoning is shared and mitigated. It may also be an obligation for both adherents and non-adherents (in this case the interviewers) to find suitable interpretations of the demands of religion (Rawls 1999).

Islamic feminists strive to find new interpretations by resorting to a kind of religious reasoning referred to as *Ijtihad*. In a 2016 online interview with British journalist Huw Spanner, Salma Yacoob, an Islamic feminist and a British political activist, who is based in Britain, provides instances when she has to convince her parents to allow her to go to the university because they were first-generation immigrants and were against sending girls to college: "I showed them some religious traditions that said that

seeking knowledge and getting an education are compulsory and, actual-
ly, educating girls is really stressed by the Prophet" (Yacoob and Spanner
2016). Yacoob forges her own spaces of agency by using her own liberal
feminist interpretation of Islam. She informs her interviewer that "there's
a mechanism in Islam, called *Ijtihad*, where you're always questioning [the
teaching] and applying [it] in the context […] Islam in itself is not rigid"
(Yacoob and Spanner 2016). Islamic feminist scholar Mir Hosseini has
defined *Ijtihad* as a way to find new solutions in light of exerting new in-
terpretations of the Qur'an and the Hadith (Prophet's sayings and deeds)
in order to guarantee justice as fairness for all members of society: "While
the Shari'a sets specific legal rulings in the realm of 'ibadat' [worship], in
the realm of 'mu'amalat' [transactions], its rulings are intended to estab-
lish principles" (Mir Hosseini 2003, 11). By *Ijtihad*, Yacoob allies herself
with Islamic feminists Fatima Mernissi, Ziba Mir-Hosseini, Leila Ahmed,
Amina Wadud, and Fatima Sadiqi who called for new feminist rereadings
of the Qur'an in approaches that dismantle misogynist constructions of
Islam. Yacoob argues that the Qur'an is not inherently patriarchal, but
dominant male interpretations produce misogynistic social and legal
frameworks. Margot Badran has pointed out that Islamic feminists use
feminist Islamic hermeneutics or exegeses. She posits different strategies
in Islamic feminists' hermeneutics, such as revisiting false Hadiths that
justify male supremacy as done by Fatima Mernissi who "exposed the
spuriousness of many Hadiths . . . widely used to uphold misogynist con-
structions of Islam" (Badran 2001, 50). Other strategies include the decon-
struction of the historical context of verses that have been misconstrued to
enforce male dominance. Islamic feminist Amina Wadud has brought
attention to verses that clearly prove gender equality. Wadud (1995) pro-
vides examples of verses delineating a so-called 'golden rule' in which it is
assumed that 'you' would want to be treated justly and as a full human
and thus should treat others in the same manner you would want to be
treated (Wadud 1995). Yacoob states in her interview that this command
was given to all humans, not just men and that not allowing women to
fulfill their duties as *khalifah* is a direct disobedience to God's command.

Even though Muslims are diverse, Huw Spanner assumes a generaliz-
ing and stereotypical view of Muslims in his interview with Yacoob. This
becomes obvious in his questioning of her loyalty and patriotism as a Brit-
ish citizen, and her attitude towards the wars in Iraq and Afghanistan.
Through these questions, Spanner assumes that all Muslims have the
same realities, regardless of gender, nationality, or race. At the same time,
he represents himself "outside culture (and thus the norm for humanity)
/and/ [a] universal human[s] who can represent all of the human experi-
ence. This is evidenced through an unracialized identity or location, which
functions as 'a kind of blindness'" (DeAngelo 2018, 59).

By asking such questions, Spanner forces Yacoob to assume a marginal position as she attributes her involvement in politics to an individual experience in which she was spat on in the street. She recounts that out of 'that sense of real helplessness and fear after 9/11' (Yacoob and Spanner 2016) emerged a desire to engage in the anti-war movement. As a Chair of the Stop the War Coalition in Birmingham, she is aware of the politics of being placed in an anti-war panel to defend the anti-war position because "they're getting a brown Muslim woman with a headscarf, so it's 'the other'. That's the politics of it," (Yacoob and Spanner 2018, n.p) especially given the Western focus on the so-called oppression of Muslim women in the onset and aftermath of the War on Terrorism in Afghanistan. Yacoob understands that it is veiled Muslim women like herself who bear the brunt of anti-Islam racism: "Sometimes, me being a Muslim – I just wish I was invisible. A Muslim does something on the other side of the world and I get kind of wheeled out because I happen to wear a headscarf" (Yacoob and Spanner 2016, n.p). Yacoob raises these questions not to reopen the debate as to whether the view of oppressed, veiled Muslim women is right or wrong, but to question whether Muslim women really need saving in a way that resonates with anthropologist Lila Abu-Lughod in her book *Do Muslim Women Need Saving*? The question of whether or not Muslim women need saving should be asked of those outside of the Muslim context, but ultimately should be answered by Muslim women themselves (Abu-Lughod 2013). This can be difficult for the interviewers to accept as their notions of what it means to be free and equal citizens is not necessarily compatible with their own limited understanding of Islam. Both Abu-Lughod and Yacoob ask this question to challenge the long-held Western view of Muslim women as oppressed beings with no agency of their own, which has justified wars in Muslim countries in the name of saving women from Islam, an attitude which is in disjunction with Muslim women's actual experiences. By justifying war on the basis of Muslim women's rights, the U.S., France, and the U.K. also used war as a humanitarian means to save Muslim women from Islamic terrorism (Abu-Lughod 2013). Spivak (1988, 93) has made similar observations in her essay "Can The Subaltern Speak?" about the imperialist co-optation of women's rights as "White men saving Brown women from Brown men."

Huw Spanner's condescending othering of Muslims is clear when he asks Yacoob whether Islam is the faith she happened to be born into and has embraced, or whether she has had the chance to explore other religions. These instances of condescension express attitudes of religious superiority, as he challenges Yacoob to draw comparisons between religions, and assumes that Christianity and Judaism are morally superior to Islam: "Jews and Christians, if asked about the harsher laws in the Bible—for example, that a woman caught in adultery should be stoned to death—

will say […] that was then and this is now and our understanding of God has developed in the centuries since. How would you respond to people who say that Islam is trying to take us back to 'then', to a harsher, less enlightened age?" (Yacoob and Spanner 2016). Such questions show misconceptions about Islam, which Yacoob counters by stressing similarities between religions, and noting her stance against what she deems 'hypocritical' Shari'a laws: "I think it's exactly the same challenge for all of us, because those verses *are* in the Bible […], in the Torah and […] in the Qur'an […]. I have actively campaigned against countries like Iran and Saudi Arabia where they do this, because I see it as […]. deeply hypocritical" (Yacoob and Spanner 2016, n.p). Spanner further inquires whether Yacoob's politics are shaped by "principles in the Qur'an" or the Hadith. (Yacoob and Spanner 2016). Such questions echo the Western view that Islam constitutes an antithesis to democratization because of Muslims' conflation of religion with politics. This biased argument rests on the common assumption that since the separation between religion and politics never happened in Islam, Muslim societies lack individual freedom and pluralism. John Rawls has posed the question of whether it is "possible for those holding religious doctrine […] to hold at the same time a reasonable political conception that supports a reasonable constitutional democratic regime? Can those doctrines still be compatible for the same reasons with a liberal political conception?" (Rawls 1999, 145). The question is also whether it is possible for the religious and the non-religious to unite under one constitutional regime through the use of public reason.

Spanner, however, does not see any potential for such unity since his questions capitalize on divisiveness and conflict. When he asks Yacoob whether she derives her political principles from the Qur'an and the guidelines of the prophet, he indirectly criticizes the lack of separation between religion and politics in Islam and traces such lack of separation to Prophet Muhammed, who is often viewed in the West as a political leader who based his political order solely on Shari'a law. Yacoob contests such myths when she insists that she derives her principles from her own personal interpretation of Islam: "[...] and that's a very private inner journey […]. And that's not fixed, because within Islam itself there's a breadth about the 'how' […] so we can argue and debate and be pragmatic" (Yacoob and Spanner 2016). Here, Yacoob indirectly contests the homogenous view of Shari'a, given the wide range of diversity in modern legal codes in the Arab and Muslim world. Jan Michiel Otto, a researcher of law in Muslim countries, has divided Muslim legal systems into three categories: classical Shari'a legal codes, secular legal codes, and mixed legal codes (Otto 2011). The majority of Muslim countries have mixed legal codes where Shari'a law is not dominant (Ibid). Additionally, according to law professor Asifa Quraishi-Landes, Shari'a "isn't even 'law' in the sense

that we in the West understand […]. It doesn't come from the state, and it doesn't even come in one book or a single collection of rules" (Quraishi-Landes 2016). Yacoob not only debunks the myths about Shari'a but also stresses the diversity of Muslims when she adds that there is no one Muslim approach to politics "because there will be many Muslims who disagree with my stance" (Yacoob and Spanner 2016). This characterization of diversity explains why Islamic feminists strive to embrace a kind of religious reasoning that envisions a liberal understanding of justice. According to Yacoob, the way to such a conception of justice can be reached through the Muslim doctrine of progressive *Ijtihad* as a strategy of renewal. For her, such feminist interpretations of the Qur'an run counter to her interviewer's view that Islam discriminates against women. But given that her religious reasoning is non-universal, it is automatically rendered invisible in the public arena. If Yacoob lived in a society that is religiously homogeneous, there would not be the communication failures common in such cross-cultural interviews, nor would there be such disrespectful questions, since religious reasoning would be part of the public paradigm. Both Rawls and Habermas have raised questions about how much religious discourse can be accepted in a democratic society where no one shares the same views. Given the discrepancy between secular and religious discourses, it is only in cross-cultural communication and dialogue that a theory of justice can be realized.

Rawls' and Habermas' concept of 'public reason' can be useful for suggesting ways to overcome the opposition between the Islamic feminists being interviewed and their interviewers, or between Islamic feminism and secular feminism. In his late 'post-secularist' writings, Habermas goes beyond what Rawls suggests to argue for the need to bring religious reason within a shared public sphere. For Habermas, "Rawls underestimates the existential force of religious belief—how such belief can, at least for some believers, provide the only sufficient basis for their political views, even when public reason might also be taken as supporting the views in question" (Bohman 2014, n.p.).

The demand that Islamic feminists "translate their comprehensive religious views into secular justifications imposes undue burdens on believers of this sort The demand for translation, rather, pertains only to politicians and public officials with institutional power to make, apply, and execute the law" (Bohman 2014, n.p.). For some communities, drawing distinctions between the religious and secular are viewed as artificial and wrong. In Muslim states such as Saudi Arabia, conservative religious authorities have control over marriage, family law, and citizenship, largely by default because there is no written secular constitution to set other boundaries.

For John Rawls, the possibility that citizens might reason inaccurately is not grounds for giving up on public reason's ideals. One major criticism of Rawls's theory, for instance, is his failure to account for racial stereotypes and their negative effect on public reasoning. Interviews of Islamic feminists in Europe often highlight the discourse of universalism through which the differences between the West and Islam become fixed and absolute. In her interview with Miriam Hatibi, a Muslim feminist who grew up in Spain, Àngels Doñate wonders whether Hatibi sees any "conflict between being a feminist and a follower of a religious faith. Or with wearing the hijab" (Hatibi and Doñate 2018). Hatibi insists that "religion is a constant search: working out the kind of Islam path you want to follow. If you strive for equality among all human beings, that has to also apply to gender equality" (Hatibi and Doñate 2018). Hatibi's stipulation that gender equality should be approached outside the framework of religion evokes Rawls' concept of the veil of ignorance, which he used as a way to reason about justice, which he defines as a hypothetical agreement or social contract on coercive rules for cooperation and achieving equality in society. Even though Rawls does not mention gender as one of the hidden identities behind the veil of ignorance, we can assume that his concept includes ignorance of one's gender. Applying a Rawlsian analysis to Hatibi's view that gender equality should be approached outside religion would allow us to posit that in selecting tenets of justice behind the veil of ignorance, men and women, Europeans and Muslims, should choose principles that are fair and that could lead to greater equality. Behind such a veil of ignorance, men and women, each unaware of their gender, and Muslims and non-Muslims, both unaware of religion, would ensure that Muslim women have greater equality in European society. Such principles of equality would be more compatible with CEDAW (Convention on the Elimination of all Discrimination Against Women) than with religion. While we cannot create a veil of ignorance, we can identify ways to broaden Muslim women's participation in law-making and increase their representation in public life. France's prohibitive form of the separation of church/state conflicts with Rawls' approach. The question is whether people behind the veil of ignorance would choose such strict prohibitions on religious involvement in politics, like those mandated by the French government. According to Rawls, we tend to assume that those in charge of social rules do not know their own faith; and that yet, they are aware of the religiously devout who are also good citizens. If we go back far enough in European history, around the time of the French Revolution, all political parties were basically the same as religious sects. It is, therefore, important that we understand Islamic feminists' movement in Europe as a claim on the European constitution in its commitment to free speech and freedom of religion.

