

“People Like Us” in Pursuit of God and Rights: Islamic Feminist Discourse and Sisters in Islam in Malaysia

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Abstract

This paper attempts to critically situate the discourse of Islamic feminism and its activist incarnations such as the Malaysian group Sisters in Islam within an analytical framework that seeks to look beyond the all-too-common trope of “multiple modernities.” The paper examines the conditions of possibility enabling such groups and discourses, looking in particular at the modern nation-state, and the imbrications of social discourses of rights and religious discourses of individual belief within this state. I argue that the repertoires of reasoning called forth by Sisters in Islam partake in the objectifying rationalities of the Malaysian state when it comes to religious knowledge, with this knowledge now situated as a legitimate object of civic, legal and state intervention.

Keywords: Islamic feminism, Sisters in Islam, Malaysia

Introduction

In this paper I want to explore several important aspects of “Islamic feminism,” a discursive and increasingly political movement which has attracted much Western academic and media consideration in recent years, through a case study of one Islamic feminist non-governmental organization – the Malaysian group Sisters in Islam (SIS). The growing attention to Islamic feminism has been largely situated, at least post-9/11, within a policy context of looking for what is construed as a “moderate Muslim” voice, a voice which espouses secular-liberal understandings of key values such as equality, pluralism and human rights.² On the part of the Muslim participants of this project is a keen desire to show how such values, far from being alien to Islam, are in fact the necessary implications of the religion “rightly understood” (see, for example, Sachedina 2001, Kamali 2002, Esack 1997, and Abou El Fadl 2001, 2002, 2004).³ This position is far from new, enjoying a genealogy going back to early 19th century Muslim reformers in the Middle East or the so-called “Islamic modernists” (see Kurzman 2002 for an overview). Scholarly discussions of these reformist trends and their most recent incarnations such as Islamic feminism invariably seek to locate such projects within a “multiple modernities” paradigm. They highlight how the struggle of Muslim women for

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²For a recent consideration of the politics surrounding the recuperation of a “moderate” Islamic agenda by the US government as a strategy in the “war on terror,” see Mahmood 2006.

³As will become clear in this paper, these Islamic intellectuals and activists have a deep normative commitment to the Muslim faith and its traditions of reasoning and argument, even as they seek to transform these traditions. As such, they should not be considered to be operating within the same conceptual space as more famous – and sensationalist – figures such as Ayaan Hirsi Ali and Irshad Manji, who are currently enjoying much government and media accolades in the West (see recent article in the *New York Times* “Muslim Rebel Sisters: At Odds With Islam and Each Other” April 27 2008).

their rights from within a religious – rather than an ostensibly more uninteresting, or at least less problematic, secular – framework works to “Islamize modernity,” “modernize Islam” or more often both at once (see Badran 1995; Burgat 2003; Cooper 1998; Esposito 1996, 2001; Majed 1998; Moghadam 1993, 2005, 2007). These analyses rightly focus on how such struggles are at heart interpretive and epistemological – they call forth a re-engagement with the most important texts of the Islamic tradition with an eye toward uncovering their “true” meanings, which are then shown to be in agreement with the reigning liberal consensus of what constitutes justice, equality or freedom from oppression.

Missing from such analyses, however, is a consideration of how such engagements do not merely work to produce new understandings and meanings of what Islam “says” (on women’s roles, human rights, gender equality, etc.), but also how the repertoires of reasoning called forth by Islamic feminists involve radical reconceptualizations of the authoritative production and transmission of religious knowledge as well as what constitutes such knowledge in the first instance as new conceptions of religious “belief” and texts are formed and articulated. Islamic feminists are participating in fundamentally different regimes and relations of knowledge and power than the historical male jurists and exegetes they position themselves against. Understanding how this is so helps us to see that when we speak about “Islamizing modernity” or “modernizing Islam” it is not a question of taking a pre-given conceptual “container” (Islam, modernity) and “filling” it with novel content (*-izing* it), but rather of constituting new relations to texts and their contexts, and new normative imaginings of what these relations should consist of. In this paper, then, I want to depart from conventional modes of inquiry into Islamic feminism by thinking about not only *what* such feminists reason within an Islamic paradigm (the substantive content), but furthermore *how* they reason, towards what ends, under what conditions, and with what implications.

Talal Asad’s (1986) highly-influential conceptualization of Islam as a “discursive tradition” is key to this aim. It invites us to see how ideas of authority and authoritative knowledge are historically and culturally constituted in the interactive space between people, texts and practice that determines what is, or should be, “Islamic.” At the heart of this idea of a discursive tradition is an anthropological interest not so much in a set of paradigmatic concepts continuous throughout Islamic history, but rather an interest in the traditions of reasoning and argumentation that are deployed around often hotly contested concepts. The Islamic discursive tradition is therefore not an unchanging or unitary formation, but admits of diversity, debate and difference.

