

# SUDANWORKINGPAPER

## Islamic Feminism, a public lecture by

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In the words of Pakistani-American Asma Barlas, “I came to the realization that women and men are equal as a result not of reading feminist texts, but of reading the Quran.”<sup>1</sup> This position has come to be known as Islamic feminism.

The term has been heatedly debated and both feminists and Muslims have rejected it as two fundamentally incompatible ideas. Secular feminists reject it because they argue religion generally and Islam in particular is oppressive to women<sup>2</sup> and many Muslim women reject it because they feel ‘feminism’ is a secular invention imposed on them from outside, from the West. Islamic feminism is indeed highly contested, but it has also been widely embraced by both activists and scholars.

As Margot Badran’s article from 2002 asks, What’s in a name? What’s behind a name? What is Islamic feminism?<sup>3</sup> I will in a humble way attempt to address these questions in this talk. Let me first start by saying that this is a research paper on Islamic feminism. I am not a Muslim, but I find myself fascinated and genuinely interested in the question of women and Islam. I do not under any circumstances start my engagement with the topic from a position which neither reduces Islam to be monolithic and anti-women nor a position which states that secularism is the only route to women’s empowerment. What interests me in this topic is the dynamic nature of Islam exploring the different interpretations of the same text historically and presently and how Muslim women across the region frame their arguments within Islam in their attempt to bring about law reform.

But first, we need to step back, and take a closer look at what the phenomenon of Islamic feminism might actually refer to. In the words of Margot Badran, the concept of Islamic feminism refers to a “feminist discourse and practice articulated within an Islamic paradigm”.<sup>4</sup>

The term “Islamic feminism” began to surface in the 1990s in various global locations. It first appeared in the writings of Muslims. Iranian scholar Ziba Mir-Hosseini exposed the rise and use of the term Islamic feminism by some women, as well as men, writing in the Teheran women’s journal *Zanan*, founded by Shahla Sherkat in 1992.<sup>5</sup> Saudi scholar Mai Yamani used the term in her 1996 book *Feminism and Islam*.<sup>6</sup> Nilüfer Göle, in *The Forbidden Modern*, used the term Islamic feminism to describe a new feminist paradigm emerging in Turkey.<sup>7</sup> Also, South African activist Shamima Sheikh frequently employed the term Islamic feminism in her speeches and articles. By the mid-1990s, there was growing evidence of Islamic feminism as a term created and circulated by Muslims in far-flung corners of the world.<sup>8</sup> The term is being produced at diverse sites around the world by women inside Muslim countries like Omaira Abu Bakr in Egypt. But Islamic feminism is also growing in

<sup>1</sup> Asma Barlas (2005), “Qur’anic Hermeneutics and Women’s Liberation”, Keynote speech presented at International Congress on Islamic Feminism, Barcelona, Spain, pp. 11. See also Asma Barlas (2002), *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur’an* University of Texas Press.

<sup>2</sup> See for example, Valentine M. Moghadam (2002), ‘Islamic Feminism and Its Discontents: Towards a Resolution of the Debate’, *Signs* 27 (4): 1135-71.

<sup>3</sup> Margot Badran (2002), “Islamic Feminism: What’s in a Name?” *Al-Ahram Weekly Online* no.569, 17 - 23 January, <http://weekly.ahram.org.eg/2002/569/cu1.htm>

<sup>4</sup> *Ibid*, pp. 1

<sup>5</sup> See Ziba Mir-Hosseini (2000), *Marriage on Trial: Islamic Family Law in Iran and Morocco*, London: I.B. Tauris.

<sup>6</sup> Mai Yamani (ed.) (1996), *Feminism and Islam; Legal and Literary Perspectives*, Reading: Ithaca Press.

<sup>7</sup> Nilüfer Göle (1996), *The Forbidden Modern: Civilization and Veiling*, Ann Arbor, Mich.: University of Michigan Press.

<sup>8</sup> Margot Badran (2002), “Islamic Feminism: What’s in a Name?” *Al-Ahram Weekly Online* no.569, 17 - 23 January, <http://weekly.ahram.org.eg/2002/569/cu1.htm>

Muslim Diaspora with scholars such as the Pakistani-American Asma Barlas and convert communities in the West with among others the African-American Amina Wadud.