INTERSECTIONALITY

Following the ban of the veil in France, Malika Hamidi, alongside prominent figures of French feminism, such as Christine Delphy, Catherine Samary, Monique Crinon, and others, founded the Collective of Feminists for Equality (CFPE), which is committed to fighting against all forms of domination (Scott 2007). Mainstream feminist institutions such as Le Comité National des Droits des Femmes excluded Christine Delphy's organization from a number of its marches and activities on the grounds that some of its members wear the headscarf. Christine Delphy characterizes such mainstream feminist institutions as exclusive and hierarchical: "Ils défendent une certaine idée de la libération. Il y a une seule voix et qu'il n'y en a pas d'autres. C'est une idée très impérialiste, assez classique en occident" (Delphy 2010) [They defend a certain idea of women's liberation. There is one voice and no other voices. It is a very imperialistic idea, quite classic in the West]. In the context of France's history, Muslim women have encountered obstacles on multiple political fronts. Christine Delphy traces such history to the last forty years where there was discussion about racial discrimination, but France did not adopt any policies against racism: "At the same time as Europe was urging all its members to fight discrimination, there emerged a notion that Islam was the problem [...]. Some teenage girls started going to high school wearing headscarves. And, gradually, between 1989 and 2003, this was constructed by anti-Arab lobbies as an act contrary to the French version of political secularism. Laicite" (Delphy 2015, 58).

Like Christine Delphy, Malika Hamidi is also critical of French feminists' unwillingness to organize against the disenfranchisement of Muslim feminists, and she deems it necessary to adopt new theoretical tools that engage with alternative affiliations, identities, and histories. She explains in her interview with Hassina Mechai that "Muslim feminists are adopting an intersectional ethics. They are shaking up the traditional cartography of feminism, especially Western feminism, thus rejecting ethnocentrism" (Interview Hamidi and Mechai 2018). Intersectionality refers to a school of feminism that highlights how different axes of discrimination intersect with gender. The term, coined by African American feminist Kimberly Crenshaw in 1989, uses Deconstructionist Critical Theory in attempt to look at how interlocking systems of power impact those who are marginalized in society. By using intersectionality, Hamidi emphasizes the variety of ways in which Muslim women experience gender and how gender intersects and is mutually constituted by other axes of difference. In her interview, Hamidi explains that both Afro-feminism and Islamic feminism share similar struggles. Thus, intersectionality is an essential term for Afro-feminists in the U.S., as well as for Muslim feminists in Eu-

rope because it highlights the oppressive systems that women experience on the basis of their racial, sexual, social, and/or religious affiliation. African American feminists' idea of intersectionality focuses on oppression along multiple axes. Kimberly Crenshaw's and Patricia Hill Collins's work on intersectionality is the best representation of such feminist tradition. Islamic feminists and African American feminists' common point is the re-appropriation of public spaces of protest and speech. Despite the fact that Hamidi acknowledges the commonalities between the two feminisms, it is obvious that the interviewer is making assumptions about both feminisms in terms of their marginality.

WOMANISM

Like Malika Hamidi, Miriam Hatibi is also critical of Western feminists who are oblivious of the intersectionality of race, class, and gender and who perpetuate the Islamophobia that has been part of imperialist politics. During her interview with Àngels Doñate, Miriam Hatibi defines feminism as synonymous with 'powerful woman' (Hatibi and Doñate 2018), a definition that resonates with Alice Walker's characterization of womanism as pertaining "to outrageous, audacious, courageous" women (Walker 2004). A womanist confronts her problems with power and self-possession, even as she faces discrimination and social asymmetries. Here Hatibi joins Hamidi and other feminists in Europe who have criticized Western feminism for not always being inclusive of marginalized voices and of being non-intersectional, thus not taking into consideration the intersections of oppressions Muslim women face. For Hatibi, there are as many types of feminisms as there are women's realities and experiences. Hatibi's womanism rests on female bonding and the female collective, since she feels the responsibility to claim women's collective struggle as her own: "I stand on the sacrifices of a million women before me thinking what can I do to make this mountain taller so the women after me can see farther" (Hatibi and Doñate 2018). Hatibi's understanding of equality resonates with Rawls' concept of 'justice as fairness' which stipulates that justice should be served to all women who contribute to success, a direct critique of the meritocracy that defines Western feminism.

Hatibi further argues that any analysis of Muslim women in Europe must simultaneously include religion, which is in stark contrast to the needs and priorities of white middle class women, whose feminism does not take into consideration the religious experiences of women who "follow a religious faith, or those who are poor or uneducated [...] in the belief that these women are not sufficiently qualified to understand feminism" (Hatibi and Doñate 2018). Hatibi also accuses white feminists of hiding their concerns for Muslim Arab women's rights under the guise of

Islamophobia. She is concerned about the weaponization of women's rights in Islam to continue inflicting violence on Muslim people in conjunction with the international structures and networks of anti-Muslim racism. She insists that we need to exert caution in order to avoid opening up Muslim women's activism to racist attacks and malevolent manipulation. She is also critical of the Islamophobia register of Western feminists' discourse in its instrumentalization of Islam in the women's rights debate:

> We spend a lot of time talking about the rights of women in Saudi Arabia, for instance, and often it is based on Islamophobia. We exploit these women to criticize the way men in their country treat them, but they're not important to us. And when they battle for things like the right to drive we fail to acknowledge it or take their victories as being almost our own […]. When it comes to black female activists women such as Desirée, their feminism doesn't seem to be important (Hatibi and Doñate 2018, n/p.).

Western feminists might tend to interpret events in teleological narratives of progress, that is, there is a pattern of development according to which some women are behind, and others are ahead. But this teleological interpretation makes no sense today. White feminists are unconscious of the realities of Muslim women in Europe and choose not to engage in conversations about racism. It could also be argued that because of the difference between individual action and moral responsibility, and systemic oppression and change, and because it is rational to avoid political conflict, it is unreasonable to expect Western feminists to confront systemic oppression when they do not have to. Since they do not deal with racism, it is unrealistic to expect them to do much in terms of fighting against it.

Nevertheless, Western feminists' anti-Muslim stances have posed a challenge for Islamic feminists like Hatibi whose work rests on an internal critique of the Muslim tradition in order to promote gender equality within the context of Islam. In her essay "Islamic feminism between Islam and Islamophobia," Hina Azam draws attention to these new challenges when she states: "How can Islamic feminists engage in this first step without arming anti-Muslim ideologues, who use such criticisms to present Islam as barbaric, misogynist, and incompatible with modernity?" (Azam 2018). Hatibi disentangles the issue of gender equality from Islam in an attempt to counteract Islamophobia. She questions the allegation that Islam is sexist when she states: "In the case of Islamic feminism, they say that it is the fault of religion. You don't think atheism is sexist? Communism is sexist, as is capitalism" (Hatibi 2018). Such statements signal a shift in Islamic feminists' critique from looking at the Muslim laws that might discriminate against women to the larger issue of Islamophobia. Here, Hatibi plac-

es Islamophobia within the context of anti-Muslim racism in order to shed light on the correlation between structural racism, prejudice and religion. She states that "humans develop prejudices to save time," (Hatibi and Doñate 2018) and subtly draws on concepts from social psychology such as 'bounded rationality' to suggest that prejudice and racism happen because we are irrational beings who act with limited rationality since we are limited by the type and amount of information we can access.

In conclusion, my analysis of the open-ended interviews with Islamic feminists in Europe is a synopsis of a wide range of topics, including the ban of the veil, terrorism, islamophobia, gender equality, and Muslim feminists' religious reasoning in their search for anti-racist and anti-sexist reform. The question is: What degree of accommodation for cultural values can the laws give to Muslim women and their moral codes in European courts, and how can liberal democracy accommodate Muslim women in their beliefs, customs, practices, and worldviews, especially when the conduct of minorities is not congenial to the majority? Following the 2004 headscarf ban, media debates focused on a growing Muslim population who want to be governed by their own faiths and traditions, and the fear that if Muslim customs and beliefs are allowed to rule, individual freedom will be compromised. In other words, how can liberalism offer some kind of justice to the religious citizens of a liberal state? And, if so, what strategies can one use to bridge the gap between religious and secular imperatives? Islamic feminists in Europe insist that there are fundamental systematic injustices. But these claims are under a great burden of justification. The divide between the religious and the secular is a massive asymmetry. Habermas and Rawls have offered their views on this divide, although they wrote about it with very different styles.

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'FEMINISTS AND MUSLIMS' IN FRENCH-SPEAKING EUROPE: FROM SUBORDINATION TO MUSLIM POST-FEMINISM

MALIKA HAMIDI

Abstract: This article focuses on identity processes at work as well as the strategies and forms of associative mobilizations characteristic of executives who define themselves as feminists and Muslim in French-speaking Europe. Indeed, it is during the 2000s that we witnessed the emergence of a new Muslim female subject who aspires to emancipation first through religion and then from a feminist perspective. By positioning themselves as feminists and Muslims, they are considered political subordinates because they refuse the borders imposed on them in the feminist and Islamic fields. This generation of activists of a new genre seems to be contributing to the emergence of this fourth wave of feminism that fits, not in the continuity, but in the reform of the dominant ideology. It is in this perspective that the contribution of postcolonial theory and the paradigm of intersectionality seem relevant concepts to understand the issues of Islamic feminism in French-speaking Europe in the hope of seeing feminism decolonized and anti-imperialist.

Keywords: Feminist and Muslim, hybrid identity, French-speaking Europe, associative mobilization, post-feminism, Intersectionality.

INTRODUCTION

To identify oneself as a 'feminist and Muslim' woman may sound like an oxymoron for some people, for whom feminism and Islam would be incompatible in the European context. However, a growing number of Muslim women activists are projecting themselves into and becoming part of feminist movements through their identification with Islam. This new generation of Muslim women no longer wishes to be seen as a minority aspiring to be recognized in civil society, but as subjects of

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their history alongside other women with whom they share similar struggles.

In French-speaking Europe, it is during the 2000s that an emerging female Muslim subjectivity started to aspire to emancipation first in the language of religion, then from a feminist perspective. The emergence of this feminine religiosity is taking place in a context of psychological pain and tense sociopolitical conditions in which it evolves. After the 9/11 events, we started to witness the beginning of a relentless media and political attacks against Islam. By foregrounding 'Muslim woman' in these attacks, the media makes her hostage in both the political debates and the Islamic discourse.

Indeed, it was in the mid-2000s that the issue of the Islamic headscarf emerged at the heart of European French-speaking societies. France had then experimented with two so-called Islamic headscarf 'businesses' before addressing the third one in 2004. But as Christine Delphy explained, "we were not interested in the first headscarf case of 1989" (Delphy 2011, 13). However, the third 'case' had a considerable political impact since women concerned by the March 2004 French law against the veil are doubly victim, first of racism, then of sexism. By reacting to the law as actors of their own history, Muslim feminist figures deconstruct social representations and stereotypes, and enhance the capacity to act[1], thus forcing the debate to be nuanced. These Muslim women are leading a struggle against both 'sexism' within their own community of faith and within the larger civil society, and against 'racism' and the multiple discriminations of which they are victims in European societies. By positioning themselves as feminists and Muslim, these women are considered political subordinates because they refuse the boundaries imposed on them.

The 'visibility' of this new kind of subject in the public space undermines the debates in several ways. On the one hand, feminism and Islam constitute two conflicting fields in the ideological, scholarly and political fields according to a certain political and intellectual class. On the other hand, the sudden irruption of religion through the visibility of the Islamic headscarf in the public sphere is experienced as a threat and an affront that subjects women to a normative morality imposed by religion. Finally, in France and Belgium, Muslim feminists problematize the universality of feminism by deconstructing the dominant theories to make room for diversity, and thus, reconfigure the 'mapping of feminisms' through their

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[1] I borrowed this expression from Saba Mahmood, who redefines the notion of agency (capacity to act) within feminist studies. Within the pervasive problematic of oppression and resistance, this agency is (implicitly) considered as the "natural capacity to defend one's own interests, against the weight of customs, tradition, transcendent will or any other obstacle, individual or collective (Mahmood 2009, 22).

political and identity claims, fed by a common desire for liberation from structures of domination.

