Contestations
dialogues on women's empowerment

Issue 1: Islam and Feminism. Edited by Hania Sholkamy

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Islam and feminism have had a troubled relationship. Over the last two decades, scholars and activists have questioned the western credentials of feminism and claimed justice as a purpose and possibility that can be captured via religious routes. Religion provides women with an ethical framework and a moral foundation that recognises their rights as individuals and as a collective, albeit redefining equality in the process. The mosque movement in Egypt has empowered women to find dignity, companionship and comfort through piety and conformity to a religious ideal and challenge the less-than-perfect world around them. Moreover by engaging with religion, Muslim women are able to redefine the tenets that have endowed Islam with an unnecessary bias for men; one which feminist scholars of Islam are certain is antithetical to the spirit and philosophy of our religion.

Such serious engagements are, however, quite separate and distinct from the popularisation of religion as a veneer that enables anyone to get away with anything! Restoring the principles of equality and justice upon which Islam was founded is not the same as using religions slogans, appearances, and hegemonies to achieve political gains or affect policy changes. Religion as faith is all too often elided with religion as politics. Now politicians and policy makers, including international development experts, are seeking to harness the power of the divine. The rationale is simple: if people are driven by faith, then let us use faith to drive them towards social and political change.

The instrumentalisation of religion, and of Islam in particular, is worrying and problematic. The promotion of religion as a route to social justice may, in the short-term, succeed but, in the long term, will make religion the arbitrator of politics and of social change. Movements for social justice that are marked by religion as their ultimate reference and at the core of their politics would, of course, find no problem with such a prospect. But I beg to differ. How can one judge whose interpretations and agenda correctly reflect the wishes and designs of God? How can one oppose or challenge a divine will? These are just two of the many difficulties that arise when one places all the social change eggs in the religious basket!

In Egypt, researchers and activists seeking to introduce changes in attitudes and practices relating to women's rights and public health have sought to promote a religious approach that 'reveals' the progressive potential nascent in Islam. The Khol' law which gives women the right to initiate divorce rests on a prophetic tradition that has been long known and ignored by scholars in which a woman asked the prophet (peace be upon Him) how to end her unhappy marriage. She was advised to return her bride-price to her husband as the only pre-condition for divorce. Women's rights advocates lead by state sanctioned bodies, such as the National Council for Women in Egypt, invoked this incident to argue for a change in divorce laws. They were successful.

Recent efforts to pass a child rights law in Egypt that prohibits corporeal punishment, criminalises female genital mutilation and explicitly bans early marriage for girls has also invoked Quranic and prophetic positions and evidence but has also faced harsh opposition in parliament specifically from the independents (Islamicists) and other opposition who are citing their own interpretations of religious texts to sanction female genital mutilation and early marriage as practices that insure female sexual modesty and are insistent on the parental right to discipline children, even if using physical censure to insure that children do not stray into delinquency! Whose interpretation gets sanctioned is a question of politics not of faith (*El-Masry el-Youm* newspaper p. 1, 5 March 2008). Using religion as the pathway to gender justice is not a smooth strategy. It can work well but can also induce stumbling when the pathway becomes more important than the destination!

Reforming Islam and Changing Muslims

There are several contending voices in the world of Islamic revival and reform. There is an ongoing revival for a number of authentic religious approaches from the past; a progressive one, a radical other, and a conservative third. All are equally historically authentic. It is one thing to revive and substantiate progressive interpretations as a religious goal but quite another to use religion to recruit supporters for regimes or reforms.

Taking the example of feminism, this means that feminising Islam is one thing but Islamising feminism is another. It means that integrating the interpretations and experiences of gender aware scholars will yield gains for women and men for generations to come. But that is a distinct project from sugar-coating political and social movements with religion so that they pass popular muster.

The pressure to agonise over religion comes from within the Muslim world and from outside it. Domestically, faith is now an identity and its trappings and external markers are given pride of place in daily life and in public spheres. The head-scarf and veil are as our national dress for women while prayer marks on men's foreheads are springing up at near epidemic rates. In our everyday language, we continuously invoke the names of God and the prophet. All types of religious conformity are strongly encouraged and the arbitrators of social and political actions are religious scholars. Moreover, our most vibrant opposition movement is a religious one that has adopted the slogan of Islam is the Solution to such great success that our new constitutional amendments, hurriedly pushed through by the regime, have explicitly banned this slogan. This pervasive piety has attracted the attentions of feminists and of activists who seek to harness the power of piety to innovate and lift social burdens of gender oppression. Religious texts are used to substantiate women's rights and freedoms. Female genital mutilation, birth control, sexual rights and rights to property and mobility, we are often reminded, are addressed by Islamic codes that favour women. Unfortunately, satellite channels, popular books and even some textbooks used in seminaries are not in accordance with this progressive interpretation. They are spreading a very different rendition of religious teachings.

When feminists try to use religion they are also promoting the idea that we should make our life decisions in accordance with standardised religious teachings rather than by appealing to a sense of equity or justice. This utilitarian approach may win over some people but it may precipitate a bigger loss; that is the loss of independent reason and the loss of faith as an absolute not instrumental passion. This is not to espouse a western rationalist approach that assumes religion to be a matter of private concern and rejects the idiom of religion as a vehicle for collective action. Actually, Sufism, a purely religious philosophy that is indigenous to Islam, has rejected the external trappings of the practice of faith as secondary to the personal and continuous struggle to attain enlightenment and true faith.

The pursuit of a language of engagement with Muslims inside and outside western societies is evident in confusions around feminisms, Islam and feminist Muslims. Feminism has had a very limited purchase amongst grass-roots movements in Muslim countries. Islamic political activism is wide-spread and popular. Feminists Muslims are an often-misunderstood group. There are women who believe in social justice, who adhere to Islam as a faith but who do not use it as a form of representation. They are a group that are sometimes dismissed as out of touch, western, secularists. Then there are those who are activists politically engaged in local and international politics who use their faith as an idiom of representation. In some cases, these groups are countering patriarchal ideological trends within religious thought and in others they are not. Activists who are seeking to establish the legitimacy of gender justice on religious grounds may be trying to realise feminist gains by appealing to religious sentiments or they may

further the notion that choices have to be religiously recommended and sanctioned.

