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Karina Garcia

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## Islamic Feminism in the Time of Democracy

### Introduction

The feminist movement within the world of Islam has not garnered the same level of exposure as have other feminist movements around the world. For centuries, women have attempted to unveil their true Qur'anic place in society apart from the patriarchal perspectives of the men who interpret it. This paper will provide an overview of Islamic feminism and examine the interplay between the Arab spring and Islamic feminist groups in Egypt and Morocco. I will analyze the contemporary discourse in the Islamic feminist movement initiated as a result of both Egypt and Morocco's revolutions and the effect that organized feminist groups have had on the development of new constitutions in those two countries. I will also assess the methods Islamic feminists have engaged in to advance the rights of women and propose a new approach.

I focus on Egypt and Morocco because they are both undergoing reform as a result of a series of revolutions in the region that has come to be known as the "Arab Spring." The self-immolation of a Tunisian street vendor named Muhammad Bouazizi served as the catalyst for these uprisings.<sup>1</sup> On December 17, 2010, Muhammad Bouazizi set himself on fire in front of a local government building in Tunisia after facing continuous humiliation from a police woman.<sup>2</sup> He complained to the local municipality to no avail and ultimately set himself on fire.<sup>3</sup> This heroic event set off protests that by December 27, 2010 reached Tunis, the capital of Tunisia.<sup>4</sup> President Zine al-Abidine Ben Ali (dictator for a quarter –century) made a number of promises to the protestors, falsely promising employment opportunities and new elections. However,

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<sup>1</sup> JAMES L. GELVIN, THE ARAB UPRISINGS: WHAT EVERYONE NEEDS TO KNOW 26 (2012).

<sup>2</sup> Id. at 27.

<sup>3</sup> Id.

<sup>4</sup> Id.

Tunisians saw through his empty promises and continued to protest.<sup>5</sup> The army refused to fire at the protestors and therefore demonstrations continued to grow, leading to President Ben Ali fleeing the country on January 14, 2011.<sup>6</sup> “The Tunisian uprising was the first in a series of cascading events that swept through the Arab world.”<sup>7</sup> Following the Tunisian demonstrations, Egyptians rallied in the streets to protest.<sup>8</sup> As a result, the Egyptian people peacefully ousted President Hosni Mubarak who along with his regime had been oppressing Egyptians for over thirty years.<sup>9</sup> “The thirty-year President, Hosni Mubarak, appeared to aspire to the reign of the greatest pharaoh, Ramses II, the fall of Mubarak thus marked a truly momentous occasion across the Arab world”.<sup>10</sup> This was a coup for the Egyptians and a symbol of strength and hope for the rest of the region. Protests similar to those In Egypt and Tunisia took place throughout the Middle East.<sup>11</sup> Algerians and Yemenis adopted the Egyptian and Tunisian style of protests.<sup>12</sup> Protestors in the Kingdoms of Bahrain, Jordan, Saudi Arabia, and Morocco demanded constitutional monarchies from their respective Kings.<sup>13</sup> Libya and Syria were also inspired to protest against their autocratic leaders.<sup>14</sup> On February 20, 2011, thousands of protesters demonstrated in Morocco and started a movement which sparked constitutional change from their King.<sup>15</sup> The changes in Morocco have been less significant than the changes in Egypt, as

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<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Adrien K. Wing, The "Arab Fall": The Future of Women's Rights, 18 U.C. DAVIS J. INT'L L. & POL'Y 445, 448-49 (2012).

<sup>11</sup> GELVIN, supra note 1, at 28.

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> Anahita Ferasat, Kinan H. Romman, Jenna DiCocco, Jason Tauches, Orly Gerbi, et. al., Middle East and North Africa, 46 INT'L LAW. 601, 616 (2012).

their King has remained, however focusing on Morocco as well as Egypt will allow me to compare the Islamic feminist movement in both a budding democracy and a monarchy.

This paper will be divided into four sections, part I will discuss and define important concepts of Islamic feminism; part II will address the state of Islamic feminism in pre-revolutionary Egypt and in Morocco prior to the “Arab Spring”; part III will address Islamic feminism in post revolutionary Egypt and in Morocco after the “Arab Spring” and part IV will provide recommendations for the future of the Islamic feminist movement in both countries.