This article focuses on the advocates of this 'Islamic feminist rhetoric' (Cooke 2005) who are engaged in a serious work of identity reconstruction in which they define a new Muslim feminist identity as a hybrid identity that combines feminism and religiosity in French-speaking Europe within a postcolonial context. This reconstruction challenges the conception of a woman model, as advocated in the cultural milieu of origin, or as valued by the French and Belgian societies. In the first part, I will address the relationship between Muslim religiosity and the '*desire to be an actor*' (Tourraine 1995). I will explore the way in which Muslim feminists understand their relationship to feminism through identification with Islam. This will lead me to address the question of the contours and the process of hybrid identity affirmation in religious discourse, and more particularly the emergence of a Muslim feminist identity in the French-speaking Europe as a strategy of emancipation. Indeed, the issue of hybrid processes of identity is crucial in multicultural societies, as it reveals a quest for identity redefinition through religion, in this case among Muslim and feminist activists in Francophone Europe. In the second part, I will highlight the emerging tensions around this new form of feminist and Muslim militancy that is being structured and organized to face the issues that are taking shape in the public sphere pursuant to the stormy debates around the controversial issue of the so-called Islamic headscarf that has divided the French and Belgian feminist movements. Finally, I will revisit the discursive and conceptual strategies that Muslim feminists mobilize in their relationship to religion and feminism, as well as the way they define themselves and act in the struggle for women's rights. Indeed, this generation of pro-faith and pro-feminist activists seems to contribute to the emergence of the fourth feminist wave within Muslim post-feminism. I see the advent of this type of feminism as a state of mind and intellectual maturation of the sociopolitical aspect of the Muslim feminists of the 2000s. It expresses freedom of conscience and the autonomy of women beyond religious affiliation. Over the past five years or so, this Muslim post-feminism has raised new hopes in its quest for freedom beyond the need to mobilize the religious to build an intersectional solidarity. It is no longer a question of limiting the struggle to the religious argument, but of feeding this fight by being equipped with the conceptual apparatus of theories related to intersectionality.

EUROPEAN MUSLIM FEMINISTS IN THE POSTCOLONIAL
CONTEXT: A DEVELOPING 'SUBORDINATE COUNTER-PUBLIC[2]
BETWEENRELIGIOSITY AND FEMINISM – A HYBRID IDENTITY
PROCESS UNDER CONSTRUCTION

Changes related to the status and role of women are being attested among
European women of the Muslim faith, for whom Islam is a major parame-
ter in the construction of identity. In a secularized context, such as France
or Belgium, it is interesting to analyze the identity construction of Muslim
women. Sociological research in this field, and within the French-speaking
world in general, aims at shedding light on this process, seen as a relative-
ly new and fast-spreading phenomenon. In recent years, some researchers
have begun to take an interest in this new 'educated and claiming female
model' which needs to be studied in terms of identity and from a sociolog-
ical point of view.[3] Moreover, as Turkish sociologist Deniz Kandiyoti
points out, the existing literature under the label 'women and Islam' does
not focus on notions such as patriarchy and the state, which are necessary
for sociohistorical and contextual analysis. To shed light on the construc-
tion of this emerging Muslim feminist identity, it is crucial to analyze the
identity dimension under the sociological prism, and in the 'sense of self,'
as it emanates from the literature produced by actors of the Muslim faith.

In France and Belgium, the most common objection to the religious af-
filiation of Muslim women is the wearing of the Islamic headscarf, seen as
synonymous with subjugation and oppression. From this perspective, the
adoption of the headscarf is an affirmation of belonging to the Muslim
religion. Thus, although the framework of the construction of this identity
as it is inscribed in the Muslim tradition constitutes a starting point, the
other parameters constituting this identity will pass through the efforts
and struggles to be carried out in order to be inscribed 'in the modern
condition' by claiming the right to be recognized as a feminist in its own
right. This is indeed a break with the traditional predefined role of the
Muslim woman and a political and feminist awareness in the European
societies that are now theirs.

REDEFINING AN IDENTITY BASED ON TWO-VALUE SYSTEMS

Some young European women of the Muslim faith mobilize the religious
referent as a strategy to escape the two spaces in which the family envi-

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[2] I borrowed this expression from Frazer (2005).

[3] See, among other authors, Amiraux (2004), Brion (2004), Taboada (2004), Bouzar
and Kada (2003), and Weibel (2000).

ronment and civil society try to lock them up in. They go through the construction of a strong Muslim female identity to access modernity. These Muslim women define themselves freely by reappropriating religion within the French culture. They express the wish to fight against two poles that seek to subjugate them when all they want is to live their religiosity as Muslims without having to face domination in society. In the specific context of French-speaking Europe, the different modes of belief, the individualization of faith, and the redevelopment of a dynamic religiosity at the heart of the process of European secularization is highlighted (Fadil 2009). In this context, Muslim women express individuality by practicing it, inspired by the scriptural sources they appropriate from their history and their personal faith.

Indeed, today's social debates underline a tendency to contest this dynamic in the movement led by these women who fully assume their belonging to French or Belgian society, their Islamity and the wish to be recognized as feminists. However, a women's movement, supported by European governments[4] (whose discourse highlights the legitimacy of a feminist, secular and 'modern' identity) opposes these activists of the Muslim faith. Although they foreground female actors, these debates, remain superficial and underpublicized. The exceptionality of the debates is increasingly claimed by the women activists whose capacity for reflection and action is no longer confined to the Muslim community but extends to the feminist movements. I could observe an interesting attitude regarding the emerging identity process among Muslim feminist activists: a process of identity redefinition and a process autonomization of this feminist identity vis-à-vis the feminist movement, on the one hand, the and Islamic movements, on the other hand. Indeed, a new form of religious militancy emerged with religious actors advocating a worldview that combines Islamic reference and modernity beyond Islamic structures, such as the Union of Islamic Organizations of France.[5] The challenge for them is to fight against the patriarchal mentality of these Islamic organizations while refusing the permissiveness of the West. Activists from this network testify that they have made a transition by joining in activism within non-Muslim structures, and by fighting for the recognition of Muslim wom-

[4] In France, we can cite the politically supported movement 'Ni Pute Ni Soumise' (Neither Whore Nor Submissive), whose media popularity does not reflect support on the ground.

[5] The Union of Islamic Organizations in Europe (UOIE), led by Ahmed al-Rawi (the official ambassador of the Muslim Brotherhood to Europe) is an Islamic organization based in Europe. The Muslim Brotherhood created the UOIE and several of its national subsidiaries, including the Union of Islamic Organizations of France (now 'Muslims of France').

en's rights in European societies. On the other hand, with the re-appropriation of the debates relating to Islamic headscarves, they move the cursor of demands by placing it on the respect of religious freedom and citizens' right to equal treatment. The struggle is thus no longer situated solely on the purely religious register, but on the right and freedom to "do what one wants with one's body, to veil it as well as to exhibit it."

The presence of Muslim women in the public media has become a common thing, a fact that has facilitated taking political positions on their behalf in social debates. With this visibility and this capacity to act in European civil society, the veil is no longer the marker of identity that has long been attached to the Muslim woman's identity, as a way to 'objectify' and freeze the Islamic female identity in the debates. The elaboration of a feminist rhetoric is the fruit of a desire to see the normalization of the presence of these Muslim women in all spheres of society combined with a new assumed Muslim feminist identity. For this reason, the engagement of Muslim women activists in feminist movements as agents of change, claiming Islam seems promising as a way out of the clash of stereotypic ideas about the existence of a Muslim feminist identity. This identity process allows women to build an autonomous Muslim feminist identity that is congruent with their insistence on believing and living at the intersection with feminism. However, this identity needs to be defined because it carries the values of gender equality and justice, which brings us to the hybrid process of identity renewal at work among Muslim feminists.

FEMINISTS AND MUSLIM WOMEN: 'AND WHY NOT?[6]

In France, the stormy debates around the controversial issue of the 'Islamic headscarf' have, on the one hand, divided feminist movements, and on the other hand, highlighted the racist and colonialist overtones of the discourse held by some intellectual activists unconsciously or consciously influenced by the colonial past of their country, which also guides their ideas, as well as their relationship to European women, descended from immigrants from former colonies.

It is in this context that a challenging and counter-current phenomenon emerged, first in France and then in Belgium: collectives of Muslim women activists engaged in an Islamic and feminist perspective at the same time. I will illustrate this point through the 'Collective of Feminists

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[6] The famous expression 'Why not?' by Christine Delphy, a historical figure of the French feminist movement, was pronounced during the CEPT (Collectif Education Pour Tous) meeting at the Trianon on February 4, 2004 in relation to the hybrid identity under construction by Muslim feminists in France.

For Equality' (CFPE)[7] which was born in France in 2004. This collective targets the mobilization and action focus on the field in the fight against successive and stigmatizing attacks against European citizens who wear the Islamic headscarf. Some Muslim feminists are invested in these collectives and have created political alliances, unique and disturbing at the same time. These collectives bring together women from diverse backgrounds (veiled or not), atheists and agnostics, Muslim associations, and secular organizations whose aim is to defend freedom of conscience and its effectiveness, the end of exclusionary measures and the end of discrimination in employment and education. Muslim feminists in this collective are investing in the feminist field in order to create a debate and question the idea that Islam is incompatible with the struggle for gender equality. These feminists consider the law against headscarves to be liberticidal, a law of exception and exclusion. It is in this capacity that they take up the challenge of engaging in the feminist field while challenging leading figures of French and Belgian feminism in order to fight against this law, which is both sexist and racist.

THE TONE WAS SET: FEMINISTS AND MUSLIM WOMEN, 'AND WHY NOT?'

It is, therefore, through the commitment of numerous feminist activists, academics, and political figures, that a generation of women of the Muslim faith is being empowered, and is becoming more visible in the political and media scenes. They appear to be actors of change, armed with an unexpected and disturbing political and intellectual maturity. The most striking example is undoubtedly the 'headscarf affair' mobilization in the face of a feminist and secular movement divided on this issue. In this mobilization, Muslim women in France and Belgium were questioning the founding principles of 'anti-clerical' secularism and non-inclusive feminism.

FEMINIST MOVEMENTS IN THE FACE OF THE ISLAMIC HEADSCARF TEST

[7] The Collective of Feminists for Equality was born out of the petition ' Veil on Discrimination' published in *Le Monde* on 9 December 2004. The petition aimed at, among other things, to "fight against discrimination suffered by women and for equal rights [...], rejecting the idea of a single model of the liberation and emancipation of women [...] , respect the free choice of women by putting on the same level the right to wear the headscarf as much as the right not to wear it" (Available on http://cfpe.over-blog.org/).

In France, while the debate was in full swing, fueled by political and media pressure, the main feminist movement faced internal splits regarding the ban on the veil. Feminists, anti-racist movements, and civil society actors were caught up in a political whirlwind because they had to take a position very quickly as to support or not the anti-veil bill. Two opposing points of view were emerging and the distance between feminists was widening, which made the dialogue more and more complex despite a common objective which is the emancipation of women.

In France, two poles emerged within feminism: the first one situated its critique in relation to the structurally unequal social system that is responsible for the social exclusion of communities of immigrant origin. The second pole centered its struggle on the defense of the values of the republic and secular universalism and against the dangers of the contemporary fundamentalist thrust in French society. Thus, French feminists were confronted with a dilemma, not knowing which struggle to prioritize: the feminist struggle or the anti-racist struggle?

On the Belgian side, the feminist movement experienced a similar but less radical division on the bill banning the Islamic headscarf. Belgian feminists were called upon to make urgent choices, which some regretted afterward, such as Nadine Plateau, a leading figure of Belgian feminism, co-founder of the journal 'Chroniques Féministes' (Feminist Chronicles), and former president of the Women's University in Brussels. Contrary to France and even before the debates got bogged down, I had very early on claimed the need to create spaces for dialogue in order to listen to each other's arguments and to rethink a struggle based on the new questions posed to Belgian-majority feminism. Some Belgian feminists have remained trapped in a fixed doctrine, which led to simplifications and the exclusion of an entire generation of women.

A MUSLIM FEMINISM? AND WHY NOT?[8]

A number of interrogations and a certain timidity set apart some feminists who were bewildered by women who were then perceived as a population to be protected, and who suddenly emerged as actors of change, endowed with a strong and active religiosity and claiming values perceived as contrary to the Western feminist struggle. The presence of Muslim feminists within the feminist movement triggered a theoretical questioning of the concepts of feminism, on the one hand, and a political questioning of feminist 'praxis' in the face of new issues in a multicultural context, on the other hand. A number of Muslim women activists then saw the future of feminism as wrought with confrontation and its success as depending on

[8] This is the English translation of my 2017 book.

how feminists respond to their specific demands. The feminist practice was thought to be capable of creating spaces where giving credit to the other and dialogue are reinforced by various disagreements without impeding the constitutive form of the common woman as advocated by committed Muslim feminists.

Indeed, the emergence of organizations such as the 'Collectif des Féministes pour l'Egalité' (CFPE) (Collective of Feminists for Equality) in Paris rightly questions the mapping of the French feminist movement by elaborating a third way at the crossroads of an outdated republican universalism and a racist vision of the Islamic headscarf. Within this structure, militants, Muslim and non-Muslim, secular, agnostic, Marxist, etc. agreed that the law on the headscarf is sexist, racist, and essentialist. The objective of these platforms is to adopt a proactive stance in relation to one's own history, and one's own representations, sometimes nourished by the colonial paradigm, in order to rethink the feminist movement in France in the light of new political questions that transcend religion.