Nevertheless, for Asad the authority of a tradition rests in a degree of continuity that is not always open to the possibility of freely choosing certain elements and rejecting others out of hand – it is always located within certain “conditions of possibility” that discursively define what counts as “Islamic” and what positively cannot, at least from the point of view of power-laden orthodoxies. Charles Hirschkind (1995) summarizes Asad’s argument thus: “Study of a discursive tradition...directs our attention to the coherence and continuity of a set of discourses, so as to map the transformations which they undergo, including those brought about under the pressure of more powerful traditions.” He continues: In the case of Islam, as the above discussion suggests, the possibility of such continuity is underwritten by the divine status of the foundational text.

Contrary to what is frequently asserted, this historical perspective does not imply that each generation is an exact replica of its predecessors, only that they resemble each other in those aspects deemed essential by reason-guided interpreters of the textual tradition. More importantly, we can now see that it is imperative for a religious thinker working within such a tradition to pose the possibility of God or the divine – even as a necessary act of faith – in order to set the horizon within which reasoning may occur.

The interpretive value of such an understanding hinges, however, upon a recognition of the ever-present contingency of this discursive tradition, as new authoritative spokespersons are constituted, new “founding texts” introduced (or at least old founding texts re-imagined) into the canon, and new orthodoxies emerge through changing relations of power.⁴ While Asad (1993:236,f.60) acknowledges that there is not a singular, but several “Islamic traditions,” he insists that “these are related to one another formally, through common founding texts and temporally, through diverging authoritative interpreters.” And although in his second book he adopts a more flexible position on the boundaries of this discursive tradition (Larkin 2008), writing that “belonging to a tradition does not preclude involvement in vigorous debates over the meaning of its formative texts (and even over which texts are formative) and over the need for radical reform of the tradition” (2003:195), overlooked here is *how* interpretive debates may be conducted, what modes of reasoning are deployed and what epistemological assumptions these modes rest on can be qualitatively different from one Islamic actor to another. At issue with Islamic feminists is not only what the canonical texts of Islam are/should be (the Qur’an is kept, but the Prophetic hadiths expunged) and the authoritativeness of its (male) interpreters whose commentaries, usually considered an integral part of the canon, are now dismissed out of hand,⁵ but also what styles of argumentation are involved. The traditional commentaries are rejected not only because of their substantive content, but precisely because they fail to adhere to what Islamic feminists believe is the correct way to reason and argue within an Islamic horizon (and this goes both ways, of course). For Islamic feminists, interpretive methodologies which do not adopt a critical literary and historical approach to the text or seek to uncover the universal ethical message behind the contingent “historical” event are betraying the normative impulses of Islam. Thus, in many of their citationary practices Islamic feminists completely bypass established Islamic sources such as classic legal

⁴Also, as Messick (1997:403) argues, “it is clear that the “tradition” was hybridized from the outset. Already the product of centuries of accumulated local scholarly development, each local version of this “tradition” in the modern era articulated first with specific colonial (western or indigenous Ottoman) ideas and institutions and later with the modernizing concepts and innovations of a specific nation-state.”

⁵Islamic feminists do not go as far as some of those calling for a “feminist theology” that rejects completely the Old and New Testament in favor of “writing new texts to express our new consciousness” (Ruether 1983: xii) This follows from Audrey Lorde’s famous proclamation that “the master’s tools won’t destroy the master’s house” (1984). In that essay, Lorde asks: “what does it mean when the tools of a racist patriarchy are used to examine the fruits of that same patriarchy?” (1984:110), answering that such a mode of critique could never engender “genuine change.” Islamic feminists, on the other hand, are choosing to challenge patriarchy on its own home turf – that of religious legitimation – by engaging in alternative readings of the canonical texts of Islam, texts which are authoritative references for the male elites as well. By situating modern claims of gender equality within a “traditional” Islamic framework, Islamic feminists are effectively using the master’s tools (religious authority) to dismantle the master’s house (religiously-justified oppression).

commentaries or exegeses, in the process discursively redefining what counts as an “Islamic tradition” and what should be excised.

This is a point which is often lost on participants in the Islamic feminist movement themselves. Often, participants in that movement point out that they are merely continuing a venerable Islamic tradition of dissent and debate – that the differences and diversity evidenced in Islamic history has been glossed over by jurists who seek to present it as a monolith of consensus. Self-described “progressive Muslim” Farid Esack (2002:137), the author of several works on the “Islamic roots” of pluralism and democracy and a consistent supporter of Islamic feminist hermeneutics, argues that the historical presence of such jurisprudential and philosophical differences indicates that “no matter how committed to tradition a scholar may be, he or she still asks questions from that tradition and selects from it on the basis of his or her pre-understanding.” Esack here fails to see that the conditions under which “questions” are asked and “selections” made are located within an epistemic framework which recognizes the authority of certain kinds of knowledge and discounts others. This does not mean that the knowledge produced will not be diverse or divergent, but only that it will be subject to certain evaluative criteria that will determine from the outset the parameters of that discourse. With Islamic feminism, these parameters are fundamentally reconfigured.