According to Margot Badran, Islamic feminism emerged out of a critique of both patriarchal Islam(ism) as well as of secular feminism. Islamic feminism appeared at the time of an accelerating Islamist movement, according to the Iranian Ziba Mir-Hosseini who initially supported the Islamic revolution in Iran. She says, the Iranian state, perhaps unintentionally, has created new spaces for debate on women's rights within Sharia. She describes the emergence of Islamic feminist voices as the paradox of Islamism in Iran, or as its unwanted child. With the introduction of Islamism, women's rights within Islamic law became open for negotiation in a public debate. As the Islamic Republic of Iran evolved, Mir-Hosseini argues, Muslim women activists came to believe that patriarchal laws entrenched within state Sharia law were Islamically unjust. Iranian women began to question the legitimacy of the state's monopoly on interpretation and application of Sharia in public and private spheres of law. Islamic feminists in Iran do not support the state, on the contrary, but simply try to extract rights from it using the same Quran that the state itself invokes. Mir-Hosseini asks:

*To what extent and by what means can limitations imposed on women by Sharia texts be renegotiated? [...] a "feminist" re-reading of the Sharia is possible – even becomes inevitable (...). This is so because once the custodians of the Sharia are in power, they have to deal with the contradictory aims set by their own agenda and discourse, which are to uphold the family and restore women to their "true and high" status in Islam. The resulting tension – which is an inherent element in the practice of the Sharia itself, but is intensified by its identification with a modern state – opens room for novel interpretations of the Sharia rules on a scale that has no precedent in the history of Islamic law.<sup>9</sup>*

According to Ziba Mir-Hosseini, the emergence of Islamism then is a condition for the on-going dialogue between Islam and feminism.

Islamic feminists acknowledge the inequalities facing Muslim women under Islamic law today<sup>10</sup>, and in most parts of the Muslim world they most frequently refer to family law or personal status law. According to Suad Joseph, particularly family law has become "a benchmark of feminist struggle" in the Islamic world.<sup>11</sup> But Islamic feminists are not advocating the abolition of Islamic law in matter of personal status; rather, they argue that the solution to women's empowerment is to be found through a re-interpretation of the fundamentals of Islam. The basic argument of Islamic feminists is that the Quran supports the principle of equality and justice of all human beings but that the practice of equality of women and men in today's Muslim societies have been corrupted by patriarchal ideas, customs and practices.

In fact, Islamic feminists often do not refer to it as re-interpretation, but rather un-interpretation. Omaima Abou-Bakr, a professor at Cairo university and a founding member of the Women and Memory Forum, writes that the Islamic feminist project is a "continuous attempt to un-interpret past

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<sup>9</sup> Ziba Mir-Hosseini (1996), "Stretching the Limits: A Feminist Reading of the Sharia in Post-Khomeini Iran" in Mai Yamani (ezd.) *Feminism and Islam; Legal and Literary Perspectives*, Reading: Ithaca Press, pp. 285-286.

<sup>10</sup> Leila Ahmed (1992), *Women and Gender in Islam: Historical Roots of a Modern Debate*, New Haven: Yale University Press. See also Shaheen Sardar Ali (2000), *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man?*, Kluwer Law International, The Hague.

<sup>11</sup> Suad Joseph (ed.) (2000), *Gender and Citizenship in the Middle East; Contemporary Issues in the Middle East*. Syracuse, NY: Syracuse University Press, pp. 20

gender biased readings done by male jurists and to offer alternative new perspectives toward justice and equality within Islam itself.” In her analysis of the achievements of Islamic feminism thus far, she says that “it has proven the possibility of undoing the doings of patriarchy.”<sup>12</sup>

This is not an idea that Islamic feminists invented. Islamist movements advocated it as well, including in Sudan. In 1973, Hasan al-Turabi published a pamphlet with the title *Women between the Teachings of Religion and the Customs of Society*, advocating a reinterpretation of women’s rights in Islamic jurisprudence – *fiqh*.<sup>13</sup> In it he argued that many aspects of Islamic law were adopted in order to adapt Sharia to traditional customs. Male Islamic jurists interpreted the rules granting authority to men liberally and expansively, while reading those imposing limitations on women literally and strictly, he said. This has resulted in a Muslim society in which the basic rights of women and the fundamentals of justice, as enshrined in the Sharia, have been abandoned. Turabi says;

*Women played a considerable role in public life during the life of the Prophet, and they contributed to the election of the third Caliph. Only afterwards were women denied their rightful place in public life, but this was history departing from the ideal.*<sup>14</sup>