It is relevant to recall, however, that in Belgium, feminist activists, whether Muslim or not, have been inspired by the French experience. For example, the 'Initiative of the Social Forum of Belgium' in 2010, whose feminists belong to various collectives fighting against the ban on the veil, decided to organize a 'women's workshop' to highlight the concerns of the Belgian feminist movement and propose avenues for reflection and analysis that the movement cannot set apart today in its strategy to fight against all forms of discrimination, but from the Belgian context is more peaceful towards religious issues. Indeed, from the 'French-style' experience of Muslim feminists, they detected the need to build political alliances on priority issues, despite divergent positions within the Belgian feminist movement that was more open to the diversity of feminist struggles. Their approach has been to respect the emancipation strategies of each one while developing the capacity to act for women in difficulty, whatever their specificities. Within the feminist movement in Belgium, several questions emerged with respect to building a feminist 'we' and envisaging solidarity beyond the divergences. In sum, this feminist militancy from a religious perspective has convened concepts such as the emancipation of women, modernity, and oppression, while confronting the points of view of Muslim feminists in Europe by considering their histories, memories, and trajectories.

BEYOND RELIGIOUS AFFILIATION: THE DAWN OF MUSLIM POST-FEMINISM

In the French-speaking parts of Europe, the political tensions linked to the debates on the Islamic headscarf led feminist movements in both France

and Belgium to develop an in-depth analysis of the theoretical and practical bases of their movements in recent years to promote the emergence of a feminist current that is at once anti-racist, anti-colonial and anti-capitalist. Beyond religious reappropriation and feminist ideals, there is a desire to promote concepts that nourish the foundations of what I identify as a 'post-Muslim feminist movement.'

In parallel to this context, a growing interest in English-speaking Postcolonial Studies was emerging with a focus on anti-racist and anti-colonial feminism. Feminists see the postcolonial feminist perspective as hopeful and essential for the emergence of a decolonial feminist movement that questions hitherto 'untouchable' Western universalism. As the systems of oppression of women are multiple, in a capitalist, colonial and patriarchal globalized system, this perspective was more productive and relevant than ever. The impact of intertwined different social relations of oppression differs from one woman to another and influences her situation of oppression in a specific way. Feminists started to highlight the need to take into account the multiple interweaving of racism, patriarchy, and social class in order to deepen 'their analyses of sexist oppression' and to define more appropriate and more 'operational' perspectives for feminist activist action.

In France, as in Belgium, the so-called 'Islamic headscarf affair' revealed the face of Western feminism of the second wave on the political and intellectual level and its dominant and Western superiority approach to questions related to the emancipation of women. This approach was strongly contested by Muslim feminists, veiled or not.

Racism and Western colonialist ideology separate the population of the French territory into distinct and hierarchical groups, by attributing to the Other, Arab or Black, a difference which then serves as a basis for the legitimacy of the differential treatment applied to it (Benneli 2006).

The feeling of exclusion, as well as the discrimination against Muslim feminists within the feminist movement itself, are determining elements in the process of searching for an analytical model to overcome the perverse effects of the various systems of oppression experienced by women whether in relation to their social, economic, or religious affiliation. Thus, in recent years, some feminist theorists and practitioners are increasingly stimulated intellectually by the contribution of postcolonial theories and the concept of intersectionality.

The concept of intersectionality was first introduced in the 1990s by Kimberlé Crenshaw,[9] who developed a conceptual framework and de-

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[9] Kimberlé Williams Crenshaw, born in 1959 in Canton, is a leading American critical race theory feminist, lawyer and professor at UCLA School of Law and Columbia Law School, specializing in race and gender issues as well as constitutional law.

fined intersectionality as "a complex dynamic of oppressions that are multiple, simultaneous and structural" (Crenshaw 2005). To build her theoretical framework, she relied on empirical research with battered women in Los Angeles. Intersectionality demonstrates that the exclusion of the interviewed women (as black, migrant, and Muslim) is the result of a cross between sexism and racism that they experience in a singular way. This concept allowed feminism to emerge from certain ethnocentrism. Indeed, in the 1970s, mainstream thinking was questioned by African American, Hispanic, and Indian feminists. Intersectionality as an analytical tool allows us to ask the political question of relations of domination, whether generated by colonialism, patriarchy, or racism, and to address the structural causes of situations of inequality and exclusion, as well as the stereotypical representations of Muslim women. Indeed, the promotion of an inclusive feminist movement can be enriched only by integrating into its research and activism a paradigm that incorporates into its thinking the analysis of the intersectionality of systems of oppression: "Feminist therapy cannot be based on a theory that would require an individual to choose to emancipate only one aspect of his or her identity, namely gender, regardless of the other identity dimensions that make it up" (Brown 1994, 69).

It is in the light of these critical and constructive questioning by intellectuals and feminists in the French-speaking Europe that certain theories and concepts are currently being revisited with the common goal of providing plural responses to diverse needs, particularly those of minority and marginalized Muslim feminists. In this regard, establishing an egalitarian relationship between Muslim feminists and mainstream feminist movements is imperative. Indeed, beyond the existing power relations between the sexes, Muslim feminists denounce exclusion, as well as the institutionalized hierarchical relationships, and aim at establishing a relationship of trust in inter-knowledge. According to them, some feminists are still grappling with their prejudices and personal values. No relationship can be devoid of values and subjectivity in interpersonal relations, all the more when it comes to sensitive issues related to women's emancipation. Indeed, many prejudices concern the inextricable link between Islam and submission when it comes to Muslim women, eternal victims of a patriarchal system inherent to religion and perceived as the main obstacle to any autonomy and 'empowerment.'

However, a relationship of trust for the purpose of common struggles cannot be built on stereotyped and negative patterns. Therefore, in order to move away from one's own emancipation schema, it is important to question one's own cultural codes while welcoming those of the other in a spirit of openness; these are part of the process of dialogue in the hope of achieving feminism of the future. On the other hand, the intersectional

perspective favors the analysis of the plurality of identity configurations at work, whose function is crucial since it influences the social and political action of our Muslim feminists in minority and exclusionary situations. The resistance and 'empowerment' strategies they develop are influenced by the complexity of the identity components that characterize them. Indeed, the notion of 'empowerment' makes it possible to influence their environment in order to create social, political, and personal change while providing them with theoretical and political tools.

Therefore, according to Muslim feminist activists, the development of an egalitarian relationship also requires their involvement in reflection and action on the liberation model, on the one hand, and the establishment of alliances and constructive collaboration on common struggles while finding compromises on feminist issues that divide them, on the other hand. A feminist practice that integrates intersectionality, as well as postcolonial theories, recognizes the simultaneous effects of racism, sexism, and classicism while placing the feeling of inferiority of Muslim feminists at the heart of its analyses, and opening the field to similar principles that reinforce solidarity between feminists of different horizons and promoting the discovery of diverse universes of reference. Also, it is crucial to problematize the concept of gender, which must be adapted to the new issues related to the sudden irruption of women from other cultures. In recent years, Muslim feminists in Europe have been apprehensive about gender as not being something fixed but changing through periods. They promote a critical distance from gender discourse within mainstream feminist currents, which tend to dismiss the entire alternative and decolonial discourses that are currently on the rise. The concept of gender is perceived as Western and if gender is to remain a valid concept, it must be decolonized, which means situated geographically and culturally in power relations between feminists from diverse backgrounds. They argue for the decolonization of the concept of gender because they live a specific reality with a system of patriarchy of their own. Irreplaceable, in their view, gender must be permeable to other systems of domination in European societies.

This new visibility of Muslim faith political activists in the public sphere poses challenges to the normativity of a dominant feminist thought in the West. It is at this price that it will be possible to envisage a decolonized and anti-imperialist feminism. According to the new Muslim activists, anti-racist and anti-capitalist feminism is all the more urgent since we are witnessing today in the French-speaking Europe a renewal of the systems of oppression of women on the economic and political levels. On the one hand, Muslim women are excluded from the job market, and therefore economically weakened because they wear a religious sign; on the other hand, the political instrumentalization of the question of women

through the 'headscarf affair' in France and Belgium has justified stigmatizing and Islamophobic laws that continue to marginalize a generation of women, eventhough these women feel fully European. According to Muslim feminists, these reactions are the reproduction of racist and colonial relationships that continue to prioritize and divide women on the basis of their social, sexual, and racial belonging.

In this perspective, it should be recalled that the challenge of a Muslim post-feminism must be the elaboration of strategies of solidarity and resistance in order to counter neocolonial relations between women. But above all, such an elaboration should come from the theorization of non-imperialist feminist thought in order to plead for inclusive, anti-capitalist, and anti-racist feminism. It is a question of recognizing the diversity of feminist currents and the multiplicity of liberation strategies in the women's movement, with the common objective being emancipation that starts from its own situation of subordination and moves towards a universal feminism that unites around the project of a global feminism where all women would find their place.

In recent years, the conceptual apparatus underlying Muslim feminism has offered feminist thought the possibility of questioning its own blind spots. This conceptual apparatus has become a key element in mobilizing Muslim women's associations, as it is rather depoliticized, and proactive while allowing for a non-binary and solidarity-based approach among women from diverse backgrounds while remaining in tune with our era marked by identity-based hybridities. Over the past five years, we have witnessed the emergence of a truly Muslim post-feminism that has resulted in the political and intellectual maturation of Muslim women in terms of ideas, and which has opened new windows of hope in this quest for freedom beyond the need to mobilize the religious frame of reference.

These women are no longer 'prisoners' of the preeminence of their religious identity; they engage in the promotion of a 'Muslim feminism 2.0' that is interested in intersectional solidarity. They are advocating for a more inclusive and promising feminist movement that recognizes the constitutive diversity of women across ethnic, religious, racial, and gender boundaries. From now on, Muslim feminism is everywhere and accessible to all thanks to new technologies, especially through the internet. We are truly facing a new wave of emancipatory endeavor to promote a Muslim feminism 2.0. Muslim feminists 2.0 promote independent communication systems and gains real visibility in social networks and the internet. This new form of digital feminist empowerment allows women to overcome all forms of media censorship; they are empowered and no longer dependent on mainstream media that give them a little place in their editorial lines. These Muslim feminist activists of the early twenty-first century

created this modern, bold and accessible Muslim feminism 2.0, accessible to all men and women, Muslims or non-Muslims.

Today, Muslim feminists in Europe are contributing to the history of women's resistance, revolutionizing the collective perception of the stereotypical image of Muslim women, and promoting a revolution of solidarity. Theirs is a struggle beyond religious affiliation, a depoliticization of the issue of Muslim women in order to repoliticize this 'We women' in the face of time and identity and in the light of a 'Muslim feminism 2.0'.

CONCLUSION

Throughout this article, I have stressed that mutations related to the status and role of women are happening among European women of the Muslim faith, and at the same time, belonging to Islam as one of the major parameters in the construction of identity. The process of constructing a feminist Muslim identity is a transitional stage that prepares the European women of the Muslim faith to claim a contextualized approach and question the norms regarding their status and subsequently address the issue of gender equality. The shift of the sphere of women's activity outside Muslim organizations and the redefinition of gender identity are the foundations of this feminist 'silent revolution.' The Muslim religious field is recomposed as a result of the emergence of this new type of activism, more particularly of the feminine element in it. The engagement of these women in the public sphere is seen in this article as an individual or collective strategy towards emancipation and a struggle against the discrimination of which they are victims. This commitment to the feminine takes different forms and the typology of feminist models identified among these women vary between feminist modes of belief and feminist modes of experimentation and highlight a clear heterogeneity in the ways of combining Islam and its relationship to feminism as a concept and movement. Yet, the priority is to redefine the fundamental concepts of feminism in the context of social and political change. Notions such as being in control of one's own body, autonomy, or modernity can be conceptually combined with new references and will enrich the future feminist movement in the West.

The 'cartography' of feminist movements in the French-speaking Europe will have been overturned by the advent of Muslim women activists at the heart of feminist and even political movements during the debates on the Islamic headscarf that have agitated France and Belgium. Indeed, it brought new issues to the forefront, which then changed the political and social substance of feminist rhetoric that would determine the future. In France, for example, the main question was related to the Republic in danger in the face of the Islamist threat, while others have not ceased to

denounce the French neocolonial unconscious that gangrenes a certain political class.

The hijab improvised a debate 'beyond the veil' on complex and taboo concepts such as colonial unconsciousness or racism that degrades European societies in their relationship to their minorities. Indeed, it revealed a deep philosophical, ideological, and political crisis around concepts that were once unanimously accepted. Concepts such as the Republic, democracy, secularism, and the emancipation of women have divided social movements because beyond words, their meanings have created oppositions within civil society. Tensions have emerged in the open, and languages have been loosened. Indeed, the veil as a religious symbol has taken discussions beyond the religious issue. Many women see Islam as an integral part of their identity, making feminism neither uniform nor homogenous. On the contrary, it is plural, and it is only through the acceptance of this plurality that it can become universal. It is in this respect that the postcolonial approach allows, on the one hand, an analysis that opens up perspectives in terms of understanding the interweaving of the different forms of oppression apprehended in the postcolonial context, and to rethink the foundations on which feminism must be revisited in relation to the new forms of feminism at work today, including the idea of an Islamic feminism that Muslim feminists claim with strength and determination and which could eventually be inserted into the postcolonial feminist current. It is a question of developing new tools to interrogate the 'white thinking' of the dominant Western feminist current which struggles to recognize the current and the presence of Muslim feminist activists as a liberation movement in its own right and which must be able to integrate itself into the majority feminist movement (Dubosc 2006).