In his seminal study *Recognizing Islam*, anthropologist Michael Gilson (2000:28) submits for our consideration “a vital question that is always below the surface” of Muslim societies: “which persons would possess the authority to certify as legitimately Islamic a given office, institution, or action, and on what basis would they do so?” he asks. As this question indicates, conceptions of the basis of authority for those claiming an Islamic referent are never very far from questions pertaining to who is or, more to the point, should be the proper agent of such claims. Given that within the Islamic discursive tradition authority is “mostly epistemic in nature”⁶ (Hallaq 2001: ix) and, relatedly, of a “textual character” (Berkey 2001:70, see also Hefner and Zaman 2007), it is not surprising that the battle of Islamic feminists, their so-called “gender jihad,” has been waged in large part in the trenches of religious knowledge, especially that of Qur’anic hermeneutics. Indeed, a participant (Khan 2005) in this battle characterizes the target of the gender jihad as an “epistemological hijab” in the sense of a “barrier” erected between women and “Islamic sources” through their historic exclusion from Islamic interpretive communities. The title of a book by controversial Egyptian scholar Gamal el-Banna, who advocates rebuilding Islamic jurisprudence from the ground up and is an active participant in Islamic feminist hermeneutics, captures this dynamic quite well: “The Muslim Woman Between Qur’anic Liberation and Juristic Shackling” (*Al-mar’a al-muslima bayn tahrir al-qur’an wa taqyid al-fuqaha*). Epistemological appropriation is thus a key strategy for inclusivity.

Thus, while today Islamic feminists take as axiomatic the idea that a “believer’s” access to the divine text and its meanings should be un-mediated and immediate, traditional exegetes thought about their relations to the canonical texts in radically

⁶ The prominent Orientalist Franz Rothensal concluded that, for Muslims, “Islam is knowledge” (1970) while writing the Islamic medievalist Jonathan Berkey underlines, in more tempered tones, how “the importance of knowledge to the Islamic tradition cannot be overemphasized, since knowledge in effect defined the parameters of the tradition itself. In a sense it was knowledge that held together not only the faith but the world” (2001:70).

different ways. This change in the “thinkable” is not due to changes in thinking (or at least not entirely), but is rather tied to the emergence of the modern nation-state and the creation of new interpretive relations and objects of “religious knowledge” by this state. Islamic feminist hermeneutics thus operates within a decidedly different episteme than the Islamic interpretive tradition such feminists work to transform even as they seek to locate themselves in it. This discourse’s differing assumptions about what constitutes religious knowledge and who is allowed to partake in its production engenders a concomitant textuality that departs in important and radical ways with traditionally authoritative genres of formal Islamic thought such as *fiqh* (jurisprudential) manuals, comprehensive Qur’anic commentaries, or biographical histories – the “exegetical” works produced by Islamic feminists are in the main academic books meant for a specialized scholarly audience (whether Muslim or not) that are evaluated according to the secular criteria of social scientific scholarship, as well as newspaper articles, press releases and photocopied booklets intended to reach a national audience of citizens (who are not always addressed as also “believers”) and, increasingly, a transnational audience of human rights activists, non-governmental organizations, development funding agencies, think-tanks, international governmental organizations such as the UN and now Western policy-makers. In Messick’s (1993) terms, we have here evidence of a “discursive rupture” that cannot be merely analyzed, I argue, as an instance of “modernity Islamized” or “Islam modernized” if we are to get at what is at stake in these ruptures, the relations of knowledge and power they are enmeshed in, and their conditions of possibility.

Anthropologist Brinkley Messick (1993:5) argues that “the requisite first steps in understanding the power implications of a discourse are to know its constructs and arguments, to analyze its linkages across domains, and to identify its modes of situating, appropriating, and silencing the world of the dominated.” This is as true of Islamic feminism as it is of the sharia-defined “textual polity” he examines in Yemen, for Islamic feminism acquires its moral force for some Muslims precisely because it does not situate itself as a distanced, third-space critique of, or commentary on, the Islamic discursive tradition, but rather as a constitutive (albeit contested by most) player within its epistemological field even as the nature of that field is fundamentally reimagined. Islamic feminism, whose genesis is put by adherents as no earlier than a mere two decades ago (Wadud 2006),⁷ in many ways suffers from a double marginality in its location on the fringes of both Islamic discourse as well as feminist discourse. Yet, it provides an exceptionally telling illustration of the constitution of new ways of knowing and new bases for religious authority in the discursive tradition that is Islam as this paper hopes to make clear.

In the sections that follow, I undertake an examination of both “academic” articulations of Islamic feminism by some of its most prominent participants (Wadud 2006, Barlas 2002, Mir-Hosseini 2003, Ali 2006 and Abou-Bakr 2002) as well as through an examination of how such understandings are adapted to activist agendas on the ground

⁷ An argument can be made for a much longer historical genealogy to Islamic feminism, however. For example, we have as early as 1928 Islamic feminist tracts such as the Lebanese Nazira Zayn Al-Din’s *The Girl and the Shaykhs*, where she argues that “women are more worthy of interpreting verses that have to do with women’s duties and rights than men, for they are the ones that are directly addressed” (cooke 2001:xiv).

by Sisters in Islam. It is important to note here that the paradigm of Islamic feminism is not monolithic, but rather exhibits some important internal variations. However, common to all variant articulations is a set of basic premises (e.g. justice means gender equality) and a set of common questions (e.g. What does Islam have to say about gender equality?), although both premises and questions can be approached in divergent ways. SIS is a Malaysian group which began as a “study circle” led by Amina Wadud in the late 1980s and has subsequently developed into an internationally-funded NGO with organized conferences and a vigorous publishing record. SIS engages in a re-reading of the Qur’an and Sunnah with the aim of developing a “feminist fiqh” to replace the codified “patriarchal” family law of the Malaysian state, which is derived from Islamic law.⁸ As the constitutive and generative link with Wadud demonstrates, it is artificial to draw a rigid line between Islamic feminist activism and intellectualism – the women involved usually see themselves as “scholar-activists” (see Webb 2000). Taking SIS as an illustrative case, I examine the imbrications between discourses of gender equality as a social goal, modern education, law and religion.