Turabi’s proposal for reforming Sharia is explained in more detail in his 1987 book *Tajdid al-Fikr al-Islami*.<sup>15</sup> He calls for a “contemporary interpretation of the Quran,” arguing that “every Quranic exegesis in the past has reflected the spirit of its time.”<sup>16</sup> Exegesis is the English word for *tafsir* which is derived from the Arabic root, F-S-R which means to explain, to expound, to disclose. It is defined as understanding and uncovering the Will of Allah which has been conveyed by the Quran, by means of the Arabic language and one’s own knowledge. Turabi calls for a new jurisprudence that is built on freedom of research without past restrictions. In his view, “what we need is to go back to the roots, and create a revolution at the level of principles.”<sup>17</sup>

I am not bringing Turabi into the company of Islamic feminism. He will certainly object to it and most likely those who identify as Islamic feminists as well. But his views on *fiqh* and his call to go back to the roots of Islam and re-interpret it in light of a contemporary society mirrors the project of Islamic feminists of today. The reason why some Islamic feminists would object to it is because although Turabi arrives at progressive ideas about women’s right to political leadership and her role in state and society, he does not argue for full gender equality in all spheres. For example Asma Barlas says that she rejects the designation of her views and interpretations of Islam as Islamic feminism unless that term is defined as “a discourse of gender equality and social justice that derives its understanding and mandate from the Quran and seeks the practice of rights and justice for all human beings in the totality

<sup>12</sup> Omaima Abou-Bakr (2011), “What’s Done Can be Un-Done: Un-Interpreting Gender-Hierarchy in Quranic Exegesis.”, Paper presented at the 12<sup>th</sup> Mediterranean research Meeting, Florence, Italy, pp. 1 and 17

<sup>13</sup> Hasan al-Turabi (1973), *Women between the Teachings of Religion and the Customs of Society [Al-Mar’a bayna Ta’alim al-Din wa Taqlid al-Mujta’ma]*, Jeddah: Al-Dar al-Su’udiya li al-Nashr wa al-Tawzi’.

<sup>14</sup> Hasan al-Turabi (1983), “The Islamic State” in *Voices of Resurgent Islam* edited by John Esposito. New York: Oxford University Press.

<sup>15</sup> Hasan al-Turabi (1987), *The Renewal of Islamic Thinking [Tajdid al-Fikr al-Islam]*, Jeddah: Al-Dar al-Su’udiya li al-Nashr wa al-Tawzi’.

<sup>16</sup> Abdelwahab el-Affendi (2006), “Hasan al-Turabi and the Limits of Modern Islamic Reformation” in Ibrahim Abu-Rabi (ed.), *The Blackwell Companion on Contemporary Islamic Thought*, Oxford: Blackwell Publishing, pp. 149.

<sup>17</sup> Hasan al-Turabi in Esposito and Voll (2001), *Makers of Contemporary Islam*, Oxford: Oxford University Press, pp. 105.

of their existence across the public-private continuum”.<sup>18</sup> However, this is an on-going discussion among the actors involved and lately also Western scholars; are those who are re-reading the Quran and arrive at a conclusion that there are no grounds for full equality, but rather gender equity (*insaf*) or complementarity to be considered Islamic feminists? Well, it depends how you define feminism. If you define feminism broadly as “an awareness of constraints placed upon women because of gender, a rejection of such limitations placed on women, and efforts to construct and implement a more equitable gender system”, then yes.<sup>19</sup> If you define feminism more narrowly to include only efforts towards complete gender equality, then no. It also depends on whether you employ the term Islamic feminism as an analytical category to understand a multi-faced phenomenon where Islam is used to argue for an expansion of women’s rights or as a term of identity. Some Muslim women have asserted an Islamic feminist identity from the start; others have resisted the label due to the concept’s implicit linkage to ‘Western’ feminism. Both categories have been referred as Islamic feminists in the academic literature thereby employing it as an analytical term.

Islamic feminism is , however, characterized by great diversity across contexts. Many therefore speak of Islamic feminisms or the many faces of Islamic feminism. Some, including Islamic feminists themselves, have argued that it has become a too board to describe local women’s activism and too politically loaded.<sup>20</sup>

As an interpretive project it focuses on re-interpreting the Quran and seeing patriarchy as incompatible with the Islamic concept of believing in God (*tawhid*).<sup>21</sup> Amina Wadud, Omaira Abou-Bakr, Rifaat Hassan, and Asma Barlas are prominent examples. Islamic feminists are utilizing the notion of *ijtihad* to establish interpretations of the Quran which bring to light the gender-egalitarian impulse of the Quran.<sup>22</sup> These new interpretations then form the basis for demanding full gender equality within Islamic law in contemporary states in the Muslim world.<sup>23</sup> The project captures the “idea of Islam without patriarchy,”<sup>24</sup> which guarantees women legal and social rights, equal with men. The African-American scholar Amina Wadud in her book *Quran and Women: Re-reading the Sacred Texts*, asserts female equality with men at the time of creation and in terms of religious piety or *taqwa*,

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<sup>18</sup> Asma Barlas (2004) “The Qur’an, Sexual Equality, and Feminism”, lecture at University of Toronto, pp. 1.