## **Part I:**

### **Understanding Islamic Feminism**

A largely distorted understanding of Islam has caused many, especially Western feminists, to consider the concept of Islamic feminism to be oxymoronic. The Prophet Muhammad was the last and most important Abrahamic Prophet in Islam, he was the first leader of the Islamic state and he serves as the prime example of how a Muslim should live his or her life.<sup>16</sup> He considerably improved the rights of women during the rise of Islam.<sup>17</sup> In the 7<sup>th</sup> century, during the early days of Islam, reforms were made affecting marriage, divorce and inheritance.<sup>18</sup> During early Islam, Muslim women were given more rights than women were afforded in Western cultures.<sup>19</sup> Early Islam, gave women inheritance rights (inheritance was previously restricted to male relatives); the dowry was no longer paid to the father and became personal property of the wife; marriage became a contract where the woman’s consent was

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<sup>16</sup> Imani Jaafar-Mohammad, Esq., Charlie Lehmann, Women's Rights in Islam Regarding Marriage and Divorce, 4 Wm. Mitchell J.L. & PRAC. 3 (2011).

<sup>17</sup> WOMEN AND ISLAM THE OXFORD DICTIONARY OF ISLAM, OXFORD ISLAMIC STUDIES ONLINE (John L. Esposito ed.) <http://www.oxfordislamicstudies.com/article/opr/t125/e2510>.

<sup>18</sup> Id.

<sup>19</sup> ENCYCLOPEDIA OF RELIGION 6224 (Lindsay Jones ed., 2<sup>nd</sup> ed., vol. 2, 2005).

imperative; women were praised for their desire for religious knowledge, divorce was no longer restricted to males and female infanticide was prohibited.<sup>20</sup> Men and women attended mosque together, it was not until after the death of Prophet Muhammad that separation in the mosque was required.<sup>21</sup>

During these early Islamic times women had a great deal of power in the religious and political spheres. “Women (Muhammad’s wife Aisha most particularly) were important contributors to the verbal texts of Islam, the texts that, transcribed eventually into written form by men became part of the official history of Islam and of the literature that established the normative practices of Islamic society.”<sup>22</sup> After Muhammad died, Hadith ( short narratives about Muhammad and his ways) were compiled, many transmitted by Aisha.<sup>23</sup> These Hadith were carefully transmitted by an authenticated chain of individuals of recognized probity including Aisha.<sup>24</sup> She is said to have transmitted about 2,210 Hadith and was frequently consulted on Muhammad’s practice, often settling points of Islamic conduct and law.<sup>25</sup> Aisha and another wife of the Prophet were also on the battlefield, freely participating in warfare among men.<sup>26</sup> Aisha led soldiers to battle during the battle of the Camel.<sup>27</sup> Nonetheless, as Islam matured into its pre modern years, patriarchal cultural norms prevailed and the treatment of women no longer conformed to Qur’anic ideals.<sup>28</sup>

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<sup>20</sup> Esposito, *supra* note 17.

<sup>21</sup> LEILA AHMED, *WOMEN AND GENDER IN ISLAM: HISTORICAL ROOTS OF A MODERN DEBATE* 61 (1992).

<sup>22</sup> *Id.* at 47.

<sup>23</sup> *Id.* at 73.

<sup>24</sup> *Id.* at 46.

<sup>25</sup> *Id.* at 73.

<sup>26</sup> *Id.* at 53.

<sup>27</sup> *Id.* at 61.

<sup>28</sup> Esposito, *supra* note 17.

Islamic feminists found their arguments on the role of women in the texts generated in the early Islamic period. While the secular voice focused more on the Western approach, the Islamic voice focused on changing patriarchal interpretations of Islamic law in the following ways:

Islamic jurisprudence, *fiqh*, consolidated in its classical form in the 9th century, was itself heavily saturated with the patriarchal thinking and behaviors of the day. It is this patriarchally-inflected jurisprudence that has informed the various contemporary formulations of the Shari'a. The *hadith*, the reported, but not always authentic, sayings and deeds of the Prophet Mohamed, have also been often used to shore up patriarchal ideas and practices. Sometimes the *hadiths*, as just suggested, are of questionable provenance or reliability, and sometimes they are used out of context. Thus a priority of Islamic feminism is to go straight to Islam's fundamental and central holy text, the Qur'an, in an effort to recuperate its egalitarian message. Some women focus exclusively on the Qur'an; others apply their re-readings of the Qur'an to their examination of the various formulations of the Shari'a; while others focus on re-examining the *hadith*. The basic methodologies of this Islamic feminism are the classic Islamic methodologies of *ijtihad* (independent investigation of religious sources), and *tafsir* (interpretation of the Qur'an). Used along with these methodologies are the methods and tools of linguistics, history, literary criticism, sociology, anthropology etc.<sup>29</sup>

This traditional approach gives the arguments of Islamic feminists much more legitimacy than those of their secular counterparts.