I. Feminist Reasoning within a Believing Horizon

Ijtihad (independent reasoning) is a central issue for Islamic feminists – it structures both modes of relating to the canonical texts as well as reframes and redefines what it means to be a believer, a Muslim – in fact, their discourse is often translated into Arabic as *al-islam al-ijtihadi*. Not only is the intermediary role of “traditional” religious scholars rejected, but furthermore the personal links of relay structuring this role are rendered irrelevant. There is only one “author” of authority, God (Abou El Fadl in Wadud 2006: xiii) and between this divine author and any human interlocutors is no one. Omaima Abou-Bakr, a key participant in the Islamic feminist movement and a professor comparative literature at Cairo University, locates such an interpretive regime within the “correct teaching” of religion, writing (2002:64) that “Islam teaches us that the true relationship to God is direct with no mediator or guardian (*muhaimin*) between the reason of the believer and the Creator of the universe.” Asma Barlas, another academic and important figure for Islamic feminism, asserts in the postscript of her *tafsir* (interpretation, exegesis) of select Qur’anic passages (in itself a major departure from the historically established mode of *tafsir* of the entire Qur’an)⁹ that A *mujtahid* is thus,

⁸Another regional group with similar aims is the Indonesian Fiqhun Nisah and in Iran there are many feminist NGOs and Islamic thinkers who energetically publish feminist re-interpretations of certain verses of the Qur’an pertaining to women and the family, all the while pushing for modification of personal status law to reflect these new interpretations. Badran (2005) argues that historically the Iranian groups were the first to don the label “Islamic feminism.” Such feminist exegetical circles – not to be confused with the more common and conventional mosque study circles for women such as those in Egypt profiled by Mahmood 2005 – have not caught on in the Arab world. There was one such group working out of Cairo University in the mid-1980s but it kept a very low-profile and eventually disbanded (personal communication with Prof. Omaima Abou-Bakr, Cairo University Dept. of Literature).

⁹ This exegetical mode is the favored one among Islamic feminists, with participant Omaima Abou-Bakr, in her Arabic-language overview of the movement, highlighting how Islamic feminists are not concerned with undertaking a *tafsir* of the entire Qur’an, but rather only of several problematic verses dealing with women. Historically, there were women who did undertake holistic Qur’anic exegesis – in the 20th century we have the Egyptian Aisha Abdelrahman’s two-volume exegesis *Al-tafsir al-bayan li al-qur’an al-karim* (1962-1969), but such women are not considered by Islamic feminists to be within their genealogy since

before all else, a believer imbued with a sense of God-consciousness and a believer's right to interpret religion derives not from social sanctions (permission from clergies or interpretive communities), but from the depths of our own conviction and from the advice the Qur'an gives us to exercise our intellect and knowledge in reading it (Barlas 2002:210).¹⁰

There are two important discursive moves being made here by Abu-Bakr and Barlas with regards to how religious authority is/should be constituted. First, there is a foregrounding of *ijihad* as both a normative principle and important instrument of struggle against patriarchy, invoking this category while glossing over its contested historical trajectory. The Western academic literature on Islamic law makes much of the jurisprudential claim that the gates of *ijihad* were closed in the 10th century – after this point, jurists were more often than not *muqalids* (imitators) rather than *mujtahids*, leading to a pervasive “stagnation” of not only intellectual contributions, but Islamic civilization more generally. The broad outlines of this view of Islamic intellectual history is generally unchallenged by most Islamic feminists, who see their project as operating in contradistinction to this ossified past. However, critical scholars of Islamic law such as Wael Hallaq (1984) have challenged this Orientalist thesis, arguing that while the “gate” may have been deemed “closed” in principle, in practice *ijihad* continued to be a dynamic force shaping jurisprudence. Messick (1993) makes a similar argument, pointing to the existence of recognized *mujtahid mutlaqs* (absolute) such as the Yemini Muhammad Ali al-Shawqani as late as the 19th century.

Thus, despite the stress given to it by Islamic “modernists” following in the vein initially articulated most influentially by Abduh and taken up by Islamic feminists, the gates of *ijihad* were not “re-opened” in the 20th century, and the principle is in itself an integral constituent of the Islamic interpretive tradition since its inception. The “commentaries on commentaries” were, of course, needed precisely because there existed wide interpretive differences, multiple and contested meanings of the canonical texts and the inevitable arising of new problems such texts had to be made to speak to. This underlines the fact that *fiqh* was *always* regarded as human construction, “a necessarily flawed attempt to understand and implement [divine] design” (Messick 1993:17), even if Islamic feminists sometimes write as if their point on this is unprecedented.

