

A Feminist Reader's Guide to
Men in Charge?
Rethinking Authority in
Muslim Legal Tradition

Edited by Ziba Mir-Hosseini, Mulki Al-Sharmani, Jana Rumminger

Sofia Rehman

A Feminist Reader's Guide to *Men in Charge?*
Rethinking Authority in Muslim Legal Tradition
© Musawah, 2022

Published in Malaysia by:



musawah@musawah.org
www.musawah.org

Written by:
Sofia Rehman

Cover and layout design:
Fatima Almuhtaram

The views expressed in this publication are those of Musawah and do not necessarily represent the views of any of the participating organizations or funders. Any part of this publication may be copied, reproduced, adapted, stored in a retrieval system or transmitted in any form or by any means to meet local needs, without permission from Musawah, provided that there is no intention of gaining material profits and that all copies, reproductions, adaptations and translations through mechanical, electrical or electronic means acknowledge Musawah as the source. A copy of any reproduction, adaptation or translation should be sent to Musawah at the address listed on its website.

Table of Contents

Preface 6

Using this Study Guide: Tips for Readers 8

Using this Study Guide: Tips for Facilitators 11

Chapter 1: Muslim Legal Tradition and the Challenge of Gender Equality 13

By Ziba Mir-Hosseini

Chapter 2: The Interpretive Legacy of *Qiwamah* as an Exegetical Construct 18

By Omaima Abou-Bakr

Chapter 3: An Egalitarian Reading of the Concepts of *Khilafah*, *Wilayah* and *Qiwamah* **24**

By Asma Lamrabet

Chapter 4: Producing Gender-Egalitarian Islamic Law: A Case Study of Guardianship (*Wilayah*) in Prophetic Practice **30**

By Ayesha S. Chaudhry

Chapter 5: Islamic Law, Sufism and Gender: Rethinking the Terms of the Debate **35**

By Sa'diyya Shaikh

Chapter 6: *Qiwamah* and *Wilayah* as Legal Postulates in Muslim Family Laws **40**

By Lynn Welchman

Chapter 7: Islamic Law Meets Human Rights: Reformulating *Qiwamah* and *Wilayah* for Personal Status Law Reform Advocacy in Egypt **45**

By Marwa Sharafeldin

Chapter 8: ‘Men are the Protectors and Maintainers of Women...’: Three Fatwas on Spousal Roles and Rights **50**

By Lena Larsen

Chapter 9: Understanding *Qiwamah* and *Wilayah* through Life Stories **55**

By Mulki Al-Sharmani and Jana Rumminger

Chapter 10: The Ethics of *Tawhid* Over the Ethics of *Qiwamah* **59**

By amina wadud

Preface

The formula 'Men are in charge and women are obedient' is no longer desirable, attainable nor indeed even a true reflection of lived realities, ever. For centuries, the concepts of *qiwamah* (commonly understood as male authority) and *wilayah* (guardianship) have been developed by classical jurists in a deeply patriarchal manner, reflective of the contexts in which the jurists were writing. The outcome has been a widespread belief amongst Muslims that men have been given a Divine status over women. This belief plays out in the day-to-day running of Muslim households and in present-day laws around the globe, and it has institutionalized, justified and sustained gender inequality in Muslim contexts.

Men in Charge? Rethinking Authority in Muslim Legal Tradition (Oneworld, 2015) is a scholarly text interrogating these beliefs regarding male authority in Islam. This project was envisioned with the hope of forging a bond between scholarship and activism; bringing together the scholars who seek emancipatory and gender-just understandings of Islam and activists pushing for change on the ground. This Study Guide is a tool in bringing this vision further.

In 2020, a few weeks into the world going into an unprecedented global lockdown, I suggested to my followers on Instagram that I'd like to host a read-along for *Believing Women in Islam* by Asma Barlas. It is a text that I've often recommended to Muslims seeking egalitarian readings of the Qur'an, but each time friends and family would seek this book out, they would often return to tell me they found the language too academic and

soon enough, despite their enthusiasm, they would give up. My intention was to create a reading group that would meet weekly to discuss each chapter until the book was complete. Each week, I facilitated a discussion which allowed people to express their thoughts on the chapter; what they enjoyed, what they learned, what captivated them most, what conversations generated for them in their own networks, etc. It also gave the group a place to ask questions on points that required clarification or to voice their disagreements.

When I first put this idea to my followers, I expected to form a group of perhaps 10 participants, but much to my amazement, within half an hour of posting the idea I had 100 people sign up and a growing waiting list! There is certainly a global desire amongst Muslims for social change rooted in the Islamic tradition. For too many Muslims the dissonance of a Merciful, Just, Compassionate God imposing unjust and oppressive rulings for Muslim women is untenable and they demand an interpretation of the Islamic tradition that aligns with what we know of Allah.

Through the read-alongs, I have had the great privilege of witnessing the expansion of understanding and the raising of consciousness amongst the group. I have listened to their testimonies of how they have altered their own practice and how they have challenged and called for change in their own homes and communities. I have seen participants be inspired to replicate the read-alongs in their own locales around the world.

It is our hope that this Study Guide will facilitate an engaged reading experience of *Men in Charge? Rethinking Authority in Muslim Legal Tradition* while inspiring discussion and acts of courage and activism.

Sofia Rehman

DECEMBER 2021

Using this Study Guide: Tips for Readers

- Each chapter of *Men in Charge?* has been summarized. Each summary begins with a rhetorical question to offer a perspective on how you may wish to approach the chapter as you read it. The summaries all finish with a *Pause for Thought* section which offers some questions for the reader to consider. You may want to read the summary before and/or after reading the corresponding chapter in *Men in Charge?* and then take some time to answer the questions. If doing this as part of a group session, it would be useful to share answers and generate discussion.
- Readers are encouraged to have a copy of the Qur'an with translation – perhaps a couple of different translations – in order to read the verses offered in the chapters and to reflect on these yourself.
- Have a notebook to hand to jot your thoughts and ideas as you read each chapter. Write down key words, verses and *hadith*.
- Start talking! Let your reading and learning spark conversations. Engage the people in your own lives with what you learn and let's change the discourse on male authority and guardianship in Islam.

This guide will take you on a tour of the key points of each chapter in *Men in Charge?* but cannot provide the full picture on their own. See them as a taster for each chapter.

Each chapter stands as a unique enquiry into the notions of *qiwamah* and *wilayah*. As such you are invited to dive in wherever your interest takes you and not be beholden to reading it in order:

- For a historical look at the development of male authority in Muslim legal tradition and the subsequent feminist resistance to it, Ziba Mir-Hosseini (Chapter 1) provides a panoramic of how we arrive at today.
- Omaima Abou-Bakr (Chapter 2) and Asma Lamrabet (Chapter 3) present to us a Qur'anic alternative by destabilizing patriarchal arguments and contextualizing how verse 4:34 came to take on the meaning and role that it has.
- Ayesha S. Chaudhry (Chapter 4) questions the validity and authenticity of notions of male guardianship through a study of some prophetic traditions (*hadith*).
- Sa'diyya Shaikh (Chapter 5) and amina wadud (Chapter 10) take us through a theological enquiry that asks what patriarchal interpretations imply about God, and whether these assertions can stand up to what we know of God. Shaikh does so through a Sufi interrogation of such ideas, whilst wadud does so through the lens of a tawhidic paradigm which asserts the Oneness of Allah above all things and as the primary litmus test for all ideas.