<sup>19</sup> Definition of feminism by Margot Badran (1995), *Feminists, Islam and Nation: Gender and the Making of Modern Egypt*, Princeton: Princeton University Press, pp. 19-20.

<sup>20</sup> Ziba Mir-Hosseini, Ziba (2011) “Beyond ‘Islam’ vs ‘Feminism’.” *IDS Bulletin*, 42 (1), pp. 67-77.

<sup>21</sup> Amina Wadud (2006), *Inside the Gender Jihad: Women’s Reform in Islam*, Oxford: Oneworld Publ.

<sup>22</sup> The Pakistani Riffat Hassan has declared that the Quran is the magna carta of human rights: “Not only does the Quran emphasize that righteousness is identical in the case of men and women, but it affirms, clearly and consistently, women’s equality with men and their fundamental right to actualize the human potential that they share equally with men. In fact, when seen through a non-patriarchal lens, the Quran goes beyond egalitarianism. It exhibits particular solicitude toward women and also toward other classes of disadvantaged persons.” Quoted in Ingvar B. Mæhle and Inger Marie Okkenhaug (eds.) (2004), *Women and Religion in the Middle East and the Mediterranean*, Oslo: Unipub forl., Oslo Academic Press. 105. See also Riffat Hassan, “Religious Conservatism: Feminist Theology As A Means of Combatting Injustice Toward[s] Women in Muslim Communities/ Culture”. Available at [www.irfi.org/articles/articles\\_101\\_150/religious\\_conservatism.htm](http://www.irfi.org/articles/articles_101_150/religious_conservatism.htm); Riffat Hassan, “Gender Equality and Justice in Islam”. Available at <http://www.religiousconsultation.org/hassan.htm>; Riffat Hassan, “Are Human Rights Compatible with Islam? The Issue of the Rights of Women in Muslim Communities”. Available at <http://www.religiousconsultation.org/hassan2.htm>

<sup>23</sup> Ziba Mir-Hosseini (2013), “*Muslim Family Laws, Justice and Equality: New Ideas, New Prospects*”, in Ziba Mir-Hosseini, Lena Larsen, Christian Moe and Kari Vogt (eds), *Gender Equality in Muslim Family Law: Justice and Ethics in Islamic Legal Tradition*, London: I B Tauris

<sup>24</sup> Amina Wadud (2006), *Inside the Gender Jihad: Women’s Reform in Islam*, Oxford: Oneworld Publ., pp. 91.

as a framework for challenging gender roles as the product of culture, rather than religion. Amina Wadud says,

*The text is silent. It needs interpretation, and has always historically and currently been subjected to interpretation. We make it speak for us by asking of it. If we are narrow, we will get a narrow response or answer. If we are open, it will open us to even greater possibilities (...).*<sup>25</sup>

In her opinion, the men asked narrowly when it came to women's issues, including their role as religious leaders. With that she has controversially led Friday prayers for gender mixed congregations in both Cape Town and New York.

Scholars such as Ziba Mir-Hosseini<sup>26</sup> and Kecia Ali<sup>27</sup> are deconstructing classical Islamic jurisprudence (*fiqh*) by interrogating the stereotyped constructions of gender roles, relations, and rights. They point out that classical *fiqh* was based on men's experiences, male-centered questions, and the overall influence of the patriarchal societies in which they lived. Women should put efforts to understand religion and how religious knowledge is produced and they should participate in the production of knowledge and ask new and daring questions, they argue.

Riffat Hassan says that a single word in Arabic can have many meanings. But as the interpreters have been men, the readings of it have had a male bias. Take Surah an-nisa' verse 4:34, which is always quoted when the issue of equality comes up. In this verse, the Quran uses the word *qawwamun* to describe the man. This word has always been translated as male guardian giving men authority over women, not only within the family but also in public life. Riffat Hassan says "but I believe that it simply means breadwinner - which immediately changes the meaning of the verse". She goes on to say; "the verse has been so misinterpreted and so misread that it has given men virtual control over women's lives".<sup>28</sup>

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<sup>25</sup> Ibid, pp. 197-8

<sup>26</sup> See for example Ziba Mir Hosseini (2003). "The Construction of Gender in Islamic Legal Thought and Strategies for Reform." *Hawwa: Journal of Women in the Middle East and the Islamic World* 1(1), pp. 1-28.