What is new and different, however, is the delineation of *who* can claim a right to *ijihad* and partake in the creation and mediation of new meanings within Islamic discursive formations. This marks the second important move by Islamic feminists, their definition of who can be a *mujtahid*. As the quote from Barlas makes clear, the role of *mujtahid* is re-imagined (or “reclaimed” they would put it) by Islamic feminists as one which could be filled by any “believer,” thus completely bypassing first, the need for “specialized training,” and second, the historic gatekeepers of such training. *Mujtahids* are thus largely self-authorized.¹¹ This understanding of religious knowledge and its

they do not make gender a salient category of analysis and they utilize a traditional exegetical methodology.

¹⁰ Questions of the marketing, circulation and use of this *tafsir* (the paratextual) are also interesting. It is published by a US academic printing house and packaged as a text book for courses on gender studies or religion, and is indeed engaged with as such by students.

¹¹ This is of course a particularly radical extension of the Islamic modernist project articulated by Abduh – he was more concerned with arguing that properly-trained *ulama* can “once again” engage in *ijihad* in light of modern exigencies, not in displacing such *ulama*.

production stands in radical opposition to the view of scholarly enterprise embedded in the traditional episteme of Islam; for example, the jurist Malik b. Anas, the eponymous founder of one of the four still extant *madhabs* (jurisprudential schools), reportedly said that he “did not issue fatwas until seventy individuals swore to me that I was qualified” (in Masud et al 1996:20). Such an understanding of the normative processes by which legitimate knowledge is produced is reflected in traditional classifications of Qur’anic exegesis: exegesis by transmission (*bi il-riwaya*) was commonly also referred to as exegesis by knowledge (*tafsir bi il-ilm*). Within this interpretive regime, Muslims engaging in tafsir not only are presumed to have mastered the requisite sciences, but also draw on a continuous chain of previous work making up the acceptable canon. This mode of tafsir, the most widely accepted, was contrasted with a *tafsir bi il-ra’y* or exegesis by opinion/reason, a marginal mode historically (Esack 2002). By contrast, Islamic feminists such as Barlas (see also Wadud 1999, 2006) recuperate in their project this exegetical mode, presenting it as the only truly “Islamic” one.

Anthropologist Dale Eickelman has written extensively on the “fragmentation of religious authority” this mode of knowledge production entails, a mode enabled in the first place, he writes, by the “massification” of education and rising literacy rates. He argues (1985:168) perceptively that “the carriers of religious knowledge will increasingly be anyone who can claim a strong Islamic commitment...”. Furthermore, to be a “carrier” of religious knowledge is increasingly framed by Islamic feminists as a question of “rights” for “ordinary people” – people “like us to participate in matters of religion – people who did not go to that venerable university in Egypt for the study of Islam, al-Azhar, who cannot speak Arabic, and who are not covered up” argues Zainah Anwar, then-executive director of Sisters in Islam (Anwar 2005:240). This re-imagining of the problematique of knowledge production as a question of rights – and the dialectics involved in the “new Muslim public sphere” – is taken up in the following section.¹²

II. Of Religion and Rights

In a widely-cited article Eickelman (1992) argues that as modes of knowledge became more focused on questions of “how” and “why” with the institution of modern pedagogies on a mass scale, “religious imagination” becomes “objectified” in the sense that Islam becomes a distinct system examinable as such. Eickelman’s point on objectification is not so much about a shift from unreflective enactment to reflective deliberation, but to different kinds of deliberation and reflection that are tied to modern institutions and their disciplinary modes. I would like to examine the “kinds of public reasoning” and “reasons for arguing” deployed by Islamic feminists through contextualizing the movement within the objectifying trends of modern state education and modern state law within Malaysia.

¹²This is at odds with the Muslim women preachers Mahmood 2005 discusses in her ethnography. While for some of these women individual interpretive choice is important, the choices themselves are the ones arising from earlier juristic rulings and “as such, choice is understood not to be an expression of one’s will but something that one exercises in following the prescribed path to becoming a better Muslim” (Mahmood 2006:85). This is in contradistinction to the Islamic feminist position presented here, where the whole point is to construct new choices sensitive to gender equality, in contradistinction to the juristic tradition.