- Lynn Welchman (Chapter 6), Marwa Sharafeldin (Chapter 7), Lena Larsen (Chapter 8), and Mulki al-Sharmani and Jana Rumminger (Chapter 9) present for the reader how theological and juridical arguments manifest in the laws and everyday lived experiences of Muslims in a range of geographical and political contexts.

As you read each chapter and each summary, and as you engage with the questions and the text, you are welcomed into the embrace and vision of all those committed to the project of fulfilling our roles on earth as Allah's *khalifah* and pushing for the establishment of justice and mercy so central to the message of Islam.

Using this Study Guide: Tips for Facilitators

The tips provided below may help facilitators or reading groups use the guide most effectively:

- **Granting participants the freedom to discuss and explore their thoughts on each chapter** as well as **engage with one another** is key. Each chapter is in itself powerfully generative and provokes thoughts and self-reflection. The key role of the facilitator is to ensure there is the space for participants to do so.
- It is vital that facilitators **create a safe environment** for participants to explore their ideas. This means that whilst debate is encouraged, this cannot be at the expense of respectful engagement.
- Even if each chapter has been read prior to any group discussion, it is still useful for a facilitator to give a **very brief summary of the chapter** and/or to state **the key learning objectives/arguments of the chapter (no more than 5 minutes)**. Then, start with a broad question, perhaps the rhetorical question provided at the beginning of the chapter summary in the Study Guide. An alternative would be to open the session by asking participants what are three main points from the chapter being discussed that they found most valuable/striking.

- It would be useful to have participants **print off the Study Guide** and answer the questions prior to a group discussion so that they are well acquainted with the work and so they can bring questions of their own to the group. Questions posed by participants should be offered to the **whole group to consider**, and not just to the facilitator.
- To encourage maximum participation, it is worth **breaking the group down into pairs or smaller groups** to discuss the *Pause for Thought* questions and to then feed back to the wider group. It is worth brainstorming these ideas on a virtual/physical board, so that each session ends with a visual of some of the key points of discussion, debate, agreement and even disagreement.
- It is important for the facilitator to help the group **connect what they have read to their work/life/practice/activism**.
- At the same time, it is important to **keep the discussion on track**. The facilitator should allow space for self-reflection and personal experience to inform the discussion, since lived experience is also a source of knowledge, but where necessary, draw the group back to the original question or issue and ask how this helps the group consider this.
- It is useful to bring closure to the session by summarizing what participants have raised through the discussion, especially those points from each chapter that they found most empowering.

CHAPTER 1

Muslim Legal Tradition and the Challenge of Gender Equality

BY ZIBA MIR-HOSSEINI

In this chapter, Ziba Mir-Hosseini traces how the idea of gender equality emerged as a challenge to Muslim legal tradition in the 20th century. This happened amidst major social, political, geographical and religious changes such as the rise of nation states, expansion of literacy, rapid growth of mass media and the increased production and spread of knowledge. Pre-modern ideas that shaped Muslim legal tradition encountered modern ideals of universal human rights, equality and personal freedom. **How did male authority over women, once considered natural and normal, come to be seen as unjust and discriminatory?**

Mir-Hosseini first outlines how classical jurists developed the notion of '*qiwamah*' (generally understood as a husband's authority over his wife and financial responsibility towards her) based on the adjective '*qawwamun*' (often translated as 'protectors' or 'maintainers') in verse 4:34. The concept of *qiwamah* is still at the heart of many contemporary family laws.

Classical jurists took men's superiority and authority over women as a given due to their own understanding of gender roles within a patriarchal society. They read 4:34 as a validation from God of the authority of men.

For them *qiwamah* was a legal postulate; this means a value system that simply exists, unquestionably, in its own right (see the chapter by Lynn Welchman for more on legal postulates).

Mir-Hosseini explains that classical jurists made *qiwamah* central to how they legally framed the marital relationship. In classical *fiqh*, marriage was seen as a contract of exchange patterned on the contract of sale (*bay'*). Each party had a set of rights and obligations centred around obedience and maintenance:

“

Tamkin, obedience or submission, specifically sexual access, becomes the **husband's right and thus the wife's duty**; whereas ***nafaqah***, maintenance, specifically shelter, food and clothing, becomes the **wife's right and the husband's duty**. But if a wife is in a state of ***nushuz*** (disobedience) she loses her claim to maintenance. Whereas the husband has the unilateral and extra-judicial right to terminate the contract by *talaq* or repudiation, a wife can only terminate the contract with her husband's consent or the intervention of the court ...

”

This logic – men provide and women obey – formed the core of gender relationships. The inequality validated through legal marriage then colours all spheres of women's existence because it provides the rationale for other legal disparities, e.g. polygamy, divorce, inheritance, holding leadership positions, etc.

Mir-Hosseini discusses three texts that emerged at three key moments in the politics of Muslim family laws – codification, the emergence of political Islam, and the rise of 'Islamic feminism':



Women in the Shari'a and in Our Society

by Tahir al-Haddad (1930)



'The Status of Women in Islam: A Modernist Interpretation'

by Fazlur Rahman (1982)



'The Status of Women between the Qur'an and *Fiqh*'

by Nasr Abu Zayd (2013)

Together, these texts offer a framework for reinterpreting Islam's sacred texts relating to family and gender relations. Each of these scholars calls for a distinction between what was **contingent** (that which is applicable to a particular time and place) and **eternal** (that which is essential to Islam). Not all of the Qur'anic solutions are relevant or applicable to all times and all contexts, but the **moral principles** behind them are immutable and permanently valid. These moral principles show us how to establish a society on earth where all humans can be treated as equals, as humans are all equal in the eyes of God.

The Qur'an upholds justice and exhorts Muslims to stand for justice, but **it does not give us a definition of justice**. Rather, **it gives a direction or a path** to follow towards justice, which is always time- and context-bound. Thus, the problem is not necessarily rooted entirely in the **text**. The greater challenge comes from the **context** and the ways in which patriarchal and authoritarian structures are supported.

Mir-Hosseini offers that one response to this challenge comes from **feminist voices and scholarship in Islam** asking new questions and opening ways towards real and meaningful change.

Through these questions, it becomes clear that **current discriminatory laws regarding marriage and gender relations are neither divine nor immutable**. Rather, they are juristic constructions built on a postulate that is no longer valid or acceptable: that God placed women under male authority. When we no longer accept the basis of that postulate, we can move forward on the Qur'anic path to justice that is relevant to our context today.