This process of reform seems difficult to conceive and the theoretical contributions of postcolonial feminism contribute to the recognition of this multifaceted feminism, as well as the multiplicity of women's experiences of emancipation, as proposed by Muslim feminists by defining themselves as subjects of their own analysis while suggesting identity and political strategies to think about their liberation. It is in this respect that we see here the interest of a 'postcolonial' analysis in the study of identity configuration and the process of engagement of Belgian and French Muslim feminist activists within the majority feminism that struggles to recognize difference and diversity. Differences were often seen as a problem in themselves. On the other hand, the intersectional approach is likely to contribute to the critique of discrimination against racialized women. Indeed, the mobilization of an intersectional perspective seems to be operational in analyzing the complexity of the discrimination experienced by Muslim women, particularly those who remain the most marginalized in the public space, while placed at the center of debates, so that they are subjects, in

deeds and in words, in feminist activist practice, and no longer objects to be 'taken care of.'

The pondering behavior that Muslim feminists in Europe are developing in academic and activist circles is to elaborate a political agenda whose priority is not only to fight for social justice, but also to 'decolonize' feminist practice through the contribution of postcolonial theories, on the one hand, and the intersectional approach that they place at the heart of their 'praxis', on the other hand. From my point of view, this emerging Muslim feminist movement in Europe and beyond, and the liberation of women from within Islam, can perfectly fit into the perspective of Western feminist movements since its struggle meets the main objective of the feminist movement, namely the struggle against the different types of subordination of women. The similarities outweigh the differences, since in general, and even if the Western feminist movement is also crossed by different currents of thought, the essential demands are related to equality between men and women in the public and private spheres. In recent years in Europe, feminist movements and civil society have been called on to work with all women of the Muslim faith in order to become a driving force within politics and public authorities, thus reappropriating activism focused on social and political practices. They fight against 'multi-layered' oppression in 'multicultural' and 'multiracial' societies. It is not a question of speaking with one voice, as they believe this would contradict the principle of diversity that must be respected, but of sending a message to political parties and social movements and developing collective strategies of resistance against an unequal system.

The Muslim feminist movement in Francophone Europe is the result of a long process of reflection and action by activists and intellectuals who consider Islam to be a source of justice, equality, and dignity for all human beings. These values influence the future change they will bring about in secularized societies where the relationship to religion is undermined.

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ISLAMIC FEMINISM IN THE DIASPORA: SOMALI WOMEN AS MIGRANTS AND MUSLIM IN SOUTH AFRICA

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Abstract: What does Islamic feminism in South Africa look like in practice, that is as experienced, created and performed by Muslim women in the Diaspora? In this article, I draw on extensive ethnographic fieldwork among Somalis in Johannesburg and share four case studies of Somali women to raise critical questions of how we understand feminism, its relationship to time, space and identity and to document ways in which feminist agency is performed in complex spaces of survival.

Keywords: Islamic feminism, Diaspora, South Africa, Somali, Muslim, migrants, agency

WixiiXunbaXaawaleh" (All that befalls a family comes from women) – *Somali proverb[1]*

INTRODUCTION

Islamic feminism is a robust conceptual and analytical body of work. It is not my intention to reproduce the excellent work done by Seedat (2013); and earlier Ahmed (1982) and Wadud (2009). Instead, I will try to position this work within the space created between Islam and feminism by drawing on migration in South Africa. This provides an opportunity to further complicate how we understand Islamic feminism as a theoretical construct, by using border thinking. In South Africa, Islamic feminism has seen ebbs and flows. Jeenah (2001) traces its rise in the 1980s and 1990s to a more contextual and progressive reading of Islamic scrip-

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[1] Cited in an article by Yasmeen Maxamuud, a Somali writer, Nov 15, 2011 *Wahardee News.*

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ture, coupled with momentum and energy in the national political struggle for a democratic South Africa. He further identifies several challenges for Islamic feminism in the country over the last two decades, including an 'increased academization.' In many ways, Islamic feminism has been read synonymously with progressive Islam, and a widening of sociopolitical, economic and gender rights and opportunities (Essak, 2003). While not incorrect, this reading is strongly located in time, particularly in the anti-apartheid political struggle and the spaces this afforded for community activism. I want to draw attention to the socioeconomic context of post-apartheid South Africa, as a new space in which to analyze Islamic feminism. Here I emphasize migration, given the ways in which Islam has been diversified by the number of Muslim migrants that have arrived in the country (Jinnah and Rugunanan 2016). Islamic feminism in South Africa is a rich and diverse body of scholarship that has explored gender rights, women's access and advocacy for prayer spaces, customary marital and inheritance rights, and political activism.

In this article, I revisit ethnographic fieldwork data from my doctoral thesis (Jinnah 2013) using an Islamic feminist analytical approach. In particular I draw on four narratives of Somali women in Johannesburg, presented here as case studies, to explore the ways in which Islam and feminism are understood and performed. The case studies represent life stories of Somali women of different ages, social backgrounds, and life experiences to explore how the space between these two concepts – Islam and feminism – is used and understood. I locate these within the legal and policy context in South Africa for forced migrants. I argue that although gendered experiences of migration and settlement are varied, women are able to exert agency over their own lives, drawing on their intersectional identities as Muslim women, and that they constantly seek to renegotiate gender and social norms as inherent subjective extensions of their own desires, rather than as feminist objectives.

The outline of this article is as follows: first I present four case studies to make the argument on difference and agency, thereafter I show concrete ways in which women are creating new spaces for themselves in the Diaspora.

NARRATIVES

Case study 1: Dhuuxo

Dhuuxo is 25 years old and is divorced with four children aged 2, 6, 9 and 10. Everything is hard when you marry young," she told me. Dhuuxo's family fled to Kenya when she was a young girl after her father was killed in the violence at home. As undocumented poor migrants in Kenya,

Dhuuxo's family could not afford to send her to school; as a result, she can barely read or write. At the age of 15, she was married off to man she barely knew. He was living in South Africa at the time but had traveled to Nairobi for the wedding and stayed with her for a few weeks, before returning to his work in South Africa. During this time Dhuuxo fell pregnant. She was thrilled with this event, as she felt valuable and worthwhile for the first time in her life. After she gave birth to her first child- a boy- Dhuuxo was content and proud that she was fertile and able to produce a son, who would secure her husband's lineage and provide for her in her old age. These sentiments were confirmed when her husband asked her to join him in South Africa, shortly thereafter, and sent her money for the journey. With a young baby in town, she traveled by bus from Kenya to South Africa and joined her husband in Mayfair, a neighborhood in Johannesburg in which many Somalis have settled. Dhuuxo said that her *"life was beautiful then."* Her husband took good care of her, and she had no need to work. All of her needs were being met. In return, she happily bore three more children. However gradually things began to change, she says that her husband got bored of her, and even became abusive toward her. Things worsened when his sister moved closer to them in Mayfair. Dhuxoo says that her sister-in-law did not like her, because she was from a different tribe, and started interfering in her marriage, eventually coercing her brother to divorce her. She was also forced out of the marital house, and as she had no money or job and was unable to look after her children, resulting in her ex-husband getting custody over them. Dhuuxo then had to rely on the goodwill of other Somali women to meet her basic needs such as shelter and food. At our last interview, she was at the advice of another Somali woman, pursuing legal action against her ex-husband for visitation rights and had approached an Islamic organization to secure maintenance for herself (in line with Islamic law), which she hoped she could eventually use to request joint custody of her children.

Case study 2: Fartuun: "I just want a good life"

Fartuun began thinking of moving out of Somalia in 2006 following the assassination of two of her colleagues. She was a journalist-in training in central Somalia at the time reporting for an American radio company. It was this that made Fartuun and her colleagues a target. Many considered those working for Western companies, and particularly for American ones, as traitors or worse spies. Fartuun had never considered leaving Somalia before this event. She was born just before Syed Barre was overthrown and her life was marked by the political upheaval in her country. This was the only life she knew and accepted, for she believed that even amidst the chaos and violence, she would be able to make a life for herself

and reach her dreams. More importantly, Somalia was home: her friends and family were there; she knew the language and customs and she felt that she belonged. Although some of her half-siblings were living in Kenya and Norway, migration was not an option for her as she had been able to get an education and had the prospect of a good job in her country. However, all that changed one day in November 2007 when her colleagues were killed. Fartuun was forced to go into hiding and leave the city, settling in Mogadishu, where she stayed with family for a few months. During this time she realized that her dream of being a journalist was no longer possible in Somalia. For Fartuun, migration was an option sparked by a particular event, and it was a decision considered in order to find opportunities for study, work and "live a good life" as she put it. Yet, the decision to leave her country was not an easy one to make: She needed to consider whether the protection that migrating would offer would offset the betrayal she felt in leaving behind her mother and younger siblings. In the end, migration was an option for her because of two additional related factors: Firstly, the company she worked for arranged a route out of Somalia for her; and secondly, it offered her a job as a reporter in the Diaspora. So armed with the economic muscle that this gave her, Fartuun left Somalia in 2008 and settled temporarily in Kenya as an undocumented migrant. Although she was safe there, she still felt dissatisfied living on the "fringes of society" without being able to enjoy full access to educational and work opportunities. She did not feel that she could find the life she wanted in Kenya. In bustling Eastleigh,[2] she heard from other Somalis of a country where Somalis are easily granted refugee status, able to work or study, and perhaps even be offered resettlement in the United States or Europe. For Fartuun this new country- South Africa- represented her dream of a better life and she once again made the decision to move. This time, though, the preparations for the long and costly journey to South Africa would take her several months, and at times she even considered canceling when she encountered setbacks in her travel plans. Eventually, her desire to escape the stagnating life in Nairobi propelled her to finalize her plans and leave.

Once in South Africa though, she realized that life was better than what she had experienced in Somalia or Kenya. She obtained an asylum seeker permit on arrival, which enabled her to move freely in the country with documentation and gave her the right to work, study, or trade; shortly thereafter she had a full refugee permit. She resumed her reporting duties for the American company and easily integrated into the Somali

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[2] At the time, women were expected to wear skirts and dresses only in parts of Somali culture.

community in Mayfair, which though dominated by the Ogden tribe to which she did not belong, was fairly receptive to all Somalis. After three years in the country, Fartuun says that *"life in South Africa is beautiful if you have money,"* but for a poorly paid journalist who has a large family to support at home, she is unable to enjoy most of the resources around her. In particular she is unable to access the costly tertiary education that she covets.

Case study 3: Naqan

It is hard to believe that Naqan is only 24: Her life is so full of dramatic events which others might never experience in a lifetime. She was born in Kismayo, but moved to Kenya with her family at a young age. She told me that as a young girl, she was very petite and small in size, and would often get teased, but her father would hug her and tell her that she was his treasure. She attended school in Kenya and was living as normal a life as is possible for a refugee. She begins her story when she was 13 years old; she went to visit her aunt in another city.

> I was on holiday and went to my aunt's house, in a rural area. There I saw that there were preparations for a wedding. I went to play with some young kids and someone came to put henna on our hands, I was having a good time; laughing and playing. I didn't realize it was my wedding that I was being prepared for. My father had arranged my marriage to a man I didn't know and had not even seen, as part of a debt he had. I tried to run away but my mother said to me "please respect my (mother's) dignity and do as your father says." I was stuck on this farm miles away from anywhere. I got married there. It was rainy and the grass was green and long. I remember it all so well. I remember the long, long grass, and I thought 'I have to escape.' So I ran away that night. I ran and ran in that long grass until my legs couldn't move. I kept thinking they would find me, I was so scared. I was hungry and tired. I was lost in that grass and the bush; I didn't know where I was.
>
> The next day I saw a stray dog and I decided to follow him. He took me to a house. Inside I found a woman. I told her my story and she felt sorry for me. She wanted to take me to the police but I said no because I was scared they make me return to my father or worse to my husband. I spent 11 days with her. On the 12th day, I saw a man coming toward the house. I didn't even wait to hear what they were talking about, because I knew they had found me and that he was coming for me. I ran away again. I walked in the bush and on the gravel roads for days until I met a soldier who helped me. He gave

me food and clothes. I told him my story and he too was very sympa-
thetic- he wanted to go to my family and arrest them but I told him
no. I knew my father was not at home (he would be living with an-
other wife at that time of the month) and I didn't want my mother to
be in trouble. So the soldier took me to an old woman who he said
would look after me. I knew the woman: she was my grandmother's
sister, but she did not recognize me. She was very kind to me and
wanted to take me to her family but I refused because I knew some-
one would recognize me. I stayed with her for a month and two days.
I learned to read the Qur'an and I told her about my story but did not
tell her that my father was her nephew. She was very angry about it
all. Then after I felt safe enough to trust her I told her who I was. She
still supported me and said that she would confront my father. We
went to my mother's house. My mother had not eaten since the 'wed-
ding' she and my father (had) had a big fight and he had gone. My
mother and I decided that if I was ever to have a life I had to leave the
area. I wanted to go to Nairobi, where we had some distant family,
but I had no ID card as my father had given it to my 'husband.' I
could not travel without an ID card as the police would arrest me or
worse return me to my 'husband.' So we asked the soldier for help; he
promised to protect me and took us to my husband. This is when I
saw him for the first time, he was an old man who had two daughters.
He refused to divorce me or give me my ID card. The soldier threat-
ened to arrest him and called the police. I was so scared the whole
time that I ended up staying with him. I thought that all my difficul-
ties of running away were for nothing. I could not believe that I had
put myself at risk like this, especially after I saw my 'husband.' I knew
I would never be able to live with a person like that. But I was lucky,
the police came and there was a big scene – everyone was shouting
and screaming- but the soldier kept his word and protected me. Final-
ly, my 'husband' gave me my ID. I went back to my mother and
greeted her, and then to my grandmother's sister's house to start pre-
paring for my journey to Nairobi.