Sisters in Islam

While academic articulations of Islamic feminism espouse a politically-engaged scholarship intent on promoting gender justice in Muslim countries through showing its “Qur’anic roots” (Abou-Bakr 2002; Barlas 2002; Mir-Hosseini 2003; Wadud 2006), what is at stake in the modes of public reasoning and reasons for arguing in the Islamic feminist project emerges most clearly when examining the discourse of self-identified Islamic feminist “civil society” groups. Sisters in Islam is one such group. A very active Malaysian women’s rights NGO, it began as a scriptural study-circle in the 1980s led by Amina Wadud (considered by many a “Malaysian public figure” (Ong 1999:361)) when she was studying at the Malaysian Islamic University profiled above. The hermeneutical approaches of Islamic modernists such as Fazlur Rahman, Abdullahi An-Naim and Nasr Hamid Abu Zayd have had a formative impact on Wadud’s thought, which has in turn influenced the discourse of Sisters in Islam (see Bowen 2003). There is a dearth of academic considerations of this group, despite its high media profile and connections with several prominent academics in the United States and England. An exception to this is Aiwha Ong’s (1999) detailed examination of SIS in an article titled “Muslim Feminism: Citizenship in the Shelter of Corporatist Islam.” Ong (1999) insightfully ties the discourse of Islamic feminism in Malaysia to the political imperatives of a secular state seeking to regulate potentially contestatory Islamic nodes of authority by at once supporting groups like SIS – who fragment that authority by presenting an internal challenge to it – and by bringing Islamic law under the state’s regulatory ambit (for a more recent discussion of the “Islamization of Malaysia” and “women’s rights” see Tong and Turner 2008).¹³

In addition to maintaining a weekly column on Islamic law and women’s rights in Malaysia’s largest circulating daily newspaper *Utusan Malaysia* and being a regular source of authoritative opinion – as representatives of the “progressive Islamic voice” – for journalists covering such issues, SIS conducts “study workshops” open to the general public at its office in Selangor on topics such as “Demystifying the Fiqh: an Approach Towards Understanding How Shariah Law is Constructed,” “Islamic State - Fact or Fiction?,” “Playing God: Who Speaks for Islam Today?,” and “Religion, Traditional Interpretation & Critical Hermeneutics.” These talks feature not only Malaysian human rights activists and like-minded scholars, but also Muslim academics based in the West, American and British-Muslim journalists, and representatives from Western non-governmental organizations concerned with women’s rights and democratization. Members of the SIS board are also themselves invited to speak in the United States and Europe, often at the behest of Western academics who are interested in researching and promoting Islamic feminism, or more generally “liberal Islam,” as a corrective to what they see as the problematic enforcement of shariah-norms (or at least their patriarchal interpretation) in Muslim societies, especially in the area of family law.¹⁴ Indeed, family

¹³Ong is rather critical of the brand of feminism espoused by Sisters in Islam, saying that “they have not yet articulated women’s most basic rights, that is, their rights over their own bodies....there has been no mention of women’s right to sexual autonomy, even the right of women to premarital sex” (1999: 365). For a brilliant problematization of the rhetoric behind statements such as this, which present Western norms as “natural rights“ desired by all women, see Mahmood 2005.

¹⁴I attended one such lecture series at New York University (Fall 2006) with SIS’ then-executive director Zaineh Anwar, who was invited to speak by Prof. Ziba Mir-Hosseini, a legal anthropologist who has

law is an important site of activism for SIS, which provides free legal advice to Malaysians “dealing with Shariah & Civil Law problems” and is currently working on drafting a “Model Islamic Family Law” that is “based on the framework of equality and justice.” A statement on the group’s well-maintained website says that the code would draw on four areas: “the Islamic framework, constitutional and national laws, international human rights principles and the realities of Muslim women’s lives.” Malaysia’s legal system, as with many Muslim countries, draws on shariah principles in its “family” or “personal status” law dealing with marriage, divorce, inheritance and custody. In 2005, the state instituted a number of revisions to its family law code (such as making the legal approval of a second marriage by an already-married man easier) that were met with loud opposition by Sisters in Islam and other liberal civil society groups.

In addition to these lobbying initiatives aimed at changing the country’s legal stipulations, SIS puts out a series of booklets distilling the “correct” interpretation of a number of Qur’anic verses held to be the most significant to gender relations and women’s status, especially verses on polygamy, divorce, inheritance and the veil. Innovating on the traditional fatwa genre, the booklets’ titles take the form of questions – “Are Muslim Men Allowed to Beat Their Wives?,” “Are Women & Men Equal Before Allah?,” for example – followed by a lengthy answer which cites the relevant Qur’anic verses, the incorrect (patriarchal) interpretation of it, and the correct (feminist) one.¹⁵ As Messick has shown in his analysis of “media muftis” in Yemen, Whereas the old logocentric textual culture sought the legitimating immediacy of a human presence to secure the authoritative transmission of knowledge, the new media intervene in a distancing and alienating manner. Instead of individualizing communications, the new fatwas are broadcast messages for a mass audience, the characteristic citizenry of a nation-state...the personal matter has become public here (1996:320).

This dynamic acquires particular saliency for groups like Sisters in Islam, who are of course working within a framework informed by the feminist axiom that the “personal is the political.” Within this construction, the modalities and qualities of relations between spouses or between such spouses and divine intent become legitimate objects of management and control by the state. This is, in fact, the common assumption underwriting all of SIS’ discursive and political work. A brief discussion of an editorial entitled “Dress and Modesty in Islam” published by the group in two newspapers in (one of which is the English-language *The New Straits Times* would perhaps serve to illustrate this point more concretely.

The cause for the editorial is the arrest of three Muslim Miss Malaysia beauty pageant contestants by Selangor’s Islamic Affairs Department, an action which sparked wide public controversy and led a government minister to call for the formulation of a definition of “indecent dressing and behavior” with the intention of implementing it into

written prolifically on feminism and the law, especially in Iran, and is counted by some as an Islamic feminist herself.