Reclaiming Religion

The gains of feminist Islamic jurisprudence and, more broadly, of women engaging with the religious establishment are tremendous. There are tens of scholars in Morocco, Egypt, and elsewhere who are working in this field and who have created a legitimate counter-discourse within religious discourses specifically on women's issues. It is unfortunate that few have stepped out of bounds and addressed religious jurisprudence as a whole. But some are beginning to step out of the home and harem of the private, personal, and sexual. One small booklet that was published in 2005 by the Women's Renaissance Association (Gam'yiet El-Nahda el-Nisa'ya el-Khairya) in Riyadh in Saudi Arabia cleverly lists all the holy Quranic verses and Hadith that promote human rights and equality as well as responsibility and rationality and calls this The Rights of Muslim Women in Accordance with Shari'a not Tradition . Thus the booklet transcends the limitation of simply focusing on the bits of scripture that focus on women to argue for women's rights as human rights. This is an example of daring to challenge traditional practices of exegesis.

It is important to challenge prejudices in jurisprudence, interpretation and law-making. Muslim men and women will work from within the mantle of religion to address these objections and this conservative rendition of religion. This trend of working from within is happening throughout the Muslim world. Turkey's Modernist Islamic ruling party is revising the Hadith to weed out the intrusion of false Hadith and to re-interpret accepted Hadith, the interpretation of which is rooted in the distant past. The ruling party has the credentials to support such a bold move. A secular government could not and would not attempt such a radical revision of the prophetic traditions. As one commentator on the BBC described it, "Islam is having its reformation!"

Rethinking Engagement

Engaging with religion on its own tenets and structures of truth and rationality is a very different project to that of placing religion at the core of gender analysis and action. It is good to champion the feminine element in Islamic laws and practices to redress a historical injustice. This requires the involvement of scholars able to defend these new ideas and fend off regressive elements on the basis of sound religious scholarship and is a vital intellectual and philosophical development. Both developments do not imply, however, that religion becomes the route to social action and change. Rather, they suggest that what is needed is an un-apologetic and progressive engagement with social justice and citizenship rights that does not preclude or undermine anyone's ideology or faith.

Whose Faith? Islam is Many Solutions!

Faith-based social movements do not have a monopoly on faith. They have a political program that should be valued on its merits and on its promise to deliver equity and justice. A progressive or liberating agenda for women could have a religious or other moral frame of reference. Women have a right to choose a religious identity as the public one with which they engage in politics. But imposing this choice on others who engage wearing a different 'hat/veil' is another thing altogether!

The right to choose our politics is one all women engaged in any struggle should safe-guard and promote. Even if a turn to religion appears to offer instrumentalist or pragmatic promise, there are many risks in pursuing this route as a way of addressing gendered injustices. The biggest risk is the loss of the idea of multiplicity and difference and the acceptance of changing gender roles and norms. If feminists appeal to faith to justify their demands they may be faced with a different but equally authentic religious interpretation that rejects gender justice.

People in Egypt may agree that Islam is the Solution but differ on who has the mandate and mission to implement that solution and assume the mantle of Islam. Islamist political movements have had the savvy ability to occupy this territory as self-proclaimed representatives. Others who do not employ religion as a political creed have never denied that they are Muslims but they may be rightly wary of using their faith as a vehicle for advancing social agendas.

In pursuit of this agenda of finding a "Safe Islam," western interventions are promoting an instrumentalist approach that favours conservatism and religiosity as a route to eastern minds and hearts. In the midst of so many passions, the distinctions between faith and politics can get lost. The assumption that all things religious are preferable to those that are not may become a hegemony, and so the authenticity and power of social justice as a cause is collapsed into a promotion of politics as a signifier of faith.

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Responses to Hania Sholkamy

Towards a Democratic, Overlapping Consensus

Heba Raouf

It is indeed timely to enrich the public debate on democracy, Islam, human rights, women's empowerment and many other issues concerned with the social contract, and its reform. The social contract is continually in the making in any society, as much as democracy is itself a continuous process with no clear cut end. In my reflection, I would like to go beyond gender and feminism and address the issue of secularisation of the public sphere and public debate.

I understand the concern of over-stating religion, especially when there is an over-stating of the state and authoritarianism in the Arab world. As Hania stressed, we do not need an extra burden by politicising religion and muting the voice of those who do not wish to play on that ground. Her fear that religious discourse might silence other rationales and bases of sound judgment is legitimate. We have seen crimes committed in the name of protecting Islam, from killing secular intellectuals to chasing others out of the country to seek refuge abroad.

Yet Hania's text reminded me of Richard Rorty's argument about religion as a conversation stopper (Rorty 1994). We are now living in a post-secular age where combining different discourses to build a post-ideological and post-secular democratic consensus is possible and is actually the Jihad of the historical moment awaiting the Muslim mind.

Muting religious discourse has proven to be useless. After decades of secular hegemony over the political sphere and the manipulation of the cultural scene by ideologues from leftist background, religion came back strikingly and even to the surprise of sociologists who anticipated its decline. Hence my surprise that Hania, a sociologist, could simply ignore the problematic issues and dismiss religion from the public sphere, assuming it is a mere individual and private matter. Wishful thinking driven by a wish to keep religion pure and powerful by preserving the Sufi tradition as she declared? Maybe. But who said Sufism itself could escape engagement in political struggles and conflicts?

Hania stated that Islam and feminism have had a troubled relationship. From my point of view, the root cause is the troubled relation between modernity and religion. If social sciences as well as philosophy are now turning to religion, how can we in the Arab world simply ignore this historical lesson and refuse to listen to the rhythm of society and wish to dance to the sound of another melody? (see Habermas) Hania comes to the scene with an enthusiasm for a secular public debate on women's rights (or other issues) at the very moment when secularism is being demystified. No mention of the probable use of secular discourse to silence other discourses is mentioned in her article, a threat we have seen in the Arab world for decades.

Bringing religion back in is not necessarily harnessing the power of the divine against the power of the people. As she mentioned, women managed to seek empowerment via the religious discourse and reclaiming their share and right to spaces of religion in mosque and society. While religion can be used and abused to dominate the debate and exclude voices of reason and attempts of religious and social reform, it can also be a theology of liberation. The question is not anymore if this is at all possible, but how it can be done.

"The instrumentalisation of religion, and of Islam in particular is worrying and problematic," writes Hania. True. But this is problematic for all ideological and pragmatist frames of reference as well. Even liberal democracy can produce a rhetoric that would obscure colonial interests and veil hegemonic policies.