Pause for Thought



1. How have you read/experienced verse 4:34 in your life and the work you engage in? How can you identify traces of this verse around you even if the verse itself has not been cited?
2. Mir-Hosseini begins the chapter by describing how marriage in classical *fiqh* was modelled after a contract of sale, and how this was linked to the concept of *qiwamah* in which men have authority and women obey. How do you see this understanding of *qiwamah* playing out in your life or for your family and friends?
3. Mir-Hosseini outlines three key moments in the recent history of family laws: codification, the rise of political Islam and the emergence of 'Islamic feminism'. In what ways do these moments reflect or echo what has happened or is happening in your own country or context?
4. What are some of the major obstacles to gender equality in your local context?
5. What would justice for women in family laws look like or mean? How would you envision a marriage based on love and mutuality?
6. Towards the end of the chapter, Mir-Hosseini asks a series of questions that are being posed by feminist voices and scholarship in Islam. What kinds of questions do you have about gender equality in Islam?

CHAPTER 2

The Interpretive Legacy of *Qiwamah* as an Exegetical Construct

BY OMAIMA ABOU-BAKR

In this chapter, Omaima Abou-Bakr maps the way in which the first phrase of Qur'anic verse 4:34 – 'men are *qawwamun* of women' – was continually reinterpreted to evolve into a legal concept called *qiwamah* that legitimizes male authority within the family. **How exactly was a single Qur'anic phrase, which is one small part of a larger verse and passage and structure, transformed into a core patriarchal element of our family laws?**

Abou-Bakr identifies **four stages** in the development of *qawwamun* (protectors/maintainers) into the patriarchal construct of *qiwamah* (men have authority over/are superior to women).

1 Classical scholar al-Tabari (839–923 CE) initiated a process of turning the descriptive *qawwamun* into a normative/prescriptive conception.

Instead of *qawwamun* being used to **describe** how families were structured, which would allow future families to be described in different ways, the term was used to **prescribe** how they should **always** be structured. ‘*Qawwamun*’, a description, is turned into ‘*qiyam*’ (being in charge of), a verbal noun that indicates a permanent continuous state, and this later developed into ‘*qiwamah*’.

2 Jurists in subsequent centuries supported this prescriptive notion of *qawwamun* by compiling reasons to justify the hierarchical concept of *qiwamah*.

They argued that men are ‘superior’ to women in multiple ways, ranging from men’s roles as prophets and imams to more mundane reasons like their ability to grow a beard. Language around gender relations became increasingly about men’s rulership and women’s supposed inferiority in intellect and religion.

3 Jurists in the 14th to 16th centuries expanded the concept through linking it to *darajah* (degree) in Qur'anic verse 2:228 along with carefully chosen *ahadith*.

They expanded the narrow meaning of providing financial support to a wider range of **generalized privilege for all men everywhere and at all times**. This gave men extensive power over their wives and families. By the 16th century, prophetic traditions (all later proven weak) which called for the absolute obedience of a wife to her husband became attached to exegeses of verse 4:34.

4 Modern scholars linked male superiority to the ideology of domesticity and women's *fitrah* ('inborn' nature).

This took the notion of the changeable status of men as *qawwamun* only insofar as they provided materially for their families to an unconditional Divine favouritism towards men based on gender alone.

Next, Abou-Bakr presents **four key strategies that have been proposed by Muslim feminists and reformists** to challenge this patriarchal and unjust way of understanding *qiwamah*:

Understanding *Qiwamah* as Conditional

This means that supporting women is a **condition of** rather than **a reason for** male guardianship. This was a discreet but significant shift. If men are not supporting dependents financially, then they cannot be considered *qawwamun*.

Textual Contextualization

Qiwamah is reconsidered in light of the whole Qur'an and its ethical outlook, which is non-patriarchal and rooted in human dignity and justice, and not in isolated verses or half-verses. Textual evidence does not warrant understanding *qiwamah* as a state of excellence divinely bestowed upon men when it is read in the context of the chapter in which it was revealed as well as in the broader lessons and nuances of the Qur'an.

A Holistic Approach

Qiwamah must be read in light of the Qur'an, the prophetic tradition, the classical tradition, and with an understanding of moral norms. This approach combines a variety of sources whilst having as its compass the belief that **'Shari'ah is the search for the beautiful because it is the search for God'** (Khaled Abou El Fadl). *Qiwamah* must be interpreted in a way that fulfils the Qur'anic criteria of beauty and moral strength based on ethical principles such as justice, mercy, compassion, and mutuality. None of these allow for nor support a patriarchal construction of *qiwamah*.

Transcending the Text

Certain articulations in the Qur'an can appear problematic because of the context the Qur'an was specifically responding to. The **Qur'anic worldview** should be adopted to overcome this, with these verses read for the **trajectory** on which they point humankind. This approach calls for moving beyond literally interpreting and being confined to the text. The text is still a source of divine guidance in the direction of righteousness, but its sometimes-insufficient regulations must be viewed as only 'a starting point for the ethical development of human beings and the transformation of human society'.

Abou-Bakr concludes by arguing that her analysis establishes that *qiwamah* is not the many things it has been claimed to be – e.g. hierarchy, moral superiority, paternalism, divine favouritism, authority, etc.

She leaves us with the encouraging idea that there are many possibilities for reinterpreting verse 4:34 and *qawwamun*. We can break the links created through previous patriarchal interpretations and instead connect *qawwamun* to a holistic Qur'anic paradigm.

Pause for Thought



1. How does seeing the historical journey of the term *qiwamah* empower you to think about this term?
2. How have ideas of male superiority manifested in the work you have done?
3. How might interpreting *qiwamah* differently offer creative possibilities for your work?
4. Abou-Bakr outlines various approaches Muslim feminists and reformists have taken in interpreting the Qur'an. How can we as individuals and communities of feminists learn about and apply these reformist approaches in our daily lives?
5. On the last page of the chapter, Abou-Bakr tells us explicitly what *qiwamah* is **not**. She then muses about what it **could** be. How do you imagine *qiwamah* operating in your family and community in a way that is in harmony with the Qur'an?

CHAPTER 3

An Egalitarian Reading of the Concepts of *Khilafah*, *Wilayah* and *Qiwamah*

BY ASMA LAMRABET

In this chapter, Asma Lamrabet looks at three Qur'anic concepts that she feels embody the spiritual message of Islam but have been misinterpreted to sustain unegalitarian principles. She identifies these as *istikhlaf*, or equality in managing creation as representatives (*khalifah*) of God on earth; *wilayah*, the shared responsibility of humans to do good and prevent evil; and *qiwamah*, management of public and private spaces by all humans, regardless of gender. **How does reading these concepts holistically within the entire Qur'an, instead of just as individual terms within isolated verses, open the way for gender equality?**

Lamrabet identifies several **key Qur'anic ethical values** by which humans can fulfil their roles of representatives (*khalifah*) on earth. These are:

- ===== **To attain and embody *'ilm* (knowledge)**
- ===== ***'Adl* (justice)**
- ===== ***Hurriyyat al-mu'taqad* (freedom of belief)**
- ===== ***Ikhtilaf* (diversity)**
- ===== ***Mahbah* (love)**

Living according to these principles should lead believers to achieve *tawhid* (the unity of Allah) and *istikhlaf*.