<sup>27</sup> See for example Kecia Ali (2006), *Sexual Ethics & Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence*, Oneworld, Oxford.

<sup>28</sup> Riffat Hassan in an interview with Betty Milstead (1988), "Feminist Theology and Women in the Muslim World: An Interview with Riffat Hassan", *Women Living Under Muslim Law*, <http://www.wluml.org/node/246>

Let me give a concrete example of how Islamic feminists are challenging prevailing interpretations of Islam. Surah an-Nisa' verse 4:34 which I am sure all of you are familiar with, has been commonly used to justify wife-beating.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ  
 وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَانِتَاتٌ  
 حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۗ وَاللَّي تَخَافُونَ نُشُوزَهُنَّ  
 فَعِظُوهُنَّ ۖ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَأَضْرِبُوهُنَّ ۗ فَإِنِ  
 أَطَعَنَّكُمْ فَلا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا  
 كَبِيرًا

Those who attempt to justify wife-beating often translate part of verse 4:34 as:

“.... good women are *qanitat* (have *qunut*) guarding in secret that which Allah has guarded. As for those from whom you fear *nushuz*, admonish them, then banish them to beds apart and strike them. But if they obey you seek not a way against them“

The verse has, according to Sisters in Islam in Malaysia<sup>29</sup>, been misinterpreted to mean:

- (i) that a wife must obey her husband;
- (ii) that if she does not obey, the husband can beat her.

The Quran, they say, does not order women to obey their husband. It says good women are *qanitat* a term used for both women and men. *Qunut* does not refer to the obedience of a wife to a husband or any human to another. It refers to the spirit of humility before Allah. When the verse goes on to say “if they obey you”, the Quran uses the term *ta'a*, which means for one human to follow the orders of another, referring not just to women obeying men, but men following orders as well. *Ta'a* is not used here in the command form for women, rather the Quran places a firm caution on the men: “If they (female) obey you (male)” the males are commanded “not to seek a way against (the women)”. “If they obey you” does not mean that women have an obligation to obey men. Nor does it mean that if a

<sup>29</sup> For more on Sisters in Islam, see Yasmin Moll (2009) “People like Us in Pursuit of God and Rights: Islamic Feminist Discourse and Sisters in Islam in Malaysia.” *Journal of International Women's Studies* 11 (1), pp. 40-55.



woman disobeys, a husband can beat her. The focus is on the responsibility of men to treat women fairly, especially when women follow their suggestions.<sup>30</sup>

Sisters of Islam published a booklet titled *Are Muslim Men allowed to beat their Wives?* in the early 1990s, when women's groups were lobbying the government for a Domestic Violence Act. Part of the problem in the drafting of the Domestic Violence Act was the attempts to exclude Muslims from the jurisdiction of the Act because of the belief that Muslim men have the right to beat their wives. The women's groups had to lobby the government for many years to make domestic violence a crime whether it is committed by a Malay, a Chinese or an Indian man. Even after the law was passed by Parliament in 1994, they had to go through two more years of lobbying to get it implemented. The Domestic Violence Act 1994 finally came into force in 1996.<sup>31</sup>

Islamic feminism has been critiqued for being a predominantly diaspora and convert phenomenon. Indeed a lot of the scholars mentioned are residing outside of their original countries or are Muslim converts such as Amina Wadud. Many of them urge reform in their country of origin and sometimes they have been criticized by local activists for this, saying that the country has changed during their time in exile. Currently many Islamic feminists are involved in the transnational movement *Musawah* which tries to engage local activists in the project of reform in Muslim family laws. They are saying that equality within the family is necessary and possible within the frame of Islam. But *Musawah* has been criticized for being detached from local contexts and further for excluding concerns about the rights of non-Muslim women in the Islamic world.<sup>32</sup>

The most known local Islamic feminist movement is Sisters in Islam in Malaysia, which is considered the forerunner to *Musawah*.<sup>33</sup>

Is Islamic feminism as an interpretative project relevant in local contexts? The endeavors undertaken in terms of producing new interpretations of Islam are time consuming and require a lot of specialized competence both in Arabic language and in Islamic law. Although in theory each and every Muslim has the right to interpret the Quran, in reality it is not accessible for everyone at the local level for several reasons; the political situation, exposure to the literature on Islamic feminism, funding, time and resources. Also, reinterpreting a source text might lead to a lot of vocal criticism, particularly in contexts where Salafist actors are strong.