She asks: "How can one judge whose interpretations and agenda correctly reflects the wishes and designs of God? And how can one oppose or challenge a divine will?" (De Vries 1999). Others have been asking the same questions regarding pure reason, and concerning the logic of the modern state. The answer is simple: by setting the rules of accommodation of difference and empowerment of the people, by struggling for democracy.

"Using religion as the pathway to gender justice is not a smooth strategy. It can work well but can induce stumbling when the pathway becomes more important than the destination!" Indeed. That is why the mission of reformists and democrats is to make sure this does not happen. But to prevent religion from having a voice and to discourage citizens who adhere to it from building their political judgement in relation to it, within a democratic social contract, is - in my point of view - a shift towards extremist and radical secularism (Berger 2003).

If our most vibrant opposition movement is religious as she stated, one should question any argument that discredits such choice and jumps over it as if the masses are deceived and need to be preached about the danger of their choice. I want to remind her that 88 seats went to that opposition in the 2005 elections that witnessed much fraud. I expect from Hania to see why this choice was made and how it can become an asset for women's struggle not turn into the nightmare she is fearing.

"There are women who believe in social justice, who adhere to Islam as a faith but who do not use it as a form of representation. They are a group that are sometimes dismissed as out of touch, western, secularists. Then

there are those who are activists politically engaged in local and international politics who use their faith as an idiom of representation. In some cases, these groups are countering patriarchal ideological trends within religious thought and in others they are not. Activists who are seeking to establish the legitimacy of gender justice on religious grounds may be trying to realise feminist gains by appealing to religious sentiments or they may further the notion that choices have to be religiously recommended and sanctioned" (see Hafez 2004; Ezzat 2007 and Mahmood 2004). Good point, but again, how can we include all in the public debate and develop the overlapping consensus needed badly for democratic reform? My answer: through debating policies and focusing on strengthening civil society and politics of presence. Coming from a political science background, I found Hania's text completely apolitical.

The challenge in my view is not only the hegemony of Islamic unitary visions on the public sphere, but the hegemony of the state. Hence my reflection on the need to develop our own formula of separation between state and religion by allowing religion to be contained in a strong civil sphere, protected from the monopoly of the state. Once deliberative democracy is developed, reformist and progressive visions will become the tool of empowerment of society in its struggle against authoritarianism. It is where you place religion that shapes its direction. The threat that state speaks in the name of God is indeed the ultimate threat. We can tame radical voices if this happens in the public domain easily if we can guarantee the neutrality of the state, the rule of law, and of course the presence of democratic mechanisms of government.

I can see a counter argument raising the flag here, saying that the danger is that religious discourse can take over and can end up eating the cake after having it (Dostert 2006; Owen 2001). Back to my democratic argument: the struggle would then continue against the state that would rule in the name of God and hijack the will of the people with religious slogans.

How can we promote moderate Islam and agree on the mainstream choice from many versions and interpretations (Al Messiri 2007)? Again, by fostering the democratic deliberative power of the civil sphere in day-to-day life. By strengthening civil society and all associative spaces, and by allowing all discourses to bloom in the intellectual circles. Romantic? No - democratic. Such a debate is a step on that path and represents a good start.

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Response from Islah Jad

Hania's piece recalls the classic secularist stance that faith should not intervene in politics, and that it should be contained in private. This view is lately becoming widely contested. In this reply, I argue that in the context in which these debates are taking place the 'national state' is not a passive observer of the development of a hegemonic religion but, in its rivalry with strong political movements in opposition, is acting to use and instrumentalise religion to spread its hegemonic power, thus enforcing religion as the basis for political legitimacy.

Many scholars have portrayed Islam as a threat to secularism, which is understood as total separation of the realm of politics from the realm of religion. I concur with Asad's approach of not separating the two realms but rather of examining the historical circumstances in which the secular political project or the Islamist vision prevails. Arab nationalism, whether in its Baathist, Nasserist or other forms, incorporated Islam as part and parcel of its claims of difference and was a unifying ideology in the quest for building what Salame calls a 'state of legitimation' – a move that derives fortification from enduring social elements, rather than insisting more fundamentally upon a vision for change and innovation. Al-Azem goes further to accuse the 'secular' nationalist elites of obstructing a rational understanding for the Islamic cultural heritage to become

the subject of independent scientific methodologies and inquiries pertaining to social sciences, using the Islamic cultural heritage as an ideological tool in the service of their regional, national or party politics. Thus, when the nationalist waves faded away, the uncritical approach to Islam and Islamic heritage remained and was easily presented as the untouchable core of Arab and Muslim identity.

In the Arab world, the fusion of religion and nationalism as a brand of ‘secularism’ wielded amongst the post-colonial national elites was a clear marker of identity for these post-colonial nation-states in the Arab World. Writing on Islamism and secularism, Abd El-Baki Hermassi, for example, summarises the differences in the important distinction between de facto and de jure secularism. Whereas in the West de jure secularism called for the formal separation of church and state, the Arab state recognised Islam as the religion of society, but de facto demobilised its political use.

Further conflicts may be noted between Islam as a religion and nationalism. In contemporary political Islamic movements, the ‘new’ meaning of Islam is inclusive of Muslims and exclusive of all non-Muslims, unlike nationalism. But like nationalism, Islam is interpreted as a political system and used for political ends, which is a threat to secularism. However, both Arab nationalism and Islamism share a concern with the modernising state because Islamism takes for granted and seeks to work through the nation-state, which is so central to the predicament of all Muslims. It is this statist project, Asad argues, and not the fusion of religious and political ideas that gives Islamism a ‘nationalist’ cast. Asad urges us not to focus on the ‘real motives’ of Islamists, but rather to look for what circumstances oblige ‘Islamism’ to emerge publicly as a political discourse, and how it challenges the deep structures of secularism.

It is not the religious text, but the political context which determines the Islamist discourse. The ‘modified’, ever-evolving version of shari’a (and not religion per se) displayed by Islamic movements raises two issues. On the one hand, it is a challenge to the discourse used by some feminist NGOs based on a liberal, individualistic notion of rights which ignores the plight of many social and political groups and movements deprived by the ‘secular’ national state from their basic civil and political rights. By putting Islam at the centre of a modified notion of Arab nationalism, the Islamists have managed to de-legitimise the feminist women’s discourse, which is portrayed as non-national and alien. On the other hand, it also poses a challenge to the rather ambivalent Arab secularism which used Islam as a source of its legitimacy. By ‘Islamising’ Arabs and ‘nationalising’ Islam, the Islamists have proved themselves successful in forging a brand of nationalism on which Islam was integral and constituted a mobilising force for the masses.