Lamrabet argues that Islam does not grant women any specific rights or particular status, but that there are duties, obligations, rights, hopes and aspirations that are inherent in all people. The Qur'an should be approached through this framework of equal universal human rights according to the standards of our time.

Lamrabet distinguishes three kinds of Qur'anic verses:

1 Verses with universal aims



2

Temporary verses that are confined to the context of revelation

3

Verses that need reinterpretation in new social contexts

She then examines the three main concepts around which her arguments are centred:

The concept of *istikhlaf*, which symbolizes an intimate relationship between men, women and their Creator, relates to the spiritual mission assigned to all humans to manage God's creation.

Lamrabet recounts how caliphs and scholars transformed our understanding of this concept to focus on the responsibilities of (male) political leaders, giving those leaders unchecked power. Instead, all humans should be held equally responsible to fulfil their individual duties as *khalifah*. Gender equality is essential for this to happen and for society to progress towards a more just and fair way of being. It is through responsibility that individuals achieve liberty.

***Wilayah* is outlined in verse 9:71, which commands men and women to promote good and forbid evil through a mutually supportive spiritual and emotional alliance that is based on common belief in God and the Prophet.**

The *wilayah* of verse 9:71 is one that unites hearts and actions and enables gender equality. Lamrabet argues that universal verses like this one have been marginalized in favour of verses that were not meant to be universal or that are more amenable to patriarchal interpretations.

The concept of *qiwamah* should be rooted in equality, fairness, mutual respect and a formidable need for justice. It should not be understood as sanctioning male privilege or dominance.

Lamrabet cites 4:34, 4:135 and 5:8, the only three verses in which the term *qawwamun / qawwamin* is used. The first singles out men and their actions within the **private dimension** (*qiwamah khassah*). The other two command **all believers to stand up for justice** in the **public dimension** (*qiwamah 'ammah*). Lamrabet outlines the ways scholars have

dramatically changed our understanding of verse 4:34 and the meaning of *qawwamun*. Instead of being a description of how families may be organized to best provide for the needs of those considered most vulnerable in a family/ spousal relationship, the verse is used to argue for male superiority and female subservience. When read in light of other verses such as 30:21, it is obvious that such interpretations cannot be correct if the Qur'an also encourages marriage to be built on love and tenderness.

Lamrabet ends with a call to reclaim Qur'anic meanings of *qiwamah* and *wilayah* with consideration of other Qur'anic concepts like *khilafah* and the ethical principles related above. She calls for a **reformist and progressive approach** to building knowledge that is loyal to the spiritual message of Islam.

Pause for Thought

1. Consider the key Qur'anic ethical values identified by Lamrabet and how they relate to your own work and life.
2. How is it helpful to start with an understanding of the Qur'anic concept of *khilafah* in order to better understand what *wilayah* and *qiwamah* mean in the text?
3. What caused the shift in *khilafah* being understood as a spiritual concept to a political concept, and what has been the outcome of this shift?
4. How does Lamrabet's understanding of *wilayah* based on verse 9:71 contrast to common claims regarding *wilayah*?
5. How does the holistic reading of *qiwamah* that connects verses 4:34, 4:135 and 5:8 help us counter the common understanding of *qiwamah* as male authority and superiority?
6. Lamrabet argues that it is through responsibility that individuals achieve liberty. What does this mean to you?

CHAPTER 4

Producing Gender-Egalitarian Islamic Law: A Case Study of Guardianship (*Wilayah*) in Prophetic Practice

BY AYESHA S. CHAUDHRY

Ayesha Chaudhry begins her chapter by highlighting that Muslim feminist scholarship has largely focused on the Qur'an, given its authority for Muslims as the literal word of God. However, she argues that any gender-egalitarian vision of Islam will be ineffective if it ignores prophetic practice, which is considered a foundational source of Islamic law and is often cited to counter gender-egalitarian interpretations of Qur'anic texts. **How can we engage with the prophetic tradition to enrich our cause for establishing gender justice?**

Chaudhry recognizes that there is a tendency for the Prophet to be painted as either a revolutionary who championed women's equality or as a patriarchal man who upheld and validated discriminatory norms and practices.

She argues that neither is a fair nor accurate portrayal of the Prophet, and believes that a middle way can be achieved:

“

The other option is to accept Prophet Muhammad in the patriarchal context in which he lived, all the while looking for indications of his resisting patriarchy in even the smallest ways possible. Doing so allows Muslim feminists to highlight under-emphasized prophetic practice and also makes Prophet Muhammad's practice relevant to believers in the twenty-first century.

”

These moments of resistance may then be used in the quest for gender justice.

She then turns to the prophetic reports and the challenges and opportunities these present to the feminist reader:

1 **She first considers three *ahadith* regarding women's verbal consent for marriage and guardianship (*wilayah*) in marriage.**

Through careful examination, she identifies small ways in which the words and actions of the Prophet provide a basis for legal reform on forced marriage and increasing women's agency in both marriage and divorce.

2 **She then considers the issues of consent, *wilayah* and polygamy through a report that features a dialogue between the Prophet's wife 'Aisha and her nephew.**

In the report, 'Aisha links Qur'anic verse 4:3 with verse 4:127, and says that the point of both verses is fair treatment of orphan girls by their guardians; they are not about polygamy at all. Chaudhry explains that the report is significant for both methodological and substantive reasons. It validates Muslim feminists who follow 'Aisha's example of linking Qur'anic verses together to aid interpretation, and also supports the idea of delivering justice to marginalized and vulnerable members of society.

Chaudhry recognises that **while prophetic reports do not challenge patriarchal social structures, they do allow for readings that affirm women's agency in marriage, and do insist on safeguarding women,** particularly the most vulnerable, from being manipulated or taken advantage of by their guardians.

This approach captures the complex nature of prophetic reports and resists categorizing Prophet Muhammad's (pbuh) behaviour in a simplistic manner. It also challenges the position of those who use prophetic practice to argue for a patriarchal vision of Islam. It shows that just because *hadith* literature contains some patriarchal elements, it does not mean that in all instances Prophet Muhammad advocated for patriarchy. Rather, close readings also demonstrate that the Prophet often resisted the patriarchal impulse. Engaging with prophetic tradition **can provide evidence to protect disempowered members of society** and can also **provide a moral and religious basis for progressive reform.**



Pause for Thought



1. Why is it important to engage with prophetic tradition in feminist knowledge building and advocacy work?
2. What are some of the challenges that *ahadith* present in thinking about marriage and engaging in work to reform family laws? How could using *ahadith* present new or different opportunities for establishing an egalitarian vision of marriage?
3. Which *ahadith* have most impacted you in your work or personal life? How have you approached them in the past?
4. Reflect upon Chaudhry's statement that a middle way can be achieved where we 'accept Prophet Muhammad in the patriarchal context in which he lived, all the while looking for indications of his resisting patriarchy in even the smallest ways possible'. How do you feel about trying to reconcile these two aspects of the prophetic example? In what ways do you think it will affect your life and work?
5. What aspects of the prophetic tradition would you like to explore further upon reading this chapter? How might you engage with *ahadith* differently after studying this book?