¹⁵In their introduction to the edited volume *Islamic Legal Interpretation*, Masud, Messick and Powers (1996:20) highlight how classical works in the *adab al-mufti* genre generally agree that muftis should defer on questions of Qur’anic exegesis to specialists in that area. Within modern relations of interpretations, this specialization is lost, with tafsir increasingly falling within the ambit of legal opinion, as can be seen by these SIS booklets.

a national law. The editorial writers begin by questioning the very right of government/religious authorities to draw up such guidelines, going on to say that if such guidelines must be imposed, they “*must be carried out only within the widest possible consultation (shura) of those who will be affected by these standards...They cannot be made in isolation and by an exclusive group of people who believe that no one else has a right to talk, discuss, or question matters of religion.*” They go on to argue that state laws/fatwas (notice how the two are collapsed) that affect “fundamental liberties” must be within the purview of Parliament and be consistent with the constitution. In calling upon the principle of “shura,” the Islamic feminist activists are expanding the definitional borders of a Qur’anic concept that was historically limited to the religio-political elite (Moussalli 2001:162) to subsume the idea of participatory/representative government (Hourani 2002 (1962):144)¹⁶ where legitimacy derives from popular, rather than ‘ulamatic, consensus.

After establishing this as a first principle, the editorial then delves into a lengthy exegesis of several Qur’anic verses dealing with modesty and women’s dress, concluding in the end that the Qur’an does not prescribe a specific type of dress for Muslims. In reaching these conclusions, the writers resort to what we saw is the modernist move of differentiating between the historical specificity of the Qur’anic message and its universal intent, employing (although not citing) An-Naim’s (1990) distinction between universal Meccan *surahs* and context-bound Medinan ones¹⁷ as well as Rahman’s “double-movement” interpretive methodology.¹⁸ In a very Abduhesque appeal to reason, the writers argue that “*the message of the Qur’an is not intended to cripple the human mind....Are we to be a nation of muqallids (blind followers) which can only lead to further stagnation and intellectual paralysis...?*” They end the article by warning that “*those in religious authority must begin to understand that they are operating within a democratic, multi-ethnic society whose citizens are not only increasingly better educated, but also better informed on Islam and its eternal commitment to justice, equality, freedom and virtue.*”

A second editorial, entitled “Differences of Opinions in Islam,” similarly frames “the right to speak on Islam” as a fundamental right for citizens of a democratic state, while yet another editorial (“NO to JAKIM [Department of Islamic Development in Malaysia] Attempt to Silence Writers”) argues that “*When Islam in Malaysia is used as a*

¹⁶ Such redefinitions were often key to the “Islamic modernist” program as Hourani notes. Another key traditional idea which was reinterpreted as an Islamic rationale for democracy was *ijma* (consensus), understood by thinkers such as Rashid Rida the “original conception of legislation in Islam” (Hourani 2002 [1962]: 235), aligning it with contemporary parliamentary legislative systems.

¹⁷ A quote by An-Naim is posted prominently on the welcome page of the organization’s website: “My claim is not that we need to secularize the state in order to be modern. My claim is that we need a secular state to be better Muslims.” This is the central claim of his most recent book, *Islam and the Secular State* (2008).

¹⁸ Rahman’s “double-movement” approach, heavily-indebted to Muhammed Abduh’s modernist understanding of Qur’anic language, is explicitly constructed by Rahman as a suitably modern reincarnation of the classical methodology of *ijtihad*. According to this approach, “first one must understand the import or meaning of a given statement [in the Qur’an] by studying the historical situation or problem to which it was the answer” (Rahman 1982:6). Once this is understood, one has to look at what “general moral-social” principle was meant to be fulfilled by the specific Qur’anic injunction. One then takes this general principle and attempts to see how it can specifically be applied in the present.

source of law and public policy with widespread impact on the lives of the citizens of a democratic country, any attempt to limit writing about Islam to only those who supposedly have “in-depth knowledge of Islam” is tantamount to rule of a theocratic dictatorship.” It is clear that in the discursive Islamic tradition of Islamic feminists, the politics of knowledge production are deeply imbricated with the politics of citizenship, rights and public space. The next section examines how the modern state’s transformation of the shariah into a code of law has contributed to making this type of reasoning possible.

Legal Rationalities, Activist Potentialities

In the *Calligraphic State* Messick (1993:59) argues Ottoman reformers, influenced by European ideas of “progress” and legal rationality, began to see the shariah through an Orientalist lens, perceiving it as cumbersome, obscure and out of tune with the contemporary world. In the first and unprecedented attempt at the codification of the shariah, the Ottoman Majalla, “drafters took an important step toward silencing the open-ended argumentation of shariah jurisprudence. Once central to a vital intellectual culture, openness was now considered a drawback” (Messick 1993:55). Codification places conscious restriction on the interpretive freedom of jurists and qadis, transforming the shariah from an embodied (through memorization and human linkages in transmission) social discourse to an abstract set of principles that exists within the neat, parallel lines of modern codes (Messick 1993:205). Epistemologically these codes determine the “content” of the shariah as a set of univocal statutes (as opposed to heteroglossic lived texts) which could be applied uniformly by the state.