In such a context, the secularists, while pressuring and challenging the Islamists, are nonetheless losing ground by advocating the discourse of rights in isolation from the national agenda and in the absence of a mobilising organisation. Feminist NGO activism, based on short-lived projects, does not have the potential to constitute an alternative. By becoming an opposition movement against all forms of violations of civic and human rights, the Islamists have developed a political organisation. In contrast, women in NGOs have no organised constituency and the support they have, if they get it, is derived, in some cases, from a decaying de-legitimised Arab authority.

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Response from Mulki Al-Sharmani

Dear Hania,

I hear you saying two main things: First, feminists (in this case Egyptian) are making a mistake when they use religious terms of reference to advance their agenda of gender justice. You argue that when Egyptian feminism, as a political project, makes such instrumental use of religion, it can never win the contest of authenticity since different religious interpretations can make equally successful claims to truth, yet some of these interpretations may sanction the very same gendered forms of injustice that the feminist project is struggling against. Second, you seem to be saying that it is problematic when ‘standardised religious teachings’ become the public standards upon which people are expected to make their life decisions and are accordingly judged. Despite its immediate gains of some societal support, the religious pathway to social justice, you

argue, has the downside of resulting in undermining "independent reason," and even "faith" that is divorced from political sentiments and interests. This political use of religion, you worry, is responsible for the emergence of oppressive and exclusionary identity politics. However, you distinguish the above-mentioned feminist project that uses religion as a tool of politics from a philosophical and an intellectual one which engages epistemologically with religious tradition and in the process arrives at valid and progressive interpretations (that are just to women). You see merit in the latter project, which you say, is driven not by a political agenda of social change but a religious goal of interrogating the tradition on its own turf and by using its own methodologies.

I have two comments to make and will do so by using family laws as an example of a domain in which engagement with religion has been part of feminist efforts to bring about just legal rights for women. In family laws, the question, I would argue, is not whether or not using religious-based arguments to pursue a feminist agenda may be useful and politically prudent in the short-term but costly and counter-productive in the long run. In all Middle Eastern countries with the exception of Turkey, family law is based on the doctrines of Islamic schools of jurisprudence. Of course it would be simplistic and inaccurate to say that these modern laws are the mirror reflection of the doctrines of Islamic jurisprudence or the teachings of sacred texts. The codification process of these laws, being part of the project of modern state building and subject-making in the region, produced narrow and centralised codes which not only lacked the legal pluralism of early schools of Islamic law, but also in some cases contradicted guiding principles of the sacred texts and included elements from colonial European laws. Notwithstanding the genealogy of present-day Muslim family laws, they remain substantially based on Islamic jurisprudence. Moreover, many Middle Eastern states and their citizens profess a preference for family laws that are based on religious teachings. Therefore, one could conclude that engagement with religious knowledge in the realm of family laws is necessary. But the more important and relevant question, I believe, is whether this engagement is inherently risky or problematic. It may appear to be so when we fail to unpack and de-homogenise what we mean by 'religious' or, to be more precise, what we mean by engagement with religious tradition.

My first point, then, is that engagement with religion in a feminist reformist agenda can take multiple pathways to gender justice. The key word is 'multiple.' And some of these pathways will be more successful than others. Here I think it is important to note your distinction between two kinds of projects: one which sugar-coats its reform language with religious arguments and one that engages systematically and comprehensively with the religious tradition. I agree that there is such a thing as a questionable use of religion to advance feminist agendas. However, the problem with it, I think, is not that it is opportunist but that it is often incoherent and unsystematic so it ends up being an unpersuasive and ineffective strategy. I think this kind of poorly informed and partial use of religious arguments makes feminists unable to address opposing religious counter-arguments. A good example is the pick-and-choose approach of using religious texts to restrict polygyny, but then not knowing what to do with the Quranic verse regarding wife beating; or using a particular religious argument to expand women's access to divorce, but then being forced to ignore the verse regarding men's 'guardianship' over women. But I venture to add that this challenge does not arise from the supposedly unwinnable contest of the 'most authentic religious interpretation,' but rather from the lack of feminist efforts to engage in a larger systematic and comprehensive way with religious tradition.

There are, however, other efforts taking place that are driven less by an agenda of gender justice than by an interpretive project to engage with the religious tradition. These efforts are relevant to feminist goals and can have substantive impact on their outcomes. I would say, for instance, that the work of Amina Wadud, Ziba Mir-Hosseini, Muhammad Khalid Masud, and Khaled Abu Fadl offer a critical yet religious-based approach to religious tradition. This approach is above all grounded in a coherent and systematic engagement with sacred texts and Islamic jurisprudence, while at the same time addressing questions that are pertinent to gender justice and social change. In other words, there is a place for a serious and thoughtful engagement with religion in a political agenda that seeks gender justice. Such engagement need not be instrumental or inescapably trapped in the polemics of authenticating its religious interpretations.

A recent example of such engagement, to which you refer, is the success of Egyptian religious scholars and feminists in passing the khul law.[1] This was accomplished through the use of careful and methodical religious arguments. These arguments affirmed women's religious right to khul by appealing to the intended purpose of the Quranic verse on khul (i.e. to give Muslim women a way out of an unwanted marriage); and by invoking the incident in which Prophet Mohamed automatically granted khul divorce to a woman who came to him, complaining that she no longer wished to continue living with a husband whom she did not like although he had not wronged her. The proponents of khul law, moreover, highlighted the distinction between jurisprudence as the human efforts of early jurists to arrive at an understanding of the doctrines of sacred texts on the one hand, and the divine intentions of these texts, on the other. This distinction is important because those who opposed the law on religious grounds based their argument on the majority opinion of early jurists which makes the granting of khul divorce conditional on the approval of the husband.

But by arguing persuasively that the opinions of early jurists were the outcome of a historically situated human endeavor, the proponents of the new law showed that these opinions were contextual, indeterminate, and subject for reinterpretation. When the constitutionality of khul law was contested in front of the Egyptian Supreme Constitutional Court on the basis that it violated the Shari'a, the latter being the main source of Egyptian legislation according to Article 2 of the country's constitution, the court upheld the law by invoking the distinction between jurisprudence and Shari'a as well as applying the principle of distinguishing between texts with definitive and binding meaning and those with indeterminate meanings.