As evidenced by the way women were rescued by Islam and given their equal place in society, "it is a militant and mechanical feminism that falls prey to the belief that "Islam is deeply anti-woman" and that it is the "fundamental cause of the repression of women".<sup>30</sup> Fatima Mernissi, a respected Moroccan Islamic feminist and sociologist defines the root of the oppression of women in Muslim countries, as understood by Islamic feminists, by stating: "it is neither because of the Qu'ran...nor the Islamic tradition, but simply because [women's] rights conflict with the interests of a male elite... Not only have the sacred texts always been

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<sup>29</sup> Margot Badran, Islamic Feminism: what's in a name, AL AHRAM, January 17-23, 2002, <http://weekly.ahram.org.eg/2002/569/cu1.htm>.

<sup>30</sup> Shazia N. Nagamia, Islamic Feminism: Unveiling the Western Stigma, 11 BUFF. WOMEN'S L. J. 37 (2003).

manipulated, but the manipulation of them is a structural characteristic of the practice of power...”<sup>31</sup> Islam as a religion is not birthing this oppression, rather the men who are interpreting the Qu’ran are manipulating the true meaning and using it as a tool to further oppress women. “Islamic feminism has taken on the two-fold task to expose and eradicate patriarchal ideas and practices glossed as Islamic-- ‘naturalized’ and perpetuated in that guise--and to recuperate Islam's core idea of gender equality.”<sup>32</sup> Women’s rights advocates who identify as Islamic feminists form a large group with a broad spectrum of beliefs, ranging from conservative and strongly Islamic beliefs to more liberal beliefs.<sup>33</sup> “The term 'Islamic feminist' invites us to consider what it means to have a difficult double commitment: on the one hand, to a faith position, and on the other hand, to women's rights both inside the home and outside.”<sup>34</sup> Central to the Islamic feminist movement, is the understanding of the intersection of commitment to women’s liberation and a commitment to Islam; however this dichotomy causes the movement to be dismissed by conservative Muslims suspicious of un- Islamic Western infiltration and by Western feminists who see the movement as a group of “religious apologists not sufficiently committed to feminism”.<sup>35</sup>

In order to truly understand Islamic feminism, one must be able to differentiate it from Western ideals. Unlike Western feminists, Muslim women groups address injustices against women with Sharia based arguments; it is within Islam that they find their power and equality,

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<sup>31</sup> Nagamia, *supra* note 30 at 41.

<sup>32</sup> Adrien K. Wing & Peter P. Nadimi, Women's Rights in the Muslim World and the Age of Obama, 20 TRANSNAT'L L. & CONTEMP. PROBS. 431, 461 (2011).

<sup>33</sup> Id.

<sup>34</sup> MIRIAM COOKE, WOMEN CLAIM ISLAM: CREATING ISLAMIC FEMINISM THROUGH LITERATURE 59 (2000).

<sup>35</sup> Asifa Quraishi, What if Sharia Weren't the Enemy?: Rethinking International Women's Rights Advocacy on Islamic Law, 22 COLUM. J. GENDER & L. 173, 230-31 (2011).

not from universal human rights beliefs.<sup>36</sup> Shazia N. Nagamia provides an insightful distinction between Western and Islamic feminism and the many variables at play within each:

Acclaimed feminist scholar, Elizabeth Warnock Fernea purposely labels [Islamic Feminism] as such to include the specific religious, cultural, and social contexts from which the Muslim woman views her position. It becomes so difficult to justify or explain within the confines of the “Western” ideal since the goals are inherently different: “they [do] not subscribe to feminists tenets of equality between men and women...a far cry from western feminist beliefs”. The fact a Muslim woman from a Muslim society does not subscribe to the same *type* equality is not indicative of a “religious” oppression per se. Rather, I suggest that it is a misconception of the Islamic tenets and a socio-cultural consequence. It is not that Muslim women do not “*fight*” for equality nor is it the case that the Muslim woman succumbs to subservience because it is mandated by her oppressive religion. Instead, the Muslim woman does “*fight*”. Her Islamic feminism does not fault Islam as a religion for her inequality, and rather argues that the Qu'ran is in full support of male-female equity. The evidence of this fact is clear. The Qu'ran states: “For Women who submit to God and for Believing Women, for devout men, for devout Women, for truthful men, for truthful women, for humble men and humble women.... for them God has prepared forgiveness and a mighty reward”. This is not to say that the Qur'an does not contain verses that imply “inequity” between men and women. But as many Muslim scholars argue, this “inequity” is not to advocate placing the Woman beneath a Man. Rather, it is to illustrate inherent differences between the sexes that are factually indisputable and to account for every possibility within social and cultural contexts.<sup>37</sup>

Feminism transcends borders, but it is understood differently around the world. Islamic women see feminism in the United States as a gender divisive movement that separates one of the most essential groups in Islam, the family, something to be avoided at all costs.<sup>38</sup> Islamic feminists’ goals are, instead to help women fight illiteracy, poverty, and gain control over their own lives and child rearing.<sup>39</sup> “Gender equality exists in the Qu'ran, they say, and they devise many methods to make their views operative, from grassroots organizing and women's' studies programs to meetings tailored to women's time schedules”.<sup>40</sup>

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<sup>36</sup> Id. at 215.