Nairobi was scary and big and different. Although I stayed with
family, I felt alone and hurt. The reality of my life hit me then. I cried
for 2-3 years in Nairobi. People I knew helped and sent me for coun-
seling. I learned to heal slowly in Nairobi. I also heard of South Africa-
I thought I needed a new life- so once again I made preparations for a
journey.

I came here in 2004. Life in South Africa has been good to me,
God has been kind and he has given me many blessings here. I was
always reading the Qur'an and trying to be close to God. My religion
helped me to heal. I got another chance in life, I believed in love again

and I married someone of my choice in 2007. I am pregnant now and am so happy, Alhamdulillah (Praise to thee God), I learned to even forgive my father. I heard that he was very ill so I went to Kenya to see him. My husband gave me money, I spent 7000 (USD) to take him to the hospital. Why did I do this? I forgive him, he is my father. But I had to leave home, my mother, my childhood, everything to find the happiness I have now.

Case study 4: Amina

Amina left Somali in 1995 due to the war and came to South Africa by land, crossing many borders on foot with three of her children. She has no other adults with her to assist her, and no men to protect her. She settled in Mayfair, in 1997, within the small Somali community. She received some help and short-term grocery assistance from other Somalis and a local FBO, and began selling some of these to sustain herself. Eventually, she was able to open a small business in the city but had to close it after being robbed. She opened another one elsewhere and became active in the community. As a single mother, she felt drawn to other women and began holding informal support groups at home where women could talk and help each other socially and financially. She received some funding from the Jesuit Refugee Service, an international NGO (Non-Governmental Organization), and opened a small school and a women's centre in 2000. But after a few years, the NGO began imposing Christian missionary messages in the school and encouraged the women to attend church. As a Muslim she opposed their idea and eventually their funding and her project ended. She continues to help other women when she can by providing information and support.

Following a spate of robberies in 2006 and 2007, she closed her business and started trading from home. She stocks groceries, cigarettes and airtime, buying small quantities in cash from local wholesalers. Most of her customers live close by. Her rental is paid by a local Muslim through the annual charity that he is obliged to give by Islamic principles every year.

Amina complains about stress, she has many expenses and little income, being a single mother to 6 children is challenging, not having documents to travel is frustrating. In Somalia she had lived a good life; her husband was a university professor, her father a diplomat. She had a big house, servants and an easy life. She had her own small business, *"everyone in Somalia had their own business or worked for the civil service,"* she says. She traveled often, to India, Dubai and South Africa to buy gold, material, clothing and electronics and resell them back home. Then the war intensified and she had to flee. They lost their home; her husband was killed and

nobody was safe. Now she survives on her meagre sales and people's charity. She hates this life but it is all she has (Jinnah 2013).

TOWARD A CONCEPTUAL UNDERSTANDING

Islamic feminism as documented in these case studies suggests a strong contextual grounding as fundamental to understanding how rights and responsibilities, gender and family roles and norms, and agency of women are expressed and nurtured. Furthermore, migration, in both the journey and the diaspora, can be both liberatory and restrictive, depending on additional factors such as the strength of social support, the availability of economic resources, and individual circumstances.

As a 'social practice' to borrow from Seedat, Islamic feminism is either used to advance or oppress women by the prevailing social and political authorities at home and in the diaspora. What is encouraging is how Somali women maintain and leverage an Islamic identity, and rely on classical Islamic principles of *zakah*, hospitality, and aid to establish themselves in the diaspora. As such Islamic feminism is understood as both a set of principles and a method of practice, allowing women to navigate complex legal, political, social and economic spaces.

The cases also show some of the multi-layered dimensions of feminism in the diaspora. Although family dynamics and gender norms are very much an extension and a result of prevailing practices at home, for example had Dhuuxo had an education at home she probably would not have married at an early age nor been financially dependent on her husband; her case also illustrates the different desires of women: To bear children, to prove fertility, to be looked after by a man as is their right in classical Qur'anic teachings. Fartuun on the other hand, was educated and independent, again as supported by Islamic teachings, which enable her to support herself in the diaspora and to take her own decisions regarding migration and onward migration. On the other hand, though, Naqan has found that her life as a woman *before* migrating was very different from the life she now has in South Africa. Whilst before she was subjugated to the decisions made by her father, she now is in a position to exert some control over her own life (she is now married to a man of her own choice (again exercising her rights as a Muslim woman over the cultural norms she was subjected to at home) and had traveled to Somalia and spent substantial money on her father's health care).

These cases also show the renegotiation of some gender roles and social systems: Dhuuxo is mobilizing knowledge and resources in the diaspora to fight back, what initially would have been left up to her family's position and mediated through tribal systems, is now an independent battle fought through the legal system entertwined in this, is also Dhuuxo's

mobilization of religious laws and systems to strengthen her position. In contrast, Amina has always been an independent woman; in part, this is due to her family's position in the tribal system, where they enjoyed a prominent powerful role. Amina was able to have a wider network of information, support, and capital to draw on when she eventually had to flee. In part too, it is due to Amina's own skills, self-determination, and drive for success that she is able to survive in Johannesburg. She is savvy enough to know how to cope in different situations, using her language skills and determined manner to find work, and was able to mobilize Christian and later Muslim donors to draw resources. For Naqan, the journey toward healing has been long and difficult; yet, she is now able to be a woman of her own worth, despite enormous challenges.

The ability to identify and mobilize networks is a characteristic of agency amongst Somali women (Jinnah 2013). As is evident though, the articulation of agency differs considerably. For Fartuun, the financial and logistical support provided by her company was instrumental in her capacity to leave Somalia; for Amina, it was the knowledge that she had gained in networks in Somalia that allowed her to build new networks in South Africa; for Dhuxoo, it was a much more difficult task: alone and vulnerable in a foreign land she relied on the goodwill of a few Somali women, who exercise Islamic and Somali ethics of charity and hospitality to make it through each day.

The (re)articulation of new identities and the emergence of new forms of social membership among these women are constructed and manifested in various ways. Many women who find themselves marginalized by some of the entrenched Somali patriarchal practices, such as male-dominated networks of trade, capital, and information, which are reproduced in Johannesburg, turn to new forms of social membership. These include women initiating their own social networks which assist with finding employment, childcare, housing, money, and information. The example of engagement with the host community, through membership in religious groups, to leverage financial resources in the form of school fees, cash transfers, and grocery coupons is another illustration of this. These arrangements are not always grand plans or strategic decisions amongst Somalis, but rather everyday practices that have subconsciously evolved as survival strategies.

For Somali women, food security is not dependent wholly on livelihoods. I met several women during the course of my fieldwork who had no source of livelihood, but who survived day to day by relying on help from other Somali women. I often came across these women, like Dhuxxo for example, sitting in restaurants, homes or shops of other Somali women. This help is very tactical in nature and is mostly manifested by a woman spending the day with another woman or family and thereby drawing

on the latter's provisions for food. It is more of a social contract based on moral obligation than an overt plea for assistance. This type of dependency is not seen as a burden amongst Somalis. Rather it reflects an obligation - and perhaps even a desire amongst some- to share food with those in their midst. As one woman told me: *"There is no joy in eating alone, I will wait until someone comes and eat a little with them than eat more on my own"* (Jinnah 2013).

MIGRATION AND FEMINISM

Migration has often been conceptualized as a socially changing phenomenon which disrupts social environments and weakens social control. However, it also provides an opportunity to redefine gender and cultural norms. For many Somalis, migration has significantly changed the composition and roles of households and families. Traditionally Somali households consisted of intergenerational, extended families led by a senior male member, in whom authority and allegiance were vested. Women played a minimal role in decision-making even when they were economically active.

Although some of these aspects of family and tribal life in Johannesburg remain, for the most part, the social fabric of Somalis is very different. Divorce is much more common in the diaspora; many women migrated alone or with their children; and many are in temporary relationships with men. These factors have changed the composition of traditional Somali households. Many households, as a result, consist of single-parent (mother) families with fragmented or weak ties to the wider clan. This change, together with the wider social and policy context in South Africa, has simultaneously created opportunities and posed risks for Somali women. On the one hand, the weakening of social norms which govern gender relations in the diaspora has allowed many women to take more active social and economic roles; thereby changing their status amongst their families in Johannesburg and at home. On the other hand, it has also increased the social, physical, and economic risk that women face at home and in society, due to the absence of an extended family network and a (male) protector.

HOUSING AND MENTAL HEALTH

Although most Somalis in Mayfair live in formal housing, with access to basic services such as water, electricity, refuse removal, and sewerage, I argue that two important determinants of space need to be considered in assessing the mental health of this group: Firstly, the strain of dense populations on urban services has resulted in a weakening of infrastructure.

This is evident throughout Mayfair and in peoples' homes. Houses that were designed and built for a nuclear or two-generational family are now home to multi-family households, or used as hostels, with as many as 25 people often sharing a single bathroom. Kitchens have often been gutted and used as additional sleeping areas and makeshift gas stoves are used for cooking in bedrooms. A lack of storage and cupboard space results in many people living permanently out of suitcases. These factors contribute to creating a sense of frustration and stress among household members. Secondly, the density of space reduces privacy and creates a particular social environment in Mayfair. People know about or hear of each other's personal affairs, and gossip flourishes in small and intimate spaces. I liken this to Turner's (2004) analysis of refugee camps in which truth matters less than perception and where rumor and gossip are important tools of social governance. Each of these factors has considerable bearing on the determinants and responses to mental health.

One aspect of housing in Mayfair which impacts on the mental health of Somalis is the density of the neighborhood. Although updated Census data is not yet available at the ward level, my own qualitative fieldwork suggests that overcrowding is a significant issue in the suburb. The scarcity of space and the high rental costs mean that overcrowding is inevitable. Yet, the effect of this and the multiple usage of space which is evident amongst Somalis (Jinnah 2013), on mental health is not well understood. Although multiple-family households are a norm amongst Somalis, in Mayfair the sense of overcrowding is exacerbated by a lack of clan and generational divisions. People from different generations and tribes live in close proximity, or in many cases in the same house. Many of my respondents complained not so much of the overcrowding but of its effect: Lack of privacy.

> If I have a resettlement application, and go to IOM, I will see other Somalis there, and everyone in Mayfair will know. This troubles me, because some people can get jealous of me. I am not superstitious but people can envy you and turn the evil eye on you (Jinnah 2013).

> Look at how everyone stares at me," Maria whispers to me, "it's because I am wearing trousers. In Mayfair if you dress differently everyone talks about it and you can never escape, it makes me so mad, that people make it their business what I wear or where I go. For example, yesterday I went to play soccer with my friends. Today I heard people say, "she is like a man" (Interview March 16, 2011).

CONCLUSION: BUILDING A DREAM- IF NOT FULLY REALIZING ONE YET

In many ways Somali women in Johannesburg feel that they are at a transit point in their lives: Away from a war-torn Somalia, or from dependency and restraints in refugee camps, or a precarious existence as an undocumented migrant in Kenya; or from detention centers or jails elsewhere on the continent. In Johannesburg, they have some sense of political, economic and social freedom, and are able to enjoy some of the benefits associated with these. They can live and trade freely, open small businesses or work for other Somalis, thereby enabling themselves to earn money, which allows them to remit to family at home, improve their positions within their own family, or save for an onward journey or a better livelihood. However, at the same time, migration as a continuous project has also exposed migrants to new challenges, such as negotiating life as women without the wider support and protection that kinship-based systems provided; this made them reface older problems, such as tribal divisions; and gives rise to new frustrations and dreams like not being able to easily travel out of South Africa on asylum or refugee permit, or apply for resettlement through the UNHCR (United Nations High Commissioner for Refugees).

The various processes, perceptions and outcomes of migration and settlement presented in this article point to the diversity, uncertainty, and fluidity of the migration project, and of the migrants themselves. As a strategy for survival, migrant women in this case study have articulated and performed faith-based identities, drawing on Islam to make connections, forge belonging and access resources. Such practices are framed by the particularities of space. How space and religion intersect within the context of migration is an exciting topic for additional work within 'Islamic feminism.'