It is ironic, then, that while Islamic feminism champions interpretive openness as the enabling condition for the insertion of women’s voices into the privileged male domain of religious authority, they can only do so within the framework of a legal epistemology which itself demands a closure alien to Islamic orthodoxy, which allowed for a plurality of legal opinions, even if mutually contradictory, to mutually exist. As Asad argues (2003:217), codification helped to create new conditions of possibility within Muslim countries, “new institutional and discursive spaces that make different kinds of knowledge, action and desire possible.” This involves new ideas about both what the law *is* and what it can be made to *do*, in addition to a definition of what constitutes “genuine religion” and its “acceptable public face” (Asad 2002).

The uniform statute of state law is also, of course, what makes the legal activism of groups such as SIS possible, allowing them to work through the power of the state to institute “real Islam” in contradistinction to what they view as the “corrupted Islam” of the traditional ulema. Indeed, while Islamic feminism has so far succeeded in carving a compelling (for other Muslims) space for itself mainly on the level of Qur’anic interpretation, its self-proclaimed goal is to change the legislation on family law in Muslim countries through articulating a “feminist fiqh” (Abou-Bakr 2002:62,70,202). It does so through collapsing two categories considered distinct in traditional understandings of the law – *qadi* rulings (state, binding) and *mufti* opinions (individual, non-binding) (Masud et al 1996) – as well as rendering distinct two categories normally fused in the Islamic discursive tradition – the moral and the legal. For example, in an editorial titled “Morality policing by authorities the wrong way to go” (April 4 2008), SIS argues that a rumored proposal to extend the so-called *khawlat* law prohibiting

sexual/intimate contact between unmarried Muslims to non-Muslims contravenes several Qur'anic verses which they interpret as upholding non-interference in the "private" realm of morality. Far from being merely liberal expressions of individual rights against a coercive state as they would have it, the distinctions made by SIS occur in the power-laden frameworks within which the codification of shariah took place. As Asad (2003:231) argues, "it is the power to make a strategic separation between law and morality that defines the colonial situation, because it is this separation that enables the legal work of educating subjects into a new public morality."¹⁹

This points to how it would be a mistake to view the "new Muslim public sphere" as the enabling condition for certain discourses or actions, when in fact it is itself enabled by the shifts outlined above. Crucially, these shifts render possible a multiplicity of voices on Islam, not all of which are progressive or feminist. Eickelman argues that the "fragmentation of religious authority" associated with the epistemic shift of objectification this paper has been problematizing creates a new Muslim public sphere marked by individual and group participation, a plurality of equally authorized voices and horizontal relations between producers and consumers of knowledge. He and others see "an irreversible trend toward a freer market in religious, political, and social ideas that fosters a pluralism often resisted and poorly understood by states and by religious authorities" (Eickelman and Andersen 2003:34). The pluralism engendered by this freer market, the argument goes, may ultimately function as a key underpinning for the emergence of a liberal democratic polity. Lacking in this view, however, is an appreciation of the difference between a pluralism of religious voices and authorities, and voices and authorities for which pluralism is a key normative value, meaning where "different" (and differing) voices are welcomed as a matter of principle. The fragmentation of religious authorities, its plurality, does not necessarily entail a pluralism of the second kind.

Indeed, the feminist "gender jihad" of which the Sisters in Islam editorials are symptomatic, is one being fought on a number of fronts: that of the traditional ulama which preceded the "freer market," but, more importantly, that of newer Islamic discourses which are enabled by the very same processes enabling Islamic feminism, and which share its same epistemological space. Islamic feminists are, of course, aware of this, with Zainah Anwar, the executive director of Sisters in Islam, noting that It is ironic that many of those who challenge and question the credentials of women's groups to speak on Islam themselves often do not speak Arabic and have not been traditionally educated in Islam. Many of those at the vanguard of the Islamic movement calling for the establishment of an Islamic state and the imposition of *sharia* rule are professionals, engineers, doctors, professors, and administrators without any formal religious training (2005:243).

Mir-Hosseini goes even further, crediting what she calls the neo-traditionalists for crystallizing the epistemic shifts that made a space for Islamic feminist. She argues that

¹⁹ Asad's (2003) sophisticated and complex argument here is against the common assumption that family law represented the last strong-hold or bastion of the shariah as the modern state system was instituted in Muslim countries. Instead, he wants to show how the shariah was *constructed* as the law of personal status by the secular logic of the state that defined morality as a private affair, and hence in the domain of "religion," now also seen as a properly "private" matter.

“by appealing to the believer’s logic and reasoning, relying on arguments and sources outside religion, and imposing their vision of Islamic law through the machinery of a modern state, they have inadvertently paved the way for an egalitarian reading of the *shari’a*”(2003:21). Thus, while Islamic feminists may frame speaking in the public sphere on matters of religion as a question of rights, other participants of the same sphere would deny them such rights even as they use themselves. The “objectification” of Islam, then, knows no teleology.

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