This does not mean that Islam does not enter into national debates about women's rights and law reform, whether from the perspective of Islamists or women activists. On the contrary; Most, if not all current debates about Muslim family law reform, debates it from the perspective of Islam. But perhaps the most common strategy of Islamic law reform in national contexts are not producing new or feminist interpretations of the Quran and the Sunna in its totality, but *selectively* using existing

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<sup>30</sup> Sisters in Islam, *Are Muslim Men allowed to beat their Wives?*,  
[http://www.sistersinislam.org.my/files/downloads/are\\_muslim\\_men\\_allow\\_to\\_beat\\_their\\_wives\\_v12-1.pdf](http://www.sistersinislam.org.my/files/downloads/are_muslim_men_allow_to_beat_their_wives_v12-1.pdf)

<sup>31</sup> Ibid

<sup>32</sup> Margot Badran (2011). "From Islamic Feminism to a Muslim Holistic Feminism." *IDS Bulletin*, 42(1), pp 78-87; Marianne Bøe and Liv Tønnessen (2011), «Nye utfordringer til islamsk feminisme: Kvinneaktivismens mange ansikter i Sudan og Iran» (New Challenges to Islamic Feminism: The Many Faces of Women's Activism in Iran and Sudan), *Tidsskrift for kjønnsforskning* vol. 4 no. 4 pp. 327-342

<sup>33</sup> <http://www.musawah.org/>

interpretations, including minority views and lesser known hadiths. Sudanese women refer to Hasan al-Turabi, Sadiq al-Mahdi<sup>34</sup> and Mahmoud Muhammed Taha<sup>35</sup> depending on their political belongings. For example, when Turabi insists that Muslim women can marry *ahl al-kitab* or the people of the book meaning Christians and Jews, it represents a controversial minority view in Islam. This is not even put into law in a country like Tunisia which most would declare to have a secular state and secular family law under Boughiba and later Ben Ali. In 1973 a circular, which referred to Islamic *fiqh*, from the Minister of Justice actually prohibited the registration of marriages between Muslim women and non-Muslim men.<sup>36</sup>

Also, when it comes to family law reform, Islamic feminist and also other women activists often make references to contemporary examples in the region, like the *Mudawwana* reform in Morocco in 2004. This is presented as the Islamic path to a gender equitable family law whereas the Tunisian one is referred to as the secular model and because of that sometimes rejected.<sup>37</sup> The references to Islam in the *Mudawwana* are clear and abundant, it is also controversial in the sense that it departs from classical *fiqh*. For example, it makes references to lesser known hadiths to legitimize its content. The Preamble of the *Mudawwana* in Morocco in 2004 explain that these reform efforts were supported by the *hadith* of the Prophet Mohammed, “Only an honorable person dignifies women, and only a wicked one degrades them”. This verse is presented as evidence that a family should be placed under the joint responsibility of both spouses. This *hadith* is not found in any of the major *hadith* collections, but appears in *The Book of Forty Hadith Regarding the Virtues of Mothers of the Faithful*. It has been criticized as weak and possibly false.<sup>38</sup>

Yet another strategy frequently employed is that of *takhayyur*, that is by exercising preference. This is not a strategy that challenges the prevailing *fiqh*, but rather bargains between the law schools, including references to minority views, to find the most gender sensitive outcome. This is of course not a strategy invented by Islamic feminists. Early reform advocates, and the Egyptian Rashid Rida called for a freeing of adherence to particular schools, and developed the idea that rules may be selected from amongst the schools to produce laws that best suited the needs of society at a particular moment in time.<sup>39</sup>

Women activists, whether we label them Islamic feminists or not, are frequently employing such arguments and it is then more difficult in local contexts to critique them for being un-Islamic because they refer to the classical *fiqh*. For example in relation to the evidence for *zina*, many activists have

<sup>34</sup> Sadiq al-Mahdi (2007), *Islamic Rights and Human Rights for Women [Huquq al-Islamiya wa al-Insaniya lil Mar'a]*. Khartoum: Maktaba al-Sharuk al-Dawliya; Sadiq al-Mahdi (2001), *Women's Rights [Huquq al-Mar'a]*. Khartoum: Umma Party Publication.

<sup>35</sup> Mahmoud Muhammad Taha (1987), *The Second Message of Islam*. Translated by Abdullahi An-Nai'm. Syracuse: Syracuse University Press; Mahmoud Muhammad, Taha (1976), “An Introduction to The Second Message of Islam”, *The Republican Thought*, [http://www.alfikra.org/books\\_e.php](http://www.alfikra.org/books_e.php). See also Edward Thomas (2010), *Islam's Perfect Stranger: The Life of Mahmud Muhammad Taha, Muslim Reformer of Sudan*. London: I.B. Tauris.