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BOOK REVIEWS

Siren Song: Understanding Pakistan Through Its Women Singers. By Fawzia Afzal-Khan. Karachi, Pakistan: Oxford University Press, 2020; 211 pp.; illustrations. $20.00 paper.

Siren Song: Understanding Pakistan Through its Women Singers by Fawzia Afzal-Khan explores the politico-socio-cultural travails of some of the most remarkable Pakistani female singers faced with a history of sanctions – sometimes violent and even fatal - against female performance. It builds on the author's documentary film by a similar title *Siren Song: Women Singers of Pakistan* whose subjects use the universal language of music to imagine an alternative identity of their nation, caught as they are between the regressive ideologies of religious nationalism and progressive and democratic values. The strength of this book lies in the creative selection of "herstorical accounts from below," offering an examination of the complex socio-cultural interventions in the Pakistani nation state performed by the country's female "singer-citizens […] by utilizing a cultural materialist feminist lens that allows for new readings attentive to gaps and fissures in official accounts" (xviii).

Such renewed attention to the subversive articulations of Pakistan's female cultural citizens is especially warranted given the Western world's fixation with 'Muslim women,' seen as victims of a brutal Islamic patriarchy and therefore in need of rescue. Unique about Afzal-Khan's work is her debunking of such simplistic universal claims while at the same time complicating the question of female Muslim performers from within the space of the postcolonial history of the Indian subcontinent to recognize the complexity of their histories. To begin with, the professionalization of music during the renaissance period of the arts in the undivided India had resulted in the Hinduization of classical music and marginalization of the Muslim *ustads* (teachers) and the *gharaanas* (music schools), and the rigor of their centuries-old oral tradition of musical training. Second, despite musical arts providing the glue for bridging the diversity of ethnicities and regions, they became one of the biggest casualties of the anti-colonial movement. On the one hand, the emerging Hindu middle-

class nationalists disparaged well-established Muslim women singers as un-Indian, and on the other, the Muslim elite anti-colonialists vilified these public figures for not fitting into the Ashrafi discourse of respectability. Unfortunately, the demonization of these performers continued in Pakistan, which they chose as their new home in 1947, as the country's nationalist Islamic ideology did not know what to make of the musical arts.

What makes Afzal-Khan's work particularly noteworthy is its surfacing of the women singers' carefully crafted negotiations about their place in the state and the society as well as their use of a "slyly subversive performative language" which together helped them gain tremendous popularity and respectability across not just Pakistan, but also across South Asia and its diasporas. The author positions herself at the intersection of Western feminist, cultural studies, and popular cultural studies frameworks to understand how the issues of gender, class, religion, and the postcolonial state history have shaped the lives of Pakistani female singers and their audiences. At the same time, Afzal-Khan's abiding focus on the indigeneity of the local Pakistani region helps her nuance her inquiry as she examines Pakistan's own cultural critics. Her 'postcolonial feminist cultural studies approach,' draws her, in this context, to Faiz Ahmed Faiz, Pakistan's most renowned poet and progressive intellectual dedicated to social justice. At the time of the birth of Pakistan created as a Muslim homeland in 1947, his philosophical insights on the relationship between Islam and the arts were crucial in helping make sense of the cultural legacies of the divided subcontinent. Refusing to be drawn in by the ideological state apparatus, Faiz remained committed to the centrality of people's voices in the construction of the nation's history. It is this irreverence of Faiz's that might have inspired female singers looking to use art to counter the dominant state narrative.

The dividends of such an approach are clearly illustrated in the book. The narrative offers powerful examples of the shrewd negotiations and disruptions of the respectability code by musical stalwarts, such as Malika Pukhraj, to overcome and survive their humiliating othering at the hands of the elite Hindu and Muslim establishments. Roshan Ara Begum, another musical legend, acquiesced to the discourse of respectability by suggesting that her musical practice was in fact an expression of her religious devotion. And yet she scoffed at the commoditization of music by those who wished to become overnight super stars. For an exacting musician such as she was, her insistence on patience was a throwback to the outrage felt by Muslim artists at the dilution of the rigor of musical training during the renaissance period.

A similar monocular subversion, Afzal-Khan demonstrates, underwrites the choices made by female singers during the 1980s military dictatorship in Pakistan. With its introduction of a parallel system of 'Islamic' Shari'a court, the regime targeted women and minority populations and placed substantial restrictions on artistic expression and the musical arts. Given its roots in Islam, it allowed Sufi music as the only acceptable form of music. The author remains keenly aware of this aporia at the heart of this Islamizing drive of the 1980s Pakistan and signals women singers' subversive use of this state-sanctioned music to celebrate their freedom from Islamic orthodoxy. Someone like Abida Parveen uses the double-edged lyrics of Sufi music to question the honesty of the believers, insisting that, "[…] you who believe in all this piety […] look inside your own soul and see whether it is clean or […] dirty." Moreover, her self-styled absence of feminine markers and its deliberate blurring of male-female binary, further disrupted the male-dominant Islamic nation and opened up the country into a much more unorthodox space. The author's unflinching gaze surfaces, through these illustrations, the hollowness of the Western media's portrayal of Pakistan either as a terrorist state or as a place whose women are victims of religious and patriarchal oppression.

The book's scope also includes the career of Noor Jehan, the ultimate Diva of Pakistan's musical pantheon, who, despite her sexual escapades and scandals, went on to become Pakistan's Melody Queen in complete disregard of the Ashrafi as well as the nationalist discourse. While attempting to reinvent herself during the 1965 war, she sang songs laden with double entendre: that just like our sons who go to war, are not the nation's commodity, the female singers too are not for sale either. The fact that Noor Jehan was regarded as a larger than life Diva, not only in Pakistan but also in India where she was feted by the country's leading film stars, is a testament to how she was able to succeed in negotiating the private-public binaries.

Even more impressive is how Afzal-Khan demonstrates inflections in folk music interlinked with its secular local origins and susceptible to challenging clerical orthodoxy and subverting artificial borders and hierarchies of the musical arts (high/popular) and class distinctions. By positioning the gypsy singer Reshma within the minority discourse of a contentious performative space, the author assails upper-class Pakistani elite understanding of its class-positionality, linguistic superiority, and inclination for higher forms of music. Afzal-Khan further identifies in young middle-class 'Border Crossers' or outliers and practitioners of micro histories, who, operating from within the gaps in official history, and refusing to follow

conventional paths, trouble the dominant discourse of the nation's macro history. The bold and exciting Runa Laila, for instance, positioned across "A bride over Pakistan-Bangladesh-India," (95), playfully disregards the codes of middle-class respectability. Using her incredible voice and sensuous dance moves, she spreads the joie de vivre everywhere she goes, carving out an immensely popular musical career as a pop Diva. From her diaspora location in the UK, Nazia Hasan unleashed a cultural war with her hybrid music enmeshing Western melodies with Urdu lyrics. Known as Pakistan's 'Queen of Disco,' she topped 'Top of the Pop' charts in Pakistan, India, the UK, and South America through the 1980s, all the while assuaging middle-class anxiety by projecting her music as youthful innocent fun. Ironically, the transnational resonance of her music overlapped with Pakistan's most regressive and repressive 'anti-women and anti-art' (101) space in the country's history. It is only fitting then that the book's sixth and final chapter is located at the intersection of tradition and modernity, celebrating - in an era of Islamic extremism - the ironic rise of the female singers – albeit enabled by the corporate Coke studio – singers that are traditional, new wave pop singers, as well as Sufi singers that are partly traditional and partly modern.

Written with vigor and clarity, each chapter in Fawzia Afzal-Khan's book combines detailed contextual material with critical framework for the exploration of individual female singers. In addition, by curating the work of a diverse selection of artists, the book offers a pedagogically handy outline of the topic. While it takes a postcolonial feminist cultural studies approach, it however surfaces new questions that historians of music might want to further investigate from an ethnomusicology lens.

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Islamic Schools in France: Minority Integration and Separatism in Western Society. By Carine Bourget. Palgrave Macmillan, 2019; 197, pp.

In *Islamic Schools in France,* Carine Bourget sets out to answer a bold but timely question: "Is Islam compatible with the West?" In her thorough ethnographic study, she explores the growing phenomenon of Muslim schools that have been established in France over the past two decades. Her pioneer book is the first to examine the topic and serves as a reminder of the important role of education and its impact on society. She expertly

argues that, in spite of accusations of separatism, the establishment of Muslim schools in France is, in fact, a sign of successful Muslim integration in French society.

The study described in this book is based on Bourget's visits to a selection of groundbreaking Muslim schools in France. She effectively introduces the relevance of the subject by describing the current state of relations and tensions between France and its Muslim community. By highlighting the 1989 headscarf affair, in which three Muslim girls were expelled for refusing to remove their veils, she reminds readers that the position of Muslims within the French education system has been a heated point of contention for decades.

Bourget elegantly situates her study within broader debates in the field. Part 1 (Chapters 1 and 2) provides the necessary background to set the stage for her own research, which she describes in detail in Part 2 (Chapters 3-6). In Chapter 1, she introduces the important term *communautarisme*, which adversely "implies valuing an affiliation to an ethnic/religious community above integration to the collective, and thus threatens the unity of the Nation" (4). She notes that Muslim French communities have repeatedly been accused of this 'communautarisme,' especially through the creation of private Muslim schools; through her study she argues against this accusation. Bourget's expertise on the intersections between the Muslim world and France shines through her work as she emphasizes the diversity of the Muslim French population, convincingly pointing out that the group is not comprised of one homogenous identity. In Chapter 2, she provides readers with important background information by explaining the history of the educational system in France and of French private schools in particular.

In Chapters 3 and 4, Bourget describes her visits to a selection of private Muslim schools, which have been widely accused in France of being a threat to society and secularism. She clearly explains her methodology; during her visits she examined curricula and classroom materials, observed Arabic and religious education classes, and interviewed school administrators and teachers. Her findings indicate that, aside from the fact that they operate within a framework of Muslim values, there is often little to distinguish these schools from non-Muslim French schools. Bourget suggests that the school's primary focus is generally not on religion but on standard, secular education. In Chapter 3, she focuses on success stories through an examination of Averroès High School, the first Muslim school to have a contract with the state and al-Kindi, the first Muslim school to offer K-12 education. She points out that Averroès follows the French national curriculum and al-Kindi describes itself as open to students regardless of their faith. Bourget uses these examples to demonstrate that these schools place emphasis on their quality of education first and on their

Muslim character second. In Chapter 4, she further discusses challenges faced by Muslim schools through the examples of Réussite and IFSQY/Samarcande, both of which encountered difficulties in getting contracts with the state. Through these examples, Bourget underlines the resistance that Muslim schools have faced which, as she demonstrates, is largely baseless.

In Chapter 5, Bourget examines elementary education and new trends in Muslim schooling through examples of a Muslim ethics school, a Salafi school, clandestine schools, schools that are non-contracted by choice and the growing trend of homeschooling. Bourget notes that although she was unable to visit most of the schools discussed in this chapter, the reasons for this inaccessibility reveal important insights. She speculates that limited resources and staff make it difficult for teachers and administrators to spare any time and that the negative media coverage of Islam has made them wary of outside observers and critics. In Chapter 6, Bourget examines the factors that have led many Muslim students and families to separate from the French public school system. She notes, for example, that parents often mention increasingly Islamophobic climates as reasons for taking their children out of public schools. As Arabic and religion classes are critical elements that distinguish these schools from public and non-Muslim private schools, I particularly appreciated her discussion of the quality of curricula in these subjects. She concludes her book by arguing, based on the evidence found in her study, that Muslim schools are a sign of Muslim integration within French society for three reasons. She states that they represent French Muslims claiming their own space among other major religions, that the quality of education is prioritized above any religious focus, and that the schools participate in creating an Islam of France as their religious education is often specific to French contexts. Her work is important in highlighting the diversity of the Muslim French population and in exploring the reasoning behind the establishment of such schools.

Bourget's study resonates with readers as she meticulously examines the dynamics of private Muslim schools. She raises illuminating questions about the place of Muslims within contemporary French society, which she explores through her precise, comprehensive methodology. I especially appreciated her inclusion of interviews with the personnel involved in the founding or administration of these schools, as this provides her book with personal perspectives. Additionally, I found her discussion of Muslim schools within the framework of the state contract system to be useful in situating the policies and politics that are often factors in the success of these schools. Her consideration of the histories and mission statements of each of the schools in her study is insightful and drives home an important point of her arguments: these institutions, rather than having been

born out of a desire for exclusion, are often founded as a result of exclusive practices towards Muslim communities. Her comprehensive examination of curricula and pedagogical mindsets is useful in proving her point that these schools typically aim to place education above any religious character. The author's attentive observation of details such as dress codes, prayer space, and student selection processes complexifies her work. However, Bourget's study, although it did include perspectives from students' parents, left room for the development of this aspect, as well as of that of the attitudes of students towards the schools. I would additionally be interested, in future studies, to read about where former students of these schools have ended up in their post-secondary school careers. Bourget's central argument that Muslim schools are a sign of successful integration is missing this crucial element which can demonstrate and prove the types of citizens that the schools can produce. This would be particularly insightful to include, considering that many of the schools Bourget visited have now been well-established for decades.