<sup>37</sup> Nagamia, supra note 30, at 39-40.

<sup>38</sup> ELIZABETH W. FERNEA, IN SEARCH OF ISLAMIC FEMINISM: ONE WOMAN'S GLOBAL JOURNEY 430 (1998).

<sup>39</sup> Id.

<sup>40</sup> Id.

According to Nadia Yassine, spokesperson for Islamist *'Adl wal Ihsan* (Justice and Welfare Association of Morocco), the appeal of Islam-focused women's advocacy is largely based on the fact that secular feminism resonates only with the small elite population who attempts to imitate the West by removing themselves from Islamic culture.<sup>41</sup> On the other hand, Islamists represent the masses, as it is not Islam that women take issue with, they take issue with those in power.<sup>42</sup> "While secular feminists arguments for liberation have often been rejected as a new colonialism, Islamically-oriented women's rights groups operate on the principle that advocacy based on the common ground of Islam will have persuasive power with more of the Muslim public."<sup>43</sup> "Egyptian Islamist and women's rights activist Heba Ra'uf Ezzat expresses similar thoughts: "The Islamists have always considered women's liberation a Western idea [ which in turn] has prevented them from making their own interpretations about women's problems.""<sup>44</sup> It was through this Islamic-centered advocacy, that the women's rights advocacy has garnered a following among more conservative groups, as its ideas are more in line with those of the general population.

Nonetheless, Americans seem to continue to have a faulted response to women in Islam, usually perpetuating the idea that Muslim women need rescue from their "oppressive" religion.<sup>45</sup> Among the excess of mainstream literature pertaining to reform in Muslim countries and women's rights advocacy, most disregard the importance of Islamic feminist scholarship about

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<sup>41</sup> Quraishi, *supra* note 35 at 219-20.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> NADIJE SADIQ AL-ALI, SECULARISM, GENDER AND THE STATE IN THE MIDDLE EAST: THE EGYPTIAN WOMEN'S MOVEMENT 82 (1994).

<sup>45</sup> Nimat Hafez Barazangi, The Absence of Muslim Women in Shaping Islamic Thought: Foundations of Muslims' Peaceful and Just Co-Existence, 24 J.L. & RELIGION 403, 419 (2009).

activism with Qur'anic support.<sup>46</sup> “The veiled Arab woman [has] become an “object of imperialist rescue” in need of being saved by the heroic West.”<sup>47</sup> However, Western feminist ideals are simply not compatible with Islamic culture. “Islamic feminists use strategies different from ours in the West, but they merit our respect, and offer us a new source of inspiration.”<sup>48</sup> In their struggles for legal and economic equality they stress the viability of the family group, a sense of responsibility to the wider group, the importance of religious values.”<sup>49</sup>

There is a great deal of legitimacy in the arguments of Islamic feminists. They present a very persuasive argument by citing to the Quran and the Prophet Muhammad. It is impossible for people to turn their backs on years of Qur'anic history yet the inherent patriarchal nature of today's society in the Arab world has prevented many men from believing that women were and should still be considered equal to men. In order to win this battle against patriarchy within Islam, women must find a way to undue years of incorrect interpretations and rigid cultural norms.

## **Part II:**

### **Islamic Feminism Pre-Revolution**

#### ***A: Egyptian Feminists Finding Authority within Islam***

“In the early twentieth century, Egypt was a place where most men perceived the education of women as a threat to their long tradition of patriarchal dominance over Egyptian

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<sup>46</sup> Id.

<sup>47</sup> Rachel Saloom, I Know You Are, but What Am I? Arab-American Experiences through the Critical Race Theory Lens, 27 HAMLIN J. PUB. L. & POL'Y 55, 73 (2005).

<sup>48</sup> FERNEA, *supra* note 38, at 415.

<sup>49</sup> Id.

women.”<sup>50</sup> However, there were both Western and Islamic feminists fighting to change this long tradition. The first international representative of the Egyptian feminist movement, Nabawiyya Musa, was a founding member of the Egyptian Feminist Union whose goal was to legitimize women’s rights to achieve literacy, education and work outside the home.<sup>51</sup> Another early Egyptian Islamic feminist, Bahithat Al Badiya (Pseudonym of Malak Hifni Nasif), used Islam as her platform to call for reform in the treatment of women. Badiya appealed to the authority of Islam when addressing her dissatisfaction towards the treatment of women and highlighted the many women who were empowered by education but were still devoted to their religion thus remaining legitimate in their communities.<sup>52</sup> By highlighting these women, Badiya was able to show that women can remain pious and loyal to the teachings of Islam while exercising their Islam supported rights and taking their Qur’anic place in society. “As a response to claims that Islam was an obstacle to the empowerment/education of women she stated: “I can remain veiled and still benefit from the teacher. Are we better in Islam than Sayyida Nafisa and Sayyida Sakina (relatives of the Prophet Muhammad)-God's blessings be upon them-who use to gather with Ulama (religious scholars) and poets.”<sup>53</sup> Badiya chose to name those relatives of the Prophet Muhammad because they were highly educated, had mosques established in their honor in Cairo and serve as important examples of women empowered by education but still remaining religiously legitimate thus negating arguments against the education of women.<sup>54</sup>