There remains considerable opposition to khul because of societal norms that see divorce only as a man's prerogative as well as a wide-spread misunderstanding of khul both as a legal procedure and as a religious option that is sanctioned to Muslim women. But the important point is that that khul law has been passed not only because reformers were able to mobilise the support of the government and make concessions to indignant parliamentarians, but also because they were able to make substantive religious arguments that were systematic and coherent. This, I suggest, exemplifies a case in which not all interpretations can make equal claims to religious authenticity.

My second and last point is concerned with the distinction you make between the 'political' and the 'religious.' I am not sure why you would not call a project that aims to "revive and substantiate progressive interpretations as a religious goal" a political one? Is it because it is not driven by a specific feminist agenda? Is it 'religious' but not political because it is not trying to win over supporters as you say, but rather is interested in an epistemological endeavor that seeks to interrogate the religious tradition to which it belongs? But I would counter-argue that a critical and earnest engagement with Islamic religious tradition (i.e. its knowledge, knowledge-production methodologies and history, etc.) is inherently political because a central part of this tradition involves a body of laws, opinions, and interpretations that are meant to guide how the adherents to this faith structure their lives and relations with one another. In other words, even if such an interpretive project is not driven by a specific political agenda, its outcomes are always implicated in the politics of social change. So if we agree on the merit of a project that seeks to contribute to its religious tradition by critically engaging with it and reforming it; and if we also concur that the knowledge and opinions that result from this endeavor impact the way we think and make laws about how men and women should relate to one another; then the pertinent question becomes not how and why we should keep the 'religious' out of the 'political,' but how and in what contexts the two interplay in a manner that equally advances gender justice as well as the genuine pursuit of religious truth.

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Notes
1. One such scholar is Abdel Moty Bayoumy, Professor of Islamic jurisprudence at Al-Azhar University and member of the Islamic Research Academy, the Al Azhar institution which reviews draft laws to decide upon its accordance with Islamic Shari'a.

Whose Islam? Whose Feminism?

Ziba Mir-Hosseini

Hania Sholkamy begins: 'Islam and feminism have had a troubled relationship', and goes on to warn us of the perils of faith-based feminism. While concurring with the essence of her critique of political Islam's gender discourse, I suggest that the 'troubled relationship' has changed, and this change is actually due to the rise of political Islam, which has opened a dialogue between feminism and Islam.

But before I go any further, some clarifications are in order. Both 'feminism' and 'Islam' are contested concepts, that is, they mean different things to different people and in different contexts. In other words, we need to start by asking: Whose Islam? Whose Feminism? These questions are central to Sholkamy's critique, but remain implicit and unpacked in her essay.

Let me start by stating my own position on the concepts at issue. As both a scholar-activist and a Muslim woman, I am a committed participant in debates about gender equality in law. My academic discipline – anthropology – enables me to observe my own participation in the debate, but I do not claim to be a detached observer. I understand 'feminism' in the widest sense: it includes a general concern with women's issues, an awareness that women suffer discrimination at work, in the home and in society because of their gender, and action aimed at improving their lives and changing the situation. There is also an epistemological side to feminism; it is a knowledge project, in the sense that it sheds light on how we know what we know about women's rights in religious law, enabling us to challenge religious patriarchy from within.

As for 'religion', I concur with Sholkamy that those who talk of Islam, or indeed of 'religion' in relation to Islam, too often fail to make a distinction now common when talking of religion in other contexts, namely between faith (and its values and principles) and organised religion (institutions, laws and practices). The result is the pervasive polemic/rhetorical trick of either glorifying a faith without acknowledging the horrors and abuses that are committed in its name, or condemning it by equating

it with those abuses. Sholkamy rightly notes the confusion of meanings in the English word 'religion', though it might be better to avoid a deceptive chalk vs cheese contrast between 'faith' and 'politics' and rather to note that a term (Islam or the Arabo-Muslim din, as much as the English 'religion') that can encompass faith and belief, legal traditions and discourses, and organisational structures and positions, has political and rhetorical potential – not least in slogans such as 'Islam is the solution'; or, the version in other contexts: 'return to Sharia'.

For in many ways it is the notion of 'Sharia' that is the problem. In modern times, when nation-states have created uniform legal systems and selectively reformed and codified elements of classical Islamic law, and when new forms of political Islam have emerged that use Islamic law as an ideology, one of the main distinctions in the Islamic tradition has been distorted and elided. This is the distinction between Sharia and fiqh. In Muslim belief Sharia is God's will as revealed to the Prophet Muhammad. Fiqh, jurisprudence denotes the process of human endeavour to discern and extract legal rulings from the sacred sources of Islam, that is, the Qur'an and the Sunnah (the practice of the Prophet, as contained in Hadith, Traditions). This distinction, which underlies the emergence of the various jurisprudential schools in the tradition, and, within them, a multiplicity of positions and opinions, has immense epistemological and political ramifications. It allows contestation and change; it enables us to separate the legal from the sacred, and to ask basic questions such as, how do we know what the Sharia is? How do we know what we know about gender rights in Islam? Who says what 'Islam' says or mandates? The distinction is therefore crucial to the arguments of committed feminists who choose to locate their feminism within Islamic tradition.

Let me turn to two relevant issues that I feel have been lost in the debate, and neglected in Sholkamy's argument. First, the linkage between the religious and political dimensions of identity in Muslim contexts is, in my view, one of the key issues that Muslim women confront in their struggle for equality. This linkage is not new – it has its roots in the colonial era – but it took a new and distinct expression in the 1970s with the resurgence of Islam as a political and spiritual force. With the end of the colonial era, the rise of secular and despotic regimes in Muslim countries and their suppression of progressive forces left a vacuum that was filled by Islamist movements. These movements, strengthened dramatically by the success of the Iranian Revolution of 1979, accelerated with the subsequent perceived defeat of communism. But it was not until the rise of the neo-conservatives in the USA, and their response to the events of 9/11 – in particular the invasions of Afghanistan in 2001 and Iraq in 2003 – that Muslim women found themselves in the crossfire. Both invasions were partially justified in the name of 'freeing Muslim women'; and US neo-conservatives and rightist parties in Europe have noisily promoted women of Muslim backgrounds such as Ayaan Hirsi Ali and Irshad Manji, who openly voiced criticism of what they understood as Islam.