<sup>36</sup> Wassila Ltaief (2005), “International law, mixed marriage, and the law of succession in North Africa: “...but some are more equal than others””, *International Social Science Journal*, Vol.57, No.184, pp. 331-350.

<sup>37</sup> The Tunisian family law (1956) do make Islamic references, it is continuously referred to as ‘secular’ by policy makers, scholars and even sometimes Tunisian feminists. Maïke Voorhoeve, (2012), *Family Law in Islam: Divorce, Marriage and Women in the Muslim World*, I.B. Tauris

<sup>38</sup> Kristen Stilt and Swathi Gandhavadi (2011), “Strategies of Muslim Family Law Reform” *Faculty Working Papers*. Paper 11. Available at <http://scholarlycommons.law.northwestern.edu/facultyworkingpapers/11>

<sup>39</sup> Ibid

pointed out that the Maliki school of law is the most strict because it allows for pregnancy to be evidence for *zina* for a non-married woman. The other three law schools do not allow this as evidence.<sup>40</sup> In the before mentioned *Mudawwana* law in Morocco, this strategy was also used.<sup>41</sup> This can additionally be related to both the history and current debates in Sudan. According to the family law from 1991 the woman needs a male guardian (*wali*) to validate the marriage. This is stipulated in article 25. This follows the practice of the Maliki school of law. It also revokes a judicial circular from 1960 based on the legal preference of the Hanafi school, according to which a woman can contract marriage herself without a male guardian.<sup>42</sup>

As Ziba Mir-Hosseini points out, what interpretation of Islam that is reflected in the laws of modern states largely depends on the balance of power between those actors whose understanding of Islamic law is literal and limiting to women's equal rights. She calls them traditionalists. And the Reformists who see no opposition between Islam and women's equal rights as reflected in international human rights treaties. Also, it depends on women's ability to organize and participate in the political process, and their ability to engage with the advocates of each of the two discourses. She says, Islamic law reform, is not only a matter of theological or religious reform, but also a highly political question.<sup>43</sup>

The last part of this talk, I will try to tackle the elephant in the room, that is the concept of feminism. In my opinion the history of feminist theory and practice has a long and diverse history. Yes, term itself was coined in the West, according to Margot Badran, more specifically in France in the 1880s by Hubertine Auclert, who introduced it in her journal, *La Citoyenne*, to criticize male domination and to make claims for women's rights and emancipation promised by the French Revolution.<sup>44</sup> Since its first appearance the term has been given many meanings and definitions; it has been put to diverse uses and inspired many movements, also outside of the West. By the early 1920s it was in use in Egypt where it circulated in Arabic as *nisa'iyya*.<sup>45</sup>

“De facto feminist praxis”<sup>46</sup> are produced in many locations both historically and presently and are articulated in local terms. Thus, “the meaning of feminism has changed over time and from places and is often disputed.”<sup>47</sup> Feminist practices are “ratified by concrete experiences and change in any given place or time.”<sup>48</sup> They may not identify as feminists, but they are aware of constraints placed upon women because of gender, they are rejecting such limitations placed on women, and they working for more equitable gender roles.

<sup>40</sup> Mir-Hosseini, Ziba and Vanja Hamzic (2010) *Control and Sexuality: The Revival of Zina Laws in Muslim Contexts*. London: Women Living Under Muslim Laws.

<sup>41</sup> Kristen Stilt and Swathi Gandhavadi (2011), “Strategies of Muslim Family Law Reform” *Faculty Working Papers*. Paper 11. Available at <http://scholarlycommons.law.northwestern.edu/facultyworkingpapers/11>

<sup>42</sup> Liv Tønnessen (2011), *The many faces of political Islam in Sudan: Muslim women's activism for and against the state*, Bergen University: Bergen.

<sup>43</sup> Ziba Mir Hosseini (2004). “The Quest for Gender Justice. Emerging Feminist Voices in Islam.” *Islam*, 21(36).

<sup>44</sup> Margot Badran (2002), “Islamic Feminism: What’s in a Name?” *Al-Ahram Weekly Online* no.569, 17 - 23 January, <http://weekly.ahram.org.eg/2002/569/cu1.htm>

<sup>45</sup> Margot Badran (1996), *Feminists, Islam and Nation: Gender and The Making of Modern Egypt*, American University of Cairo Press, Cairo.

<sup>46</sup> Patricia Misciagno, *Rethinking Feminist Identification: The Case of De Facto Feminism*, Praeger publishers: Westport, 1997, 70-71.