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<sup>50</sup> Mohamed Younis, Daughters of the Nile: The Evolution of Feminism in Egypt, 13 WASH. & LEE J. CIVIL RTS. & SOC. JUST. 463, 470 (2007).

<sup>51</sup> Id.

<sup>52</sup> Id. at 67.

<sup>53</sup> Id. at 68.

<sup>54</sup> Id.

Egyptian feminists took a very cautious approach in the beginning. It was not common for feminists to demand total equality between genders; they were only attacking the aspects of Egyptian patriarchy they thought they could conquer.<sup>55</sup> They refrained from addressing controversial topics relating to sex, like female genital mutilation and sexual violence as the women rights movement was already disliked and these topics would encourage anti feminist groups to argue that both the Islamic and secular feminist movement would degrade the chastity of Egyptian women.<sup>56</sup> However, after President Nasser's revolution, bolder arguments were brought by secular, liberal feminists, some openly attacking religion thus causing all feminist groups to lose some of their audience because all feminisms then carried the stigma of being closely associated with Western ideals.<sup>57</sup> The Western feminist agenda had the erroneous idea that Arab women needed to disassociate themselves from their native religion and culture and adopt Western ways to improve their status.<sup>58</sup> This secular, liberal agenda also focused heavily on the attempt to "free" Muslim women from the hijab.<sup>59</sup> "Women in Egypt often choose to wear the veil as an expression of their support for women's rights within the context of Islamist cultural identity. These women see those not wearing hijab as the true victims of patriarchy: as women overly concerned with their appearance and beauty so that a male dominated world accepts them."<sup>60</sup> "Many women claim the veil commands respect, forcing men to view them as equally intelligent and driven citizens with much to offer their country and family."<sup>61</sup> As

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<sup>55</sup> *Id.* at 472.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> AHMED, *supra* note 21, at 166.

<sup>59</sup> *Id.*

<sup>60</sup> Younis, *supra* note 50 at 485-86.

<sup>61</sup> *Id.*

mentioned above, Muslim women are seen as victims needing Western intervention, the cultural significance and symbolism of veiling seems to be beyond Western comprehension.

There are two major voices among feminists in Egypt which still remain today, the first is secular, liberal and tied to Western ideals of feminism and the second alternative voice is Islamic.<sup>62</sup> “The alternative voice, wary of and eventually even opposed to Western ways, searched for a way to articulate female subjectivity and affirmation within a native, vernacular, Islamic course typically in terms of a general social, cultural, and religious renovation.”<sup>63</sup> Zeinab al-Ghazali represented the Islamic voice, she campaigned for women and the nation in Islamist terms, while Doria Shafik campaigned for women’s rights and human rights via secularism.<sup>64</sup> “This divergence in their perspectives repeats the divergence incipient in feminism at the turn of the century and articulates a persistent and ever-widening bifurcation within Egyptian and Arab “feminist” discourse.”<sup>65</sup> That bifurcation Ahmed discussed is still present in modern Egypt; there is a sharp distinction between the Western methods of the secular feminists and the traditional methods of the Islamic feminists and women’s rights advocates usually cling to one side. People fear Western infiltration which likely causes them to reject the secular approach. This is probably a result of both the many years of colonialism Egypt was subjected to and the vast separation between secular feminist arguments and Islam and Egyptian culture.

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<sup>62</sup> AHMED, *supra* note 21, at 174.

<sup>63</sup> *Id.* at 174-75.

<sup>64</sup> *Id.* at 196.