The second issue is how political Islam, like other ideologies, carries the seeds of its own mutation. One of its neglected and unintended consequences was to give rise to a new feminism that is native to Islam. This did not happen because the Islamists offered an egalitarian vision of gender relations: they did not. Rather, their defence of patriarchal rulings as 'God's Law', and as promoting an authentic and 'Islamic' way of life, brought the classical jurisprudential texts out of the closet, and exposed them to increasing criticism; their very agenda – 'return to Sharia' – and their attempt to translate into policy the patriarchal gender notions inherent in those texts provoked many women to greater activism. A growing number of women came to question whether there was an inherent link between Islamic ideals and patriarchy, and saw no contradiction between their faith and their aspiration for gender equality. Using the language of political Islam, they could free themselves from the straitjacket of earlier anti-colonial and nationalist discourses and sustain a critique of the gender biases in Islamic law in ways that were previously impossible.

To appreciate this, we need to go back to the early twentieth century, to recall how and why the entanglement of feminism with the politics of colonialism faced Muslim women and Muslim reformers early on with difficult choices. At a time when feminism, as both a consciousness and a movement, was being shaped and making its impact in Europe and North America, it also 'functioned to morally justify the attacks on native [Muslim] societies and to support the notion of the comprehensive superiority of Europe,' as Leila Ahmed (1992: 154) among others has shown. Muslim women who acquired a feminist consciousness at the time, and sought equal rights for women, were under pressure to conform to anti-colonialist and nationalist priorities, as well as to the secularist and 'modernist' but despotic agenda of the new states. Contemporary western feminists could criticise the patriarchal elements of their own cultures and religions in the name of modernity, liberalism and democracy, but Muslims could not draw on these external ideologies or on internal political ideologies in their fight for equal rights. For both the colonialists and the modernising secularists, 'Islam' was the embodiment of a backward tradition that must be rejected or tamed in the name of progress. For anti-colonialists and most nationalists, 'feminism' – that is, advocacy of women's rights – was a colonial project and must be resisted. Some scholars have argued that in the early twentieth century the border between Islam and feminism was not so clearly marked, and that women often tried to change traditional laws by invoking and relying on Islam's sacred texts. But it was in this period

too that women became symbols of cultural authenticity and carriers of religious tradition and way of life, which meant that any dissent on their part could be construed as a kind of betrayal, or could be silenced. Meanwhile, undemocratic Muslim 'modernists' gave a new legal force to the gender inequalities prescribed by classical Islamic jurists. As a consequence, many Muslim women faced a painful choice, as Leila Ahmed puts it, 'between betrayal and betrayal' (1984: 122). They had to choose between their Muslim identity – their faith – and their new gender awareness.

This dilemma has disappeared; by the early 1990s there were clear signs of the emergence of a new consciousness, a new way of thinking, a gender discourse that is 'feminist' in its aspiration and demands, yet 'Islamic' in its language and sources of legitimacy. Some versions of this new discourse came to be labelled 'Islamic feminism' – a conjunction that is unsettling to both many Islamists and some secular feminists, yet holds the potential and the promise for change (Mir-Hosseini 2006).

Sholkamy herself appears unsettled by the engagement of Muslim feminists with their religion and with their search for gender justice within Islam. She suggests that they will face 'equally authentic' interpretations of the sacred sources, and, unable to 'oppose the divine will', will be defeated by the impossibility of judging whose interpretations are correct. Is this not defeatist? Authority is not the same as authenticity. Contemporary Muslim feminists seek just such engagements with proponents of supposedly authentic but patriarchal legal traditions, convinced that their own arguments are better grounded in both those traditions and the sources of International Human Rights law, and above all that any Islamic authority that denies justice as it is understood today cannot be authentic and should be challenged (Mir-Hosseini 2009). For those of us committed to achieving justice for women in a just world, there is no other choice than to bring Islamic and feminist perspectives together. For me, and for many other Muslim women, this is the only option that we have in the present context where we are faced by an apparent choice between the devil of those who want to impose patriarchal interpretations of Islam's sacred texts, and the deep blue sea of those who pursue a neo-colonialist hegemonic global project in the name of enlightenment and feminism.

A brand of feminism that takes Islam as the source of its legitimacy has a great potential to challenge both the hegemony of patriarchal interpretations of the Sharia and the authority of those who claim to speak in the name of Islam. Otherwise, Muslim women's quest for equality will remain a hostage to the fortunes of various political forces and tendencies, as was the case in the twentieth century. The legal gains and losses of women in Iran, and now in Afghanistan and Iraq, testify that there can be no sustainable gains unless patriarchal notions of family and gender relations are debated, challenged and redressed within an Islamic framework.

We need to eliminate the dichotomy between 'Islam' and 'feminism' that continues to be a feature of the politics of gender among Muslims. This dichotomy – itself in many respects a colonial legacy – is both false and at times arbitrary, as Abdullahi An-Na'im reminds us (An-Na'im 1995). But its implications are too grave and too pernicious to be ignored, especially in a twenty-first century context that is shaped by the politics of the 'war on terror'. Many Muslims perceive this war to be directed against them once again. Such a perception – whether justified or not – not only puts them on the defensive and makes them more likely to cling to religious tradition, but it also erodes the credibility and moral high ground of secular and Western discourses.

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Feminism through Safe Islam?

Mariz Tadros

The views expressed in this article are astutely insightful and courageous. They are badly needed to break the hegemonic discourse of celebrating the religious as the only participatory, emancipatory and indigenous path to realising rights for women living in contexts where religion plays a salient role in their lives and the lives of their communities. These views are brave because of the particular political-historical conjuncture in which they are expressed: a post-9/11 world in which Islamophobia and reactionary religious forces simultaneously thrive. Feminists aware of the prevalence of orientalist and racist

discourses on women living in the Muslim world are wary of writing critically on the negative dimensions of religion, out of fear of feeding into or being interpreted as Islamophobic. Islamists (referring here to supporters of the Islamist state project) have been quick to condemn any critiques of the use of religion in society as driven by individuals who have sold out to the West and its values and "imperialist project". Orientalist discourses may be ripe, but in many contexts, feminists are also practicing self-censorship where critiques of the religious in the political are concerned, out of fear of being hounded upon as being traitors. Hence for Professor Sholkamy to flag some of the ways in which using religion for women's empowerment can "induce stumbling when the pathway becomes more important than the destination" comes at a time when there is a desperate need to break out of this politically correct but inhibitive state of being.