CHAPTER 5

Islamic Law, Sufism and Gender: Rethinking the Terms of the Debate

BY SA'DIYYA SHAIKH

In this chapter, Sa'diyya Shaikh suggests that Muslim feminist knowledge building can be enriched by Sufi perspectives on gender in Islamic law. Such a project considers what it means to be a human being, the God-human relationship, and the implications of both of these on social ethics and Islamic law. **What can Sufism offer Muslim feminist efforts to establish a fair society?**

Shaikh's chapter is grounded in the principle that 'every human being has the ability and responsibility to strive towards and realize the same ultimate goals, and gender is irrelevant to the[ir] realization'. She introduces ideas from a 13th century Sufi thinker who sees all spiritual capacities as being equally open to women and men alike, with this spiritual equality translating directly into the realms of social relations and the law.

Her chapter is divided into four parts:

1 **She considers the historical impact of patriarchal social and cultural norms on readings of the Qur'an and how that in turn impacted the traditional legal canon.**

Shaikh argues that a rights-based discourse is important for Muslim feminist scholars but is not enough on its own. It must be strengthened by a reconsideration and exploration of the theological bases on which the *fiqh* tradition has been built. It is especially important to consider how Islamic belief views the human being and the equal humanity of men and women, as well as where legal arguments contradict this foundational understanding. She proposes a method that questions gender constructs in *fiqh*, basing it on Sufi theological concepts.

2 **She explores Sufi notions of the self and the spiritual path that allows for a critique of gender hierarchy, deriving two important implications from Sufi teachings:**

- The Islamic view that moral and spiritual worth is found in the human being's inner state and not in the physical body or outward traits such as gender. Each individual's soul is equal in its origin and in its potential to achieve spirituality.

- That patriarchal relations of power reflect unrefined human qualities and thus present a spiritual obstacle that needs to be overcome.

3 **She explores the work of the 13th century Sufi Ibn al-Arabi, his understanding of the relationship between humans and God, and his assertion that all human beings can and must strive for complete spiritual realization of the Divine attributes that reside in us all.**

This state is known in Sufi thought as *al-Insan al-Kamil*, the Complete Human. In addition, she looks at how each believer must find a balance between the Divine attributes of mercy and love (*jamal*) and those of power and majesty (*jalal*). The world as currently ordered has an excess of unrefined *jalali* qualities (e.g. war, destruction, domination), characterized by masculine ways of being. The world is in need of more *jamali* qualities such as mercy, compassion, care, justice, generosity, patience and forgiveness. Striving towards this balance is achieved through love of and submission to God alone.

4

She examines Ibn Arabi's view that 'all spiritual capacities are equally open to women and men alike and that such spiritual equality translates directly into the realms of social relations and the law'.

Shaikh shares several examples of how Ibn Arabi supported women's equal personhood in terms of:

- Giving equal worth to women's and men's legal testimony;
- Requiring modesty in dress for both men and women;
- Regarding prophecy as open to women (even if the roles of envoy and prophetic missionary were not); and
- Believing that women could lead ritual prayers, a role that is based on an individual's spiritual capacity and not gender.

By bringing Sufi perspectives to the discussion on gender in Islamic law, Shaikh draws attention to how Muslim feminists can create spaces from which to rethink the formulation of the *fiqh* canon and to pursue dynamic, socially engaged methods through which to formulate laws today.

Pause for Thought



1. Why is it important for Muslim feminists to consider theological and faith-based arguments and not rely only on human rights-based arguments?
2. How can Muslim feminist reform efforts benefit from Sufi understandings of what it means to be human?
3. How does the notion of *al-Insan al-Kamil* (the Complete Human) help in arguing for equality from within Islam?
4. Shaikh explains that Ibn Arabi developed ideas about the relationship between the Divine attributes of beauty (*jamal*) and those of majesty (*jalal*), emphasizing that the former should be prioritized over the latter. In what ways do you experience *jamal* and *jalal* in your life and in the world around you? How do you see the balance between them impacting the quest towards gender equality?
5. Ibn Arabi argues for a number of social norms that may seem surprising today: giving equal or even more weight to women serving as witnesses than men; supporting women's right to lead prayer; and obligating men and women to equally practice modesty, with no particular dress codes for women. What are your reactions to his arguments for these positions? Can any of these arguments be used in advocacy today, and how would they be applied?
6. What aspects of Sufism are you interested in exploring more upon finishing this chapter?

CHAPTER 6

Qiwamah and *Wilayah* as Legal Postulates in Muslim Family Laws

BY LYNN WELCHMAN

In this chapter, Lynn Welchman explores how the judicial concepts of *qiwamah* and *wilayah* inform and shape contemporary Muslim family laws and family relations, focusing on the Arab region. She analyses areas of family law most influenced by *qiwamah*: spousal maintenance, obedience, divorce, male guardianship and custody of children, and finally the idea of the 'head of the family'. **How are the concepts of *qiwamah* and *wilayah* formulated in family laws within the Arab region, and how are those formulations evolving?**

Welchman investigates how *qiwamah* and *wilayah* serve as legal postulates, or value systems that anchor and underpin Muslim family laws and help determine how 'the family' is understood and how family relations are structured.

She focuses on four main areas of family laws:

1 Spousal maintenance and obedience

Welchman outlines *qiwamah* as ‘the equation that sets the husband’s obligation to maintain his wife ... against the wife’s corresponding obligation to obey her husband’. **This has been called the ‘gender contract’ or the ‘maintenance-obedience formula’.** She explains how *qiwamah* was embedded in personal status laws throughout the twentieth century, and how the husband’s right to ‘sexual access’ and the wife’s duty of ‘sexual submission’ can be seen as underlying a variety of rules related to families, even if not explicitly stated.

Welchman considers how the **2004 Moroccan Law of the Family** counters the notion of *qiwamah* and adopts a substantive equality approach by replacing a gender-specific list of rights and duties with a single provision on ‘mutual rights and duties of the spouses’. The husband must maintain his wife, but he does not acquire authority through this provision and wives are not required to obey their husbands. Significantly, the law sees both spouses as necessary to the family’s stability and focuses on both spouses equally building and carrying out the responsibilities of the family.

By contrast, the **2005 UAE Law of Personal Status** upholds the classical maintenance–obedience formula through three lists of rights and duties: two specific to the husband and to the wife, and one related to rights and duties shared by both spouses. A wife's rights include maintenance; a husband's include his wife's obedience and her management of the marital home. The law also calls for the wife to be physically available to her husband, with some exceptions.