<sup>65</sup> *Id.*

“Islamist voices have often attacked the women's rights movement as a symbol of Western (mainly American) influence in the country.”<sup>66</sup> Leila Ahmed has recognized the harm secular feminists have caused to the Islamic feminist movement because of their association with the West: “[Islamist’s] sentiment of holding on to “original Islam” and “authentic indigenous” culture is often the response to perceived Western or colonial influence.”<sup>67</sup> This makes the Islamic feminist movement even more important, as by openly embracing Islam, and using it as their main support for women rights advocacy, they are able to retain their audience. However, a major hurdle they face is the fact that any social movement associated with the Egyptian government delegitimizes its support among the masses.<sup>68</sup> The feminist movement is closely associated with Mubarak’s regime, as it was one of the issues fiercely argued by Susan Mubarak (the first lady) thus causing a great deal of backlash from the public.<sup>69</sup>

### ***B: Moroccan Feminists Finding Authority within Islam***

Among Middle Eastern and North African nations, Moroccan women have enjoyed more rights in the region, second only to Tunisia.<sup>70</sup> In the years following independence waves of Moroccan women had full access to public education, schools for boys and girls were opened and women were encouraged to engage in public participation.<sup>71</sup> Through this public participation, women in Morocco encouraged the change of the family law code. When Morocco

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<sup>66</sup>Younis, *supra* note 50.

<sup>67</sup> AHMED, *supra* note 21 at 237.

<sup>68</sup> Younis, *supra* note 50 at 470.

<sup>69</sup> Lauren E. Bohn, *Women and the Arab Spring*, THE CAIRO REVIEW OF GLOBAL AFFAIRS, A.U.C. (July 5, 2011), <http://www.aucegypt.edu/gapp/cairoreview/pages/articleDetails.aspx?aid=76>.

<sup>70</sup> John Hursh, *Advancing Women's Rights Through Islamic Law: The Example of Morocco*, 27 BERKELEY J. GENDER L. & JUST. 252, 256 (2012).

<sup>71</sup> John Chadwick, *The New Dynamics of Islam and Feminism in Morocco*, RUTGERS SCHOOL OF ARTS AND SCIENCES (April 4, 2012), <http://sas.rutgers.edu/news-a-events/feature-archive/1273-the-new-dynamics-of-islam-and-feminism-in-morocco>.

finally changed its family law code shifting away from Islamic law, women were given more rights regarding divorce and polygamy and the minimum marriage age for women was raised to 18.<sup>72</sup> Understanding the role of women within Moroccan society and the complexity of the society helps explain the strength of women's rights there.<sup>73</sup> Preserving a strong connection to Islam and Islamic values is a priority for most Moroccan women, even those who also want alternate lifestyles instead of leading traditional Moroccan lives.<sup>74</sup> Fatimah Mernissi refers to this as the concept of "the mosque and the satellite": The desire to adhere to Islam and experience modernization .<sup>75</sup> This concept claims Moroccan women want the mosque to provide them with cultural rootedness and the satellite to offer alternatives to the repressive mechanisms of tradition.<sup>76</sup>

In "The Veil and the Male Elite", Professor Mernissi argues that Islam revolutionized the treatment of women with new laws and she finds that because of the overwhelmingly male interpretation of Islamic law, many now find Islam to be sexist despite the fact that these attitudes are not supported by Islamic legal texts.<sup>77</sup> "You find in the [Qu'ran] hundreds of verses to support women's rights in one way or another and only a few that do not."<sup>78</sup>

During the political struggle against the French in Morocco, women were very active participants, however they were left feeling disillusioned in the early years of independence

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<sup>72</sup> Aida Alami, Morocco Slow to Enforce Laws on Women's Rights, N.Y. TIMES, April 10, 2013.

<sup>73</sup> Hursh, supra note 70.

<sup>74</sup> Id. at 257.

<sup>75</sup> Id.

<sup>76</sup> Id.

<sup>77</sup> Id. at 291-92.

<sup>78</sup> Id.

because they were silenced and excluded from many domains in society.<sup>79</sup> Moroccan women looked at civil society as a way to participate in social and political life, as well as a means to achieve stronger women's right. More than fifty years after independence civil society organizations continue to serve an important role in protecting and advancing women's rights in Morocco.<sup>80</sup> Containing a large quantity of civil service organizations, Morocco has a vibrant civil society, however, these organizations are predominantly urban which puts them out of the reach of poor, illiterate, rural Moroccan women.<sup>81</sup> Islamic feminists like Laima Ben Youssef Zayzafoon find that Mernissi's class and educational advantages have allowed her to compete with male religious authorities by challenging and reauthenticating Hadith.<sup>82</sup> However, Zayzafoon claims that this makes Mernissi's project less important than empowering women within Morocco because the general population will not have those advantages.<sup>83</sup> "The real challenge for Muslim feminists today is not simply to prove Islam's compatibility with women's rights, but how to empower and include women in the political apparatus of the postcolonial Islamic state, which remains for the time being (with a few exceptions) inaccessible to the Muslim masses, male and female alike."<sup>84</sup>

Similar to the backlash I discussed in the Egypt section, movements in Morocco associated with the West also cause controversy. The fact that Islamic feminist advocacy takes place within the parameters of Islam legitimizes the women's rights agenda because it allows the

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<sup>79</sup> Id. at 270.

<sup>80</sup> Id.

<sup>81</sup> Id.