<sup>47</sup> Leila J. Rupp and Verta Taylor, “Forging Feminist Identity in an International Movement: A Collective Identity Approach to Feminism,” *Signs* 24 (1999):363-386, 364.

<sup>48</sup> Margot Badran, *Feminists, Islam and Nation: Gender and the Making of Modern Egypt* (Princeton: Princeton University Press, 1995), 20.

Islamic feminists argue that although the term or the concept itself originated in the West, the ideas behind it are not inventions of the West. Like the concept of democracy for example. It is also a term that originated in the West, but the ideas behind it are present in Islam through the concept of *shura* (consultation).<sup>49</sup> Omaima Abu Bakr at the University of Cairo says in an interview;

*About the term "Islamic Feminism," it is true I did not reject it because it depends on what you put under the name, how you define and qualify it, and what are the ideas and notions you subscribe to under that name. It is true that the terms "feminism" and "gender" themselves are English and Western, but the ideas of egalitarianism, justice, equal rights, compassion, resistance to tyranny, activism...etc. are not a Western invention or a monopoly by the West. Especially the history of women in the Arab world in the 19th and 20th century shows their "feminist activism" and discussion of "gender" long before these terms came to the surface.*<sup>50</sup>

By insisting to use the term Islamic feminism then they are trying to show that the West does not have the monopoly of defining feminism. Omaima Abu Bakr goes on to say "Islamic Feminism" allows me to qualify my own indigenous brand of feminism and work out a feminist discourse stemming from within the culture and religion. There is an Islamic ethics of feminism".<sup>51</sup>

Like Margot Badran has argued, it emerged out of a critique of both patriarchal interpretations of Islam as well as of secular feminism. And she says it has emerged as a critique of secular feminism both locally and in the West.<sup>52</sup> In the West, the dominant strand of feminism has been secular. Although there are examples of Christian theologians using the bible to argue for women's rights<sup>53</sup>, the dominant view among Western feminists have been that religion is oppressive to women. However, it should be noted that in the history of Western secular feminism is diverse ranging from Marxist feminism to liberal and radical feminism. There are also models which do not advocate gender equality. The first wave of feminist was preoccupied with women's entry into the labour force and also with women's political rights. Many of them argued for complementarity within the family, rather equality.

Islamic feminisms are critical towards the historical stereotypes which links oppression of women among Muslims to Islam, and which defines Muslim women as the other of 'Western' secular feminisms. The anchoring of the struggle for women's rights in a religious orientation to the world, also challenges the tendency towards monopolizing the struggle for women's rights, and towards the universalization of secular models of thought which have characterized 'Western' feminism. So although they accept principles of gender equality as stipulated in the universal human rights, they

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<sup>49</sup> Liv Tønnessen (2009), "Democratizing Islam and Islamizing Democracy: An Inquiry into Hasan al-Turabi's Conception of Shura in light of Western Democratic Theory." *Nordic Journal of Human Rights*, 27 (3), pp. 313-329. See also, Hasan al-Turabi (1983), *Shura and Democracy [Shura wa dimuqratiya]*. Khartoum.

<sup>50</sup> Interview with Omaima Au Bakr, Available at <http://www.musafira.de/islamwissenschaft/interview-with-omaima-abou-bakr-on-science-islamic-feminism-and-history/>

<sup>51</sup> Ibid

<sup>52</sup> Margot Badran (2002), "Islamic Feminism: What's in a Name?" *Al-Ahram Weekly Online* no.569, 17 - 23 January, <http://weekly.ahram.org.eg/2002/569/cu1.htm>

<sup>53</sup> Allyson Jule and Bettina Tate Pedersen (eds.) (2006), *Being Feminist, Being Christian: Essays from Academia*. New York: Palgrave Macmillan; Nancy Calvert-Koyzis and Heather Weir (eds.) (2010). *Breaking Boundaries: Female Biblical Interpreters who Challenged the Status Quo*, New York: T & T Clark.

reject the idea of a feminism based on secularism. As such they are demanding their rightful space in the history of feminism.

This position, of course, is sometimes difficult to take in local contexts, because the term feminism is considered so intertwined with the west and moreover the colonial history. Often Islamic feminists and also other self-declared feminists and activists face accusations that they are running the errands of the West when they are arguing for law reform to better the situation of women. And by default then they are also accused of betraying religious and cultural values and posing a threat to the order of society.

So is Islamic feminism two incompatible ideas brought together? The answer is simple and complex at the same time. It all depends on how you define the two terms that are inherently contested.

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