2

Divorce

Welchman notes that reforms in Muslim divorce laws in Arab states have expanded women's rights and access to divorce. At the same time, the laws have, to different degrees, sought to constrain a husband's access to unilateral divorce (*talaq*). But it is the increasing access to judicial *khul'*, in which a woman can divorce at her own initiative and without showing fault on the part of her husband, that has been identified as being the greatest threat to the *qiwamah* postulate. This is exemplified by contentious debates over reform in Egypt and Jordan in recent decades.

3 Male guardianship (*wilayah*) of men over children and over women in the matter of marriage

Welchman looks at the ways in which guardianship and parental custody of children and male guardianship of women in marriage has changed in different Arab countries. She notes that most countries continue to give the father primary institutional authority over his children. Many still require the consent of a guardian to a woman's marriage; some require the guardian to conclude the contract on the woman's behalf.

4 The notion of men as 'heads of the family'

This can be seen as the overall effect of the rules arising from the concepts of *qiwamah* and *wilayah* (even though it was also a concept common in non-Muslim societies and states). Again, the laws in Morocco and UAE take different stances, with the 2004 Moroccan law assigning the care or charge of the family to **both spouses** and the 2005 UAE law assigning it to **the husband alone**.

Welchman concludes by noting that there is a spectrum of approaches to how *qiwamah* and *wilayah* are applied in family laws, as exemplified by Morocco and UAE. A number of factors could influence the scope and nature of family law reforms, including economic and sociocultural factors, political will, sustained advocacy, a favorable environment and, indeed, whether women themselves are involved in creating the laws.

Pause for Thought

1. *Qiwamah* is commonly understood as male authority over females, and often articulated with the formula of ‘men provide, women obey’. In what ways does the concept of *qiwamah* feature in your country’s family laws or practices?
2. How did Moroccan legislators reconsider *qiwamah* in the 2004 Personal Status Law? How is it formulated in the 2005 UAE Law of Personal Status?
3. As explained by Welchman, a country’s specific context – whether political, societal, economic, etc. – plays a role in the law reform process. What strategies could be used in your own context to accelerate law reform and how would you choose which strategies to pursue?
4. In what ways can the *khul*‘ form of divorce be perceived as a threat to the concept of *qiwamah*, and why does this matter?
5. What concepts or ethics can you envision taking the place of *qiwamah* as the core principles of marriage?

CHAPTER 7

Islamic Law Meets Human Rights: Reformulating *Qiwamah* and *Wilayah* for Personal Status Law Reform Advocacy in Egypt

BY MARWA SHARAFELDIN

In this chapter, Marwa Sharafeldin explores the complexities involved when non-governmental organization (NGO) activists attempt to advocate for new understandings of *qiwamah* and *wilayah* in contemporary Muslim family laws. She focuses on the case of reform of the Egyptian Personal Status Law (PSL). She investigates how the different notions of equality and complementarity found in human rights and Islamic jurisprudence coexist in NGO reform proposals related to *qiwamah* and *wilayah*. **How are Egyptian women pushing for law reform? How do their own and others' lived realities influence their challenges and demands?**

Sharafeldin considers fifteen NGOs working on PSL reform in Egypt from a women's rights perspective from 2007 to 2010. Some of the activists involved are religiously observant Muslims whilst others are secular but work within the framework of Islamic law because of its importance in the Egyptian context.

She writes that the primary reason that led the NGOs to advocate for PSL reform is the harmful effects the PSL inflicts on women and families. The PSL is based on the underpinning gender framework of **complementarity** (i.e. men and women have rights that complement one another) rather than **equality** (i.e. men and women have equal rights).

Eleven of the fifteen NGOs took part in developing a reform proposal for the PSL entitled *Guiding Manual for a More Just and Comprehensive Family Law*. The sources for the manual are:

=====
Lived realities of families and society, including problems and issues that must be addressed in a timely and creative way;

=====
Enlightened interpretations of Islamic law that help address newly emerging issues;

=====
International treaties and conventions ratified by Egypt, which require that Egypt ensures a decent life for all family members.

The document goes on to propose specific reforms relating to polygamy, divorce, maintenance, obedience, financial guardianship, custody following a divorce, and shared wealth.

Sharafeldin considers how bringing together lived realities, Islamic law and human rights shaped the ideas and arguments of the activists. She illustrates how the document incorporates two different approaches to reform. The first provides new, innovative understandings of PSL provisions.

The second represents a cautious, gradualist and hesitant approach to changing the law, which seeks to negotiate and compromise rather than shock. This means the document can appear disjointed or vague at times.

Sharafeldin then delves into the activists' strategy of combining Islamic law and international human rights law, two distinct discourses rooted in different worldviews. In terms of equality, for example, she highlights that the Guiding Manual uses two approaches:

1 A **substantive and transformative equality** approach, as drawn from human rights discourse;

2 An **equity or complementarity approach**, which is drawn from elements of Islamic legal tradition.

Combining these approaches has resulted in mixed outcomes and sometimes competing demands. A stark example of a mixed outcome is the NGOs' call for shared spousal responsibility for the family and shared financial guardianship over children while at the same time condoning wifely obedience. The first two propositions are compatible with a human rights notion of equality. In contrast, wifely obedience is more reflective of classical jurists' notion of complementarity and *qiwamah*.

Sharafeldin considers how taking up the scholarship of Islamic scholars such as Mahmoud Taha, Fazlur Rahman, Nasr Abu Zayd, amina wadud and Khaled Abou El Fadl could allow the NGOs to seriously question the concept of *qiwamah* and frame it as promoting inequality and hierarchy between men and women.

Finally, Sharafeldin discusses the place of the NGO actors themselves in this process, and the ways in which they juggle their roles as citizens, activists and Muslims while also trying to address their society's problems and accommodate the particularities of their context. Part of the law reform proposals included activists negotiating a space for themselves and their discourses. It remains to be seen the extent to which these struggles will translate into law reform.

Pause for Thought



1. How did the Egyptian activists challenge the concepts of *qiwamah* and *wilayah* in their law reform proposals? To what extent could this be used or apply in your context?
2. What sources or references do the Egyptian activists use in the Guiding Manual to justify their proposals? What are some benefits and challenges to using each of these references?

3. The activists are described as wavering between innovative (and sometimes even radical) reform proposals and hesitant/cautionary approaches to legal reform. Where do you see these different approaches taking shape in your own context, and why?
4. Sharafeldin outlines theories from a number of scholars (Mahmoud Taha, Abdullahi An-Na'im, Fazlur Rahman, Nasr Abu Zayd, amina wadud, Khaled Abou El Fadl) that aim to harmonize human rights and Islamic law. Which of these theories or ideas appeal to you and in what ways?
5. Sharafeldin talks about the changes that take place within the activists themselves, and the ways in which they identify aspects of Islam and Muslim legal tradition that can serve as inspiration. What are some ways in which Islam and Islamic law offer you inspiration to promote change?