<sup>82</sup> Id. at 294

<sup>83</sup> Id.

<sup>84</sup> Id.

public to view it as a movement working with Muslim values as opposed to Western beliefs.<sup>85</sup> “Nadia Yassine, a self-proclaimed Muslim feminist from Morocco, states, “I adapted my feminism from Islam, not Western culture . . . Discrimination is a homegrown malady . . . and we can find solutions derived from our own culture, our own value system.””<sup>86</sup> I think this school of thought is definitely a legacy of colonialism. When a country is colonized, one of the goals of the invading culture is to infiltrate the local culture and have them assimilate. They attempt to impose their laws and cultural norms with little or no regard for the local cultural norms. This is what has probably caused the strong aversion Islamist Egyptians seem to have for the West. They fear the possibility of another cultural infiltration and want no association at all with the West. Like the divergent voices discussed in the Egypt section, there is a bifurcated approach to feminism in Morocco as well.<sup>87</sup> There are the secular feminists and the Islamic feminists who both use different approaches but in the case of Morocco, the paths of these movements often merge around similar concerns.<sup>88</sup>

Morocco experienced resurgence in the wearing of a hijab. “The growing significance of the veil highlighted important differences between men and women in Morocco. For many men, Islamist or not, the veil remains a sign of Islamic affiliation and traditional piety. For many women, however, the veil is a token of liberation – an indication that they have engaged with the Moroccan public in ways that reflect their own sense of religious practice.”<sup>89</sup> This is similar to the way Egyptian women view their veil as a source of power allowing them to show their support for women’s rights within their Islamic identities. In their veils they see freedom,

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<sup>85</sup> Wing, *supra* note 32.

<sup>86</sup> *Id.*

<sup>87</sup> ZAKIA SALIME, *BETWEEN FEMINISM AND ISLAM* xx (2011).

<sup>88</sup> *Id.*

<sup>89</sup> Fatima Sadiqi, *Morocco’s Veiled Feminists*, PROJECT SYNDICATE, May 25, 2005, <http://www.project-syndicate.org/commentary/morocco-s-veiled-feminists>.

equality and respect. Even liberal Moroccan feminists understand this liberating use of the veil by many Moroccan women.<sup>90</sup> Unfortunately, the Western world fails to understand the true liberation and power women get from their hijab.

A major achievement for the feminists of Morocco was reforming the Mudawana (family law), which is the only major area of the otherwise secular Moroccan legal system based on Shari'a and not civil law.<sup>91</sup> “Robin Wright provides a compelling example of how women's rights organizations contributed to reforming the Mudawana:

In 1987, Moroccan dissident Latifa Jbabdi founded the Union of Feminine Action (UAF) to challenge the Mudawana. UAF created a newsletter and later a magazine detailing the oppression that women faced under the Mudawana. UAF also lobbied lawmakers and held educational workshops to illustrate the link between “poverty, domestic abuse, illiteracy, and dependence on men” to the Mudawana. By 1990, UAF had collected one million signatures for a petition to reform the Mudawana. Approximately forty percent of those signatures belonged to men. Although successful in bringing the issue to the forefront of Moroccan public debate, the petition also created significant backlash, including a fatwa (ruling or opinion issued by an Islamic scholar) condemning Jbabdi to death. King Hassan II intervened, warning conservative clerics not to mix religion with politics, and in 1993, he signed the first reforms to the Mudawana.”<sup>92</sup>

Despite the danger involved it is unlikely that the Mudawana reforms would exist without the grassroots work of women like Jbabdi and organizations like UAF. This top-down, bottom-up approach with the legitimizing role of Islamic law, was very successful in Morocco and should be adopted by organizations looking to reform women’s rights in Islamic states.<sup>93</sup>

### **Part III**

#### **The Current State of Islamic Feminism**

##### ***A: Egypt***

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<sup>90</sup> Id.

<sup>91</sup> Hursh, *supra* note 70.

<sup>92</sup> Id. at 270-71.

<sup>93</sup> Id.

Although the revolution was secular, Egyptian women of all faiths were on the front lines of the protests that brought down President Hosni Mubarak.<sup>94</sup> “The Arab Spring has not expressly rallied for the advancement of women’s rights, though many have said that the empowerment they felt during the demonstrations should be used to effect change for women themselves.”<sup>95</sup> When protesting in Tahrir square, everyone saw past gender and age; feminists and non feminists alike were spending the night in Tahrir with the masses and taking part in democracy rallies across Egypt.<sup>96</sup> There was no fear of impropriety or judgment, the women and men were peers.<sup>97</sup> Women did become targets of violence during the revolution and to protect each other they sent out tweets and links to websites that advised women on how best to protect themselves against these sexual assaults by the security forces and thugs.<sup>98</sup> Feminist Youth Movements like the one lead by Asmaa Mahfouz embraced social media and used it to express themselves and spread their message.<sup>99</sup> Women’s rights groups were launched to advise women on sexual harassment, social awareness and their rights.<sup>100</sup>

The Egyptian revolution seems to have brought on an Islamic revival among feminists.<sup>101</sup> In their journey through the Arab Spring, women are finding a new identity and meaning in Islam, imagining a new Egypt, democratically rooted in Islamic values.<sup>102</sup> Nurtured

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<sup>94</sup> Bohn, *supra* note 69.