Engaging with women's rights through the prism of religious frameworks, references and the invocation of sacred verses and bits and pieces of religious jurisprudence has been hailed among many working in development policy and practice as the ideal means of winning gains for women's equality through indigenous (read authentic), participatory (read grassroots, populist) and culturally appropriate (read non-confrontational vis-a-vis the religious establishment and movements). The problem is, as the article points out, instrumentalisation does not always work. Advocates for more gender just laws may have succeeded at passing the khul law, by claiming it derives from sacred religious text. But at the very same time, in the same parliament, they failed to justify their demands for changing the decree that requires Egyptian women to get permission from their husbands, fathers or brothers for travelling, by invoking religion. When they tried, they failed. And at the end, parliament changed the decree not because they were able to make a convincing case that it is supported by religious text but by arguing that the current decree violates the principle of citizens' freedom of movement enshrined in the Egyptian constitution.

Sholkamy argues:

"In pursuit of this agenda of finding a "Safe Islam," western interventions are promoting an instrumentalist approach that favours conservatism and religiosity as a route to eastern minds and hearts. In the midst of so many passions, the distinctions between faith and politics can get lost. The assumption that all things religious are preferable to those that are not may become a hegemony, and so the authenticity and power of social justice as a cause is collapsed into a promotion of politics as a signifier of faith"

The practical implications are that western policy makers and practitioners are inadvertently feeding into the politically oppressive environment in which difference and digression from what is established as "the religious norm" is met with intolerance and fanaticism. A good example is the way in which the great progressive reformist jurist Gamal el Banna, the brother of the founder of the Muslim Brotherhood, Hassan el Banna, is subject to the most vicious campaigns in the press and media for expressing different views on the nature of Islamic jurisprudence and offering alternative interpretations on gender relations and roles.

Another practical implication of the western contribution to the hegemony of the religious as the authentic, the credible and the non-antagonistic is the marginalisation and indeed in some cases exclusion of voices of feminists within these countries who wish to use alternative frameworks as points of reference for advancing women's rights. Invoking citizenship or human rights become automatically discredited as "western", "secular", "removed from the public". In so doing, they are undermining these feminists' contestational power and weight.

The truth of the matter is, there is no such thing as "safe Islam". Islam in its diversity and plurality is subject to multiple interpretations, perspectives and points of departure within the traditions of jurisprudence. Which one becomes prevalent or embraced does not always depend on effectively and convincingly presenting the "more progressive" or "reformist" perspective but on power politics. My personal interpretation is that the khul law passed in Egypt not because it complies with Islam, but because the government put its political weight behind it and was hell bent on passing it. The fact that feminists could invoke other Muslim countries approval of khul helped but was not the decisive factor. Members of the ruling National Democratic party who constitute the majority of MPs in parliament and who openly did not favour the passing of the khul law were not won over with arguments on its religious compatibility but because they were threatened - according to the press at the time - with severe repercussions on their political careers should they not vote in favour of the proposed legislation.

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Response from Margot Badran

I have read with interest Hania Sholkamy's essay on Islam and Feminism and accompanying responses from scholars in different disciplines. I would like to enter the conversation as a historian.

Sholkamy starts her essay with the assertion that 'Islam and feminism have had a troubled relationship'. Let's unpack this. The patriarchal representation of Islam, or as its advocates put it, "Islam" has indeed been troubled by feminism. And feminism has been troubled by patriarchal

incursions into Islam. From the moment Muslim women began to articulate their feminism they drew inspiration from Islam - the Islam that challenged the patriarchy of the society into which it was introduced and societies into which it spread. With this version and vision of Islam it can be affirmed that that 'Islam and feminism have had a positive relationship'.

I wish to refute certain misconceptions about Muslim women's feminisms: that the newer discourse of Islamic feminism is "native" and that preceding feminisms were western and un-Islamic. Islamic feminism which brought ground-breaking hermeneutic power to gender analysis forms part of a silsila or chain with the feminism Muslim women first generated in diverse locations a century ago, referred to as secular feminism or simply feminism, which continues to do crucial gender work to this day. Apparently some get put off by the term "secular feminism" which simply connoted a local or national feminism inclusive of all citizens whatever their religion and which built upon and extended the discourses of Islamic modernism and secular nationalism (promoting the sovereignty and integrity of the territorial nation-state composed of equal citizens). Muslims' secular feminism and Islamic feminism have both drawn upon Islam in support of women's rights, gender equality, and social justice. They are both equally "native" or part and parcel of indigenous culture and religion. Why therefore do many persist in telling the story of Muslims' secular feminism through the words of its detractors who trashed it as alien, un-Islamic and a form of western cultural imperialism?

The two feminisms have done somewhat different although mutually important work. Islamic feminists generated an incisive hermeneutics to argue for full gender equality within the family. Secular feminists, who advocated equality for women in society called for reform within a patriarchal model of the family that endorsed complimentary gender roles inspired by Islamic modernist Shaikh Muhammad 'Abduh. Unable to conduct their own tafsir, because they did not possess the tools, they stopped short of endorsing gender equality in the family. The exception that proved the rule was Lebanese Nazira Zain al-Din (educated by her father, a renowned religious scholar), a forerunner to and pioneer of what was later identified as Islamic feminism, who did confront the complimentary model of the family in her 1928 book al-Sufur wa al-Hijab (Unveiling and Veiling) in which she also attacked the contention that the niqab and female domestic seclusion were religious imperatives. Egyptian feminists Malak Hifni Nasif, Nabawiyya Musa, and Huda Sha'rawi (to mention three of the better known), and the less known Ihsan al-Kusi, invoked Islam to support their calls for change and activist initiatives. Among these they demanded that women have access to mosques as they did in the early days of Islam (1911), the right to move about in the public sphere, right to education, right to health, right to work, political rights, and reform of the Muslim Personal Status Code. In Egypt, and elsewhere, the pioneers of Islamic feminism boldly and simultaneously demonstrated loyalty and support to their gender and nation cum religion, within a context of colonialism and quasi-independence. The historical record and the voluminous paper trail feminist Muslims have left from day one attests to this. By carefully checking out history perhaps the canard that women had to choose between betrayal (to selves and gender) and betrayal (to nation and religion) can finally be put to rest. Women, however, in the past as now, have had to be brave. We today can certainly be grateful so many were.

Both secular and religious answers are needed today to combat patriarchal institutions and practices that have coexisted in secular and religious guises and are promoted by those who still tenaciously cling to their power and privileges. Working within narrow understandings of the secular and the religious, and with the notion these are polarised categories rather than seeing that they are porous and dynamic and construct each other, only subverts the struggle for justice and equality that Islam promises and nation-states with Muslim majorities and minorities claim to seek. By airing her worries and concerns Sholkamy, as I see it, is urging us to take stock.

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Reply from Hania Sholkamy

I write to respond to some of the astute points made by commentators on my original essay. I thank them for taking the time to read and respond to what is basically a 'cri de coeur' from a Muslim middle class woman trying to explain why the homogenisation and hegemony of religion as a framework for political choices is not as 'safe' and liberating as it is being projected.

My essay is a critique of western development discourses and analysts, who think they have found the key to hearts and minds in the region, and that this key is ensconced in a religious box. With this key we can open shortcuts to development destinations, such as educating girls, or stopping FGM, or smoking and also promoting democracy. I am in no way doubting the ability of religion to "renew religion". I am just not sure that it is a good idea for social and gender development to take this short route through the world of faith, to the exclusion of other alternatives.

Analysts have tried to salvage the right to religious identity from the fall-out of colonialisms and the

mutations to agency and identity that have resulted from invasion and imperialism (Assad, Al Naim, Mahmoud, Said). They have un-masked orientalism's ability to create fictitious oppositions of the religious and the secular, the eastern and the western, the old and the new, the conservative and the liberal, the free and the oppressed and myriad other polarities that have cast Islam as a force that is antithetical to change and progress. Thanks to these writers, we can now transcend this unfortunate state of analytical confusion and move our thinking ahead. It would be a shame to linger on the travesty of western vandalisation of Islam's heritage, followers and tenets. Unfortunately we seem not to be able to move our thinking beyond historical mistakes.

My essay is not about faith-based feminism, but is a commentary on faith-based populism and its allure and attraction to activists and analysts. It is difficult to resist this particular temptation, for who can afford to lose the crowd or resist popularity? The nuanced argument made by Mir-Hosseini notes that both feminism and Islam need to be un-packed and understood in terms of their contexts and actions. Feminism is prone to 'un-packing', as it remains, as she notes, an epistemological project that inspires critique and contemplation. Islam as faith is also a profound ontological and epistemological framework and frame of being. But when used as an instrument to affect political change it is 'packed' and bundled into a simple common and homogenised package that does not invite reflection or review. It is this rendition of institutionalised religion that I urge feminists and gender activists to avoid.

This article is, then, not about secular versus religious feminism. It is about the dangers of instrumentalisation and its consequences. I wholly agree that 'din' meaning faith and religion meaning the institutionalisation of faith are different domains and have tried to assert this distinction in the original essay. Scholars criticise the 'internalisation' of faith that has happened in western contexts and call for collective actions and identities inspired by faith in a religion. This is not the stance that I critique. I am questioning the sanctity of religious institutions and the placement of holy aura on human interests and projects.

I am referring to the elision between the sanctity of faith and the historical and social construction of policy based on 'fiqh' (interpretation). Islamic feminism or the opposition within is a very important and powerful project for its proponents and participants but it is not the only project that addresses gender justice, nor should it be. My essay suggests a distinction between the importance of this authentic and authoritative project and its potential to become a hegemonic one. Orientalism has pushed us into this corner whereby we are either religious or secular. It has forced upon us a mentality of 'consequences', whereby we have to live with many consequences and derivatives of a primary identification with religion or its supposed opposite - that is, secularism.

Women need to reject these appositions in which faith is defined as a particular set of codes and choices. Hierarchies of gender can operate in both religious and secular spaces. And patriarchy can operate in either domain. I am defeated as Mir-Hosseini noted but not by the pressure of choosing between religions or secular feminism. I am disheartened by the persistent need to package, simplify and deliver development at any cost. I am worried by the ability of 'mushy' and mistaken ideas and ideals to crowd out critical thinking.

I note that enlightenment is not 'western' and justice is not the preserve of a culture. I state that patriarchy can adjust to the power of the sacred, or the push of the profane. I believe that faith can inspire us collectively, and not just condition us as individuals, but that faith offers broad outlines that are distinct from their specific, historical, and political interpretations. Finally I think that peoples and cultures are socially and historically constituted but that any ideology that aims to magnify differences between sexes, locations, ethnicities or histories so as to exercise power or privilege and precipitate a sense of specificity or distinction is a mistaken one and is certainly not friendly to feminism, the moral project with which I identify.

Useful Links

www.3g.org An interactive multimedia project that interviews three different generations of women about their lives.

http://pathwaysmiddleeast.wordpress.com/
Pathways Middle East Weblog

About Contestations

Contestations is an initiative of the Pathways of Women's Empowerment Research and Communications Programme - a collaborative initiative of BRAC University in Bangladesh, the Centre for Gender and Advocacy Studies at the University of Ghana, the Social Research Center at the American University in Cairo in Egypt, the Institute of Development Studies in the UK, the Nucleus for Interdisciplinary Women's Studies at the Federal University of Bahia in Brazil and UNIFEM.

Pathways' aim is to discover what it is that can best support the processes of positive change in women's lives that can lead to wider social transformations that create greater justice and equality for all. We seek to do this in ways that remain grounded in particular cultural, historical and political contexts, rather than contribute to the fetish of one-size-fits-all blueprints and magic bullets that are so common in development.

In each of the areas in which we work - work, politics and sexuality - there have been heated debates amongst feminists. And the concept of empowerment itself is one that is contested. Rather than dampening the passions that animate us by seeking consensus on our perspectives on any of these issues, and on empowerment itself, the Pathways programme seeks to actively create spaces for dialogue and debate.

Contestations is one of these spaces. Its aim is to elicit lively disagreements and to offer a platform for argumentation. It is inspired by a vision of deliberation that is about people feeling able to air their views, listen to a plurality of positioned responses and take from that what they will - without any pressure to arrive at a consensual conclusion. And it is, above all, about the freedom to dissent with any of the orthodoxies that exist in this field - and there are many - and take the opportunity to provoke others to think again about the things they take for granted.

Contestations aims to be a space for dialogue that extols diversity and empowers through inclusion. Join us in a lively debate that will ask you to suspend judgment as you listen to others, and use your own voice in shaping new insights and possibilities.

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