CHAPTER 8

‘Men are the Protectors and Maintainers of Women...’: Three Fatwas on Spousal Roles and Rights

BY LENA LARSEN

In this chapter, Lena Larsen explores how practising Muslims in Europe and religious actors, in this case muftis, make sense of and deal with the contradictions between the lived realities of Muslim families and *fiqh*-based gender norms. To do so, Larsen focuses on fatwas – legal statements made by muftis in answer to a question – related to spousal roles in marriage. **How do Muslims living as minorities navigate these contradictions whilst trying to stay true to their faith?**

Larsen surveys the development of *fiqh al-aqaliyyat* (*fiqh* of minorities) for Muslim minorities in the West. The aim of those who promote this *fiqh* is to restore the role of *Shari'ah* in modern life. As a result, authority lies with the recognized scholars of the Muslim community, who are entrusted with

the responsibility of guiding Muslim believers. *Fiqh al-aqaliyyat* discourse has been concerned with topics such as establishing a prayer calendar, political participation, mortgages, Muslim families in the West and the role of Muslim women in Europe.

Local scholars, including muftis, can issue verdicts regarding the newly emerging circumstances in which Western Muslims may find themselves. Larsen details the form and process of fatwa production, as well as trends in fatwa-making in Europe, before introducing two key actors who issue fatwas in Europe: Mufti Syed Mutawalli ad-Darsh and the European Council for Fatwa and Research (ECFR).

Larsen highlights why examining the questions that petitioners ask muftis can reveal important social data:

These questions can show **how legal arguments and social and cultural realities relate to and interact with each other.**



The resulting fatwas can provide us with insight into the **interaction between continuity and change in the Islamic tradition.**



In this way, fatwas constitute an important feature of Islam as a **discursive tradition**. This means that a core part of the textual tradition is Muslims continuously and dynamically making sense of and debating rulings, concepts and practices of the past, and how they relate to the present and future. Doing so allows for ongoing evolution and change.

Research shows that Muslim women in Europe request more fatwas than men. These women are primarily concerned with marriage and family, education and social relations. Petitioners seem to grapple with the disconnect between the lived realities of marital roles in Muslim families and the classical norms dictating spousal duties and rights.

Larsen analyses three fatwas concerned with the following topics:

How provision for the family and household duties should be divided when a wife earns more than her husband.

How men can be expected to fulfil the role of protector and provider when women are increasingly joint earners or main breadwinners.

Whether a wife may open a personal bank account with her own income or must place her income in a joint account from which the husband can provide for the family.

Through her analysis of these fatwas, Larsen concludes that the notion of *qiwamah* is still highly relied upon. To some extent, the fatwas reflect a rethinking of the classical *fiqh* model of marital roles, but they do not substantively diverge from or challenge classical doctrines on gender norms and roles. Larsen views the issue of maintaining traditional norms of spousal roles as part of a broader project of protecting the religious and cultural identity of Muslim families and Muslim minority communities in the West.

Larsen believes that fatwas are an important means by which Muslim women's equality before the law can be achieved. By analyzing the fatwas and what the muftis are saying and not saying, by deconstructing how they define and consider the different elements of the topic involved, Larsen believes it is possible to use fatwas to help dismantle and rebuild religious discourse on gender norms and rights.

While fatwas and muftis are concerned with framing worldly dealings within an Islamic worldview, Muslim women, drawing on both their life experiences and their knowledge of Islamic arguments, are in a position to contest fatwas and formulate new questions to promote gender equality and rights. This process of contestation and its outcomes is another chapter in the ongoing dynamic development of the discursive tradition of Islam.

Pause for Thought



1. What possibilities do fatwas and muftis offer in terms of delivering change in Muslim family laws and practices?
2. In what ways are the notions of *qiwamah* and *wilayah* reconsidered through the analysis of fatwas in this chapter? What factors hinder muftis from making meaningful changes regarding spousal roles and rights?

- 3.** Larsen discusses the changing realities of European Muslim families and how *fiqh*-based gender norms do not reflect these realities. In what ways are realities regarding spousal roles and responsibilities changing in your own context?

- 4.** How can muftis resolve some of the tensions between contemporary needs of families and the classical *fiqh* model?

- 5.** What are some ways in which Muslims as individuals can and have overcome these tensions? (Think about this in terms of the chapter and your own experiences.)

CHAPTER 9

Understanding *Qiwamah* and *Wilayah* through Life Stories

BY MULKI AL-SHARMANI AND JANA RUMMINGER

This chapter presents Musawah's Global Life Stories Project, which documented the life stories of Muslim women to better understand how they experience the concepts of *qiwamah* and *wilayah* in their everyday lives. The life stories came from women aged 16–78 years living in ten countries (Bangladesh, Canada, Egypt, Gambia, Indonesia, Iran, Malaysia, Nigeria, Philippines and the United Kingdom). The project aimed to produce knowledge that would contribute to social change in the participating countries. **How can activists, researchers and communities work together to understand *qiwamah* and *wilayah* and generate solutions?**

The Life Stories Project was built on Islamic and feminist ethics of justice and the equal worth and dignity of all human beings, who have a responsibility to do good, forbid evil and build human civilization. The authors argue that laws in Muslim countries and contexts are based on

outdated and patriarchal conceptions of gender relations, but that knowledge – especially when grounded in experience – offers a path towards equality and justice. They describe the methodology as an ethical feminist enquiry.

The enquiry foregrounded alternative forms and sources of knowledge, recognizing that expertise begins from contexts rather than texts and that knowledge should be produced in a democratic and open manner in which women's experiences and ways of knowing are respected and given voice. The project's commitment to a feminist enquiry included building and valuing relationships that are based on trust, respect, care and reciprocity and participation on multiple levels. Participants were encouraged to take ownership of the process in order to build knowledge not just for the sake of knowledge, but to empower those involved, build a movement and work towards gender justice.

Each country team focused on *qiwamah*- and *wilayah*-related issues that would be key points for advocacy in their national contexts with the aim of offering new insights and to question assumptions and understandings about Muslim gender regimes as constructed by *qiwamah* and *wilayah*.

1 The myth of the male provider and women's economic roles

2 Sexual relations and rights within marriage

3 Polygamy

4 Divorce

5 Contemporary problems of male guardianship

6 Women's self-knowledge and relationship to tradition and authority

Crucially, the research showed that there is a detrimental disconnect between the gender roles dictated by the concepts of *qiwamah* and *wilayah* (as formulated by classical jurists) and the lived realities of many Muslim women in the participating countries.

Muslim women were found to play active economic roles in their families, sometimes even being the sole breadwinners. Despite this, men still claimed control and authority over women and hierarchical rights accorded to them by *qiwamah* and *wilayah*, even when they were not fulfilling their juristic duties. The research revealed that even when there are laws to protect women in cases of divorce, cultural and religious norms prevent them from accessing these provisions. The findings also note that the system of *wilayah* can sometimes give too much power to the guardian at the ward's expense. In some cases, women who suffered from the system of *qiwamah* and *wilayah* came out of their difficulties more self-aware, stronger, and willing to stand up for themselves and others.