<sup>95</sup> *Id.*

<sup>96</sup> Cassie Biggs, Women make their Power Felt in Egypt’s Revolution, THE NATIONAL, February 14, 2011, <http://www.thenational.ae/news/world/middle-east/women-make-their-power-felt-in-egypts-revolution>.

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> Karen Torjesen, The Egyptian Revolution: Women, Islam and Social Change, HUFFINGTON POST, September 29, 2011, [http://www.huffingtonpost.com/karen-torjesen/the-egyptian-revolution-women-islam-social-change\\_b\\_978190.html](http://www.huffingtonpost.com/karen-torjesen/the-egyptian-revolution-women-islam-social-change_b_978190.html).

<sup>102</sup> *Id.*

by their own study of Fiqh and the Qu'ran, young women are creating their own Islamic revival via social activism.<sup>103</sup> Muslim feminists are proud of their Islamic heritage and for them; social activism is an outgrowth of their new learning.<sup>104</sup> They have developed skills for social outreach during the revolution and are now reaching out to impoverished women teaching the values of education, women's rights and citizenship.<sup>105</sup> "Building on their Islamic heritage, contemporary Egyptian women are evolving a feminist activism that weaves the values of education, women's rights, and citizenship into an Islamic framework."<sup>106</sup> The new youth imagines a distinctly Egyptian democracy rooted in Islamic values. More women are wearing the hijab, as more men are wearing the gallabiya (the comfortable robe of traditional Egyptian outerwear).<sup>107</sup> "Egyptian women are doing their own study of the Qu'ran, taking on new disciplines of piety and redefining their religious obligations, they have inspired their own Islamic revival."<sup>108</sup>

It is interesting that such a modern revolution, supported by youth and birthed by social media, has elicited such a traditional response among young Egyptians. This traditional response is likely a result of deep nationalist feelings obtained by the act of essentially building a new Egypt. Because of Egypt's colonial history and ex-President Mubarak's support from the West, Egyptians probably want to disassociate themselves from all Western association to prevent the revolution they have fought so hard for from turning into a counter revolution. That fear of the West coupled with the nationalistic feelings from starting a new nation is causing the youth to ensure they declare their national identity and hold on to it.

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<sup>103</sup> Id.

<sup>104</sup> Id.

<sup>105</sup> Id.

<sup>106</sup> Id.

<sup>107</sup> Id.

<sup>108</sup> Id.

After the revolution, many women are worried they are being sidelined in the formation of a new Egypt.<sup>109</sup> These fears were justified when it was revealed that only four women were part of the committee formed to draft the new constitution.<sup>110</sup> When the new Egyptian constitution was still being drafted, it was criticized for its lack of language explicitly guaranteeing equal rights for women.<sup>111</sup> The adopted constitution contains some boiler plate language about equality between the sexes but still states nothing can contradict Sharia law. “Feminists and women's rights activist are upset that their voices were not heard during the writing and ratification of the new constitution.”<sup>112</sup> Though there is some language in the constitution that might be regarded as establishing some form of equality between the sexes, such as: “Citizens are equal before the law and are equal in general rights and duties without discrimination between them based on gender, origin, language, religion, belief, opinion, social status or disability. The State is committed to taking all measures to establish equality between women and men in political, cultural, economic and social life and all other fields without prejudice to the provisions of Islamic Sharia.”<sup>113</sup> “The first statement doesn't go far enough and the second smacks of paternalistic protection and a promise to marginalize women into traditional and culturally accepted roles.”<sup>114</sup>

The new constitution does very little to protect the rights of women because any language declaring gender equality is prefaced with the superiority of Sharia law. The security women

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<sup>109</sup> Bohn, *supra* note 69.

<sup>110</sup> Knut Fournier & Shreen Khan, *Islamic Roots of Feminism in Egypt and Morocco*, 20 J. INT'L SERV.

<sup>111</sup> Michael McGough, *Women Missing from Egypt's New Constitution*, L.A. TIMES, December 4, 2012, <http://articles.latimes.com/2012/dec/04/news/la-ol-women-egypt-constitution-20121204>.

<sup>112</sup> *Id.*

<sup>113</sup> Steve Ahlquist, *Humanism Feminism and the Egyptian