Bourget's engaging writing style communicates her personal involvement in her work; it is clear that her visits to these schools provided her with deep insight into the mindsets and perspectives of administrators and teachers. The organization of the book is successful in providing readers with useful context and making the author's analysis accessible to audiences who may not be familiar with the contentions between France and its Muslim communities. The topic of Bourget's book is a critical study in today's discourse surrounding Islam's role in French society. Particularly given the lack of scholarship on private Muslim schools in France, this book is enlightening and can especially appeal to those interested in the intersections between Islam and France or, on a broader scale, between Islam and the Western world. This work highlights the potential for these schools to produce productive members of French society as a whole as she demonstrates that criticisms and resistance towards the schools are often not warranted. Her book is an important step in changing the opinion towards the role of Muslims in French society which begins in their primary and secondary education. Through her study, she underlines, in a profound way, the risks of generalizing France's Muslim communities and the potential of successful pedagogy and youth education to impact society as a whole.

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Becoming Men: Black Masculinities in a South African Township. By Malose Langa. Johannesburg: Wits University Press, 2020; 190 pp. bibliography, Index (Paperback) 978-1-77614-567-7

Malose Langa's *Becoming Men* is a psychoanalytic exposition of the mental and social circumstances that shape the feelings and overall behaviors of adolescent boys as they assume their masculine identity in the South African township of Alexandra. Using a total of 32 boys as progressive case studies, Langa reveals what motivates boys in reconstructing their identities, what constrains them to behave in a particular manner, the emotional costs of occupying certain masculine positions as well as the impact of their zest to become and remain men on the opposite sex and the society in general. The book is situated in the global critical masculinity studies as the author set out to diffuse the fluidity and plurality of masculinities constructs, establishing the growing importance of what he regards as 'alternative constructions of masculinity' [11] especially as it applied to the typical 'township boy' [11] in Alexandra.

The theme of hegemonic masculinity is well discussed in the book as a popularized concept in studies and understanding of men and masculinity. It is seen in the book as a form of patriarchal legitimacy which involves the dominance of men and subordination of women in the light of prevailing cultural stereotypes of masculinity in a society, community or group. Criminalized masculinity becomes the direct effect of this domineering inclination. Langa drives home his argument through a discourse on the risk-taking behaviors of school-age boys. [15] He describes adolescence as a period in which boys attempt to experiment with substance taking, sex, gangsterism, reckless driving, and other potentially dangerous conducts as a way of consolidating their masculine identities. The author further maintains that power and struggle are often central to the experience of masculine identities and the cost of pursuing an appropriate masculine identity can be heavy for adolescent boys who are usually trapped in the struggle to live up to the expectations of arriving as 'real' men. [16] Therefore, Langa illustrates that at a very tender age, boys undergo the pressure of engaging in exuberances of hardiness such as cultism, alcoholism, disobedience to parents, as well as violence against the girls around them.

However, *Becoming Men* illustrates how the patriarchal attitudes of boys and young men against young girls and women often backfire. This retribution is evidenced in the resolution by some young girls and women to defy male control over them by also engaging in relationships with more than one partner, deciding who to date, and demanding that sexual affairs be done on their conditions. It is clear from the book that this 'feminine dictatorship' gets the young boys worried as they complain bitterly

about their seeming loss of control and ability to retain the interest of 'beautiful' girls and women who came to prefer befriending older men believed to ably meet their material needs. Langa opines that the boys begin to redefine their power over the young girls considering their incapability to provide the lifestyle an older and richer man can. Moreover, the book reveals in this context that successful masculinity came to be associated with economic power; "those without wealth feel they are not 'man enough' or are emasculated." [20] The author summarily suspects that successful hegemonic masculinity is largely associated with both material possessions and heterosexuality.

Langa's argument on black masculinities in a South African township can be better understood through his discussion framework of psychoanalytic theory. Drawing from the work of Sigmund Freud, he maintains that fear is at the core of the formation of masculine identity. He believes that this fear continues to threaten to overwhelm the masculine subject who constantly lives on the peril of possible 'psychic disintegration' or 'masculine anxiety' both of which imply collapse in self-identity as a man. [30] Langa further uses a psychoanalytic perspective to identify contradictory desires, conflicts, and emotional components within both dominant and subordinated forms of masculinity thereby contributing immensely to the theoretical understanding of the emotional costs and tensions that boys undergo in course of negotiating and renegotiating these multiple voices of township masculinity.

The book also recognizes a group of outstanding boys and young men whose persuasions consistently depict 'alternative masculinities'. [21] Langa observes that not all boys conform to peer influence to align with the customary versions of hegemonic masculinity. Alternative masculinity in Langa's words involves 'new ways of being a male person, one who is non-violent, non-sexist and non-homophobic…' [21] It is strongly argued in *Becoming Men* that boys who subscribe to alternative masculinities are usually interested in equity, fairness, and justice in relationships with others and reject risk-taking behaviors associated with entrenched perceptions of what it entails to be a male child in the society. This alternative way of life for boys is supposed in the book to have wide-ranging implications and societal benefits. Langa identifies with alternative masculinities in such a way that it is seen as a solution to the problem of gender-based violence in South Africa. [22] However, Langa regrets that despite the progressiveness of alternative voices of masculinity, they are not popular or publicly accepted making it difficult for the boys who wish to embrace these alternative ways of becoming men. To him, they are likely to be ridiculed, labeled as 'sissies', and subjected to other forms of emotional and psychological bullying. [23]

The dilemma of adherents to alternative masculinities in *Becoming Men* is further illustrated in the pressures they face as students. Langa uses the phrase '*tsotsi* boys versus academic achievement' [61] to explain how masculine identities shape academic and indeed career pursuits in diverse ways which are dependent on the masculine orientations of the various boys in Alexandra. *Tsotsi* is an indigenous word used by the author to designate truant boys who miss classes, defy teacher's authority, perform poorly in their grades, bully other learners and bring weapons to school, while academic boys are those who obey school rules and perform well academically. The work reveals that both the *tsotsi* and academic boys faced opposite challenges; on the one hand, the rewards of *tsotsi* boys for their public, violent masculine performance appear to be ephemeral, leaving them uncertain about how to sustain the same status, on the other hand, academic boys complain bitterly about the emotional and social impact of the peer exclusion they suffer from their *tsotsi* colleagues and other students in general. They are subjected to insults, teased, and denigrated as losers and fools. [68] Hence, Langa reveals that some of the academic boys chose as a coping mechanism, to play in-between as they negotiate their alternative masculinities. Similarly, the author discusses homophobia [95] and lack of fatherliness [49] as major challenges that equally shape the growth of boys as they negotiate their masculinities.

The analysis of some of the photographs taken by the informants over the years as augmentation for the interviews indeed qualifies the book as original and well-intentioned research. However, some noticeable weaknesses beginning with the organization of the book may be pointed out. Chapter three, which gives the historical background of Alex as a South African township, should have either formed part of the introduction or come immediately after it. In this way, the historicization of the apartheid grip on many townships in South Africa as well as how it spurred the nationalist struggle against the oppressive regime would offer the reader some introductory insight into the social setting that supported the themes of hegemonic masculinity, alternative masculinities, and the struggle for social inclusion which essentially run through the work. Also, the question of xenophobia as disturbing as it has been in South Africa is omitted by the author. How can one understand the reality of becoming men without recourse to the fact that some young men in Alexandra often compare their markers of arrival, including access to 'fine' girls as treated in the book, with those of foreigners? How do they react to their consistent loss of girlfriends to sugar daddies, some if not most of whom are foreigners? By any standard, overcoming xenophobia is supposed to receive attention as did the concept of defying homophobia.

All in all, the work, is, nevertheless, a classical piece of psychological analysis. the author dissects what it takes to become a man in typical Afri-

can society. How manhood and masculinity are negotiated and the contradictions that come with it are carefully discussed in the book with emphasis on how a society can build a balanced and responsible new man.

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The World Looks Like This from Here: Thoughts on African Psychology. By Kopano Ratele. Johannesburg: Wits University Press, 2019. xi-228 (paperback) ISBN: 978-1776-143900

Ratele's book discusses the imperative for Afrocentrism in psychology both as a discipline and a way of thinking. He believes that African psychology is psychology for Africa and Africans that neither exoticizes nor alienates even while centering itself in the world. The book conveys that to authenticate and have a meaningful life as a student of psychology in Africa, a counselor, or a teacher of psychology who still wants to be at home in Africa, one must be conscious of his/her entitlement of being in the world. This becomes a new way of looking or seeing as an African. [xiii]

African psychology is further explained in the book as a type of psychology that places Africa and Africans at its center, while simultaneously being open and talking to a wider world. Ratele notes that it is tacit but ideal. According to him, African psychology emerges from under the rubbles of colonial ruins, apartheid racism, and post-independence despotism. The author regrets the hegemony of American and Western European psychology. The problem of African psychology for Ratele is such that psychology practiced in Africa is believed to have little to say about the causes of mental illness, social pathologies, violence in its bodily, institutional, cultural, governmental, economic, and political forms. He insists that psychological inferiority begins with that curious feeling one has as an African, that the psychological explanations for what is happening to him or her are only to be found elsewhere across the sea, not in their families, schools, neighborhoods workplaces, or personal thoughts. This according to Ratele, creates a state of mind where theories, books, and journal articles published in the United States and Western Europe are seen as solutions to the African disorientation and inferiority complex, rather being their causes. [4]

Ratele blames the prevailing problem of alienation from 'selves' among Africans on colonialism and persistent racial discrimination. Colonization and its attendant consequences left some negative effects on African intellectual thoughts. The book reveals that the dehumanization of

Africans began with the slave trade in which enslaved Africans were seen as 'not-fully-human' in *slavocratic* America. They began to lose their languages and indigenous names, with their minds consistently used against them. The author equally adds that their bodies were used to enrich others. According to him, 'it is common [among Africans] to see a schoolchild who is alienated from speaking in her mother tongue, from seeing with her own eyes, or from expressing her feelings'. [9] Thus European colonization of Africa created an inferiority complex and a somewhat 'self-rejection which makes the need for self-emancipation imperative. This observation by Ratele is in tandem with that of Frantz Fanon in his *The Wretched of the Earth* where he dissects the psychological effects of colonial oppression on the colonized peoples of Africa, Asia, and Latin America.

Indeed, colonialism and racial apartheid were centered on the body making the racialization of Africans inevitable. Ratele notes that alienation was woven into the system of economic control, and the highest achievement of the socio-political forces that accompanied European colonial conquest and colonization of Africa succeeded in alienating one from another and opening a new discourse on race where Africans are perceived in the Americo-European world as the disadvantaged species. Racism and racialization of ideological, cultural, political, and economic processes, therefore, emerged from a colonial racist project aimed at domination and exploitation of African bodies and labor. Being black to use Ratele's words '[became] a consequence of such racial categorization […] a consequence of the ideology of racial superiority and inferiority, a way in which some people came to be seen and see themselves in many countries where race is central to the political and economic order.' [11]

A closer assessment of the book brings to the fore that African in African-centered psychology is a way of being in the world. It insists on generating and inculcating ways of seeing, feeling, thinking, and of doing. This according to Ratele is the reason that it seeks to achieve its greatest expression, its most vital ends by situating psychology first in the minds of Africans. And when this is attained, the term 'African' in the phrase 'African-centered psychology' will no longer be necessary. Hence, Ratele projects that the place of African in psychology would be crystal clear and 'you no longer have to say, I am situating myself in an African-centered way. *You just do it*: you situate yourself at the center'. [13]

Ratele submits that conscientization can be a solution to the problem of alienation of Africans in psychology. Drawing from the explanations of Paulo Freire, the author describes that conscientization is a fundamental concept in emancipatory African-centered psychology and involves a means through which people adopt the true praxis of leaving behind the status of objects to assume the status of historical subjects. [115]. Therefore, the author recommends that conscientization can and must be pursued in

lecture rooms, reading groups, and publications. This praxis for self-rediscovery uncovers one's own alienated experience and expertise and results in the consciousness of uniqueness in the global community.

The book is innovative in both content and form. It opens a vista in African psychological discourse by unraveling what the world looks like from Africa and what it entails to think about America and Europe while remaining undisputedly African. Perhaps, more important is the skill with which Ratele dissects how to practice psychology that prioritizes in its theoretical configuration, the values, identities, and experiences of peoples of African descent.

However, the book is split into too many chapters and over 100 headings most of which leave the reader more confused than informed. Also, by strongly advocating an Afrocentric psychology, the book can create the same problem of racial jingoism on the part of the people of African descent. Perhaps, a subtle recognition of the power of acculturation and its inviolability in the context of globalization would have helped to create a balanced analytical framework.

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