The chapter closes with reflections on the layered nature of the project. Crucially, the project was not simply about gathering data on Muslim women, but rather about engaging in a collective process towards gender equality and justice from Islamic and feminist perspectives.

Pause for Thought



1. Through the Life Stories Project, Musawah developed an ethical feminist inquiry based on trust, respect, care and reciprocity, and participation. What does this approach mean to you and how do you see it playing a role in your own advocacy?
2. The cognitive development theory from *Women's Ways of Knowing* that was used in the project outlines five positions of knowledge women may move through at different times over the course of their lives. In what ways have you experienced or can you identify with each of the different positions?
3. How do you see the notions of *qiwamah* and *wilayah* playing out in a woman's life in one or more of the cases outlined in the chapter?
4. Some of the women in the recorded life stories adopted different strategies to cope with or resist *qiwamah*- and *wilayah*-related forms of marginalization. What did you think of these strategies? How did they work? What were their limitations?
5. The chapter provides excerpts from a number of the life stories to illustrate different themes. Which of these cases resonate with you personally or help you understand *qiwamah* or *wilayah* in your own life story?

CHAPTER 10

The Ethics of *Tawhid* Over the Ethics of *Qiwamah*

BY AMINA WADUD

In the final chapter of the book, amina wadud provides reflections on her personal and intellectual trajectory of grappling with the concept of male authority and gender inequality socially, textually and legally. **How does the concept of *tawhid* (the oneness of God) relate to notions of *qiwamah* and *wilayah*?**

She starts by reminding the reader that verse 4:34 and the notion of male authority have been privileged and prioritized over the concept of reciprocity and equality in marital duties and rights. This can be seen in the Qur'anic phrases 'and He has made intimate love and compassion between you' in verse 30:21, and 'they are [like protecting] garments one to the other' in verse 2:187.

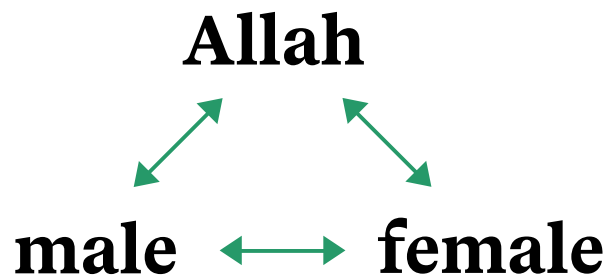
Compellingly, wadud suggests that the ultimate objective of Islam is equality and reciprocity, not hegemony, and that this ethic can be applied to gender relations in the family and indeed to all human relations. The paradigm shift is based on rethinking Islam through Islam itself, but without the confines of patriarchal interpretations and the cultures they spawned. For wadud there is no Islam without *tawhid*. Therefore this theological principle can and must be applied to social interactions, particularly to gender relations.

She begins by reflecting on the African-American experience and history of Islam. Delving into the history of slavery, she exposes how impractical the notion of *qiwamah* was. This impossibility continued post-slavery when Black men were less likely to be employed than Black women. Wadud notes the dissonance created between the patriarchal 'ideal' of *qiwamah* and lived experiences in which Black women were routinely the economic providers for their families. Witnessing this pushed wadud to search for ethical values and a spiritual worldview in the Qur'an that could support new notions of an 'ideal' family beyond the *qiwamah* model.

Next, wadud presents her experience at the Fourth World Conference on Women in Beijing in 1995, during which Muslim women created a caucus to discuss these issues amongst themselves. At this meeting she witnessed a binary: secularists who insisted Islam was irretrievably patriarchal and therefore had nothing to offer on discussions of women's human rights, versus Islamists who promoted a patriarchal and uncritical understanding of Islam as the way to establish the roles of Muslim women in society. A third way was forged by wadud and other women present who argued for movement away from patriarchal theology towards an egalitarian expression of Islam still rooted in the tradition but free of gender injustices. She describes this as being 'pro-faith and pro-feminism'.

One of the central notions wadud has developed and discusses is that of *tawhid* – the unicity of Allah, or monotheism. Beyond this meaning of *tawhid*, wadud also draws attention to its meaning, ‘Allah unites’. *Tawhid* can serve as the means by which differences, hierarchies and oppressions can be overcome and instead replaced with relations of reciprocity, harmony and equality. This tawhidic paradigm can serve as a remedy to overcome the hierarchical terms of *qiwamah*.

In the tawhidic paradigm, Allah is located at the top and all peoples below in a horizontal relationship of reciprocity rather than in the vertical relationship of God – Man – Woman asserted in patriarchal Islam.



The only example in the Qur’an that disrupts this organisation of God and creation is the story of Iblis and the creation of Adam and Eve, and Satan’s refusal to bow to them while stating, ‘I am better than him. I am made from an atom of fire and that being is made from an atom of dirt’. She refers to this as a kind of ‘satanic logic’ that prevails when one group of people considers themselves better than another. There is no Islam without *tawhid*, and if social interactions are grounded in this principle, then they will, by necessity, lead to egalitarian relationships.

Pause for Thought



1. In what ways does wadud demonstrate the fallacy of *qiwamah* in the African-American experience?
2. Are there ways in which you can identify this fallacy in your own context?
3. What is your understanding of *tawhid* and how does wadud's tawhidic paradigm shift or expand that?
4. How does the tawhidic paradigm challenge existing traditional notions of *qiwamah* and *wilayah*?
5. What other Islamic principles would serve as a relevant and helpful foundation for equality and reciprocity within human relationships?

About Musawah

Musawah is a global movement for equality and justice in the Muslim family, comprising non-governmental organisations (NGOs), activists, scholars, legal practitioners, policy makers, and grassroots women and men from around the world. Launched in 2009, it seeks to link scholarship with activism, bring fresh perspectives on Islamic teachings and contribute constructively to the reform of Muslim family laws and practices.

For more information, visit www.musawah.org.

Follow Musawah on social media:

  musawahmovement

  musawah

About the Knowledge Building Initiative on *Qiwamah* and *Wilayah*

Musawah's Knowledge Building Initiative on *Qiwamah* and *Wilayah* sought to explore the concepts of *qiwamah* and *wilayah*, which are commonly understood to give men authority over women, and show how laws based on outdated interpretations of these concepts no longer reflect the justice of Islam. Other interpretations are both possible and more in line with Islamic teachings, human rights principles and contemporary lived realities.

The initiative brought together scholars trained in different academic fields with Musawah activists and researchers to engage with Muslim legal tradition in a serious, rigorous and critical fashion. These participants offered a range of knowledge and skills related to Muslim legal tradition, feminist methodologies, women's lived realities, and diverse legal systems, which led to rich discussions that explored the possibility and necessity of reform. *Men in Charge? Rethinking Authority in Muslim Legal Tradition* (Oneworld, 2015) is one of several publications that came out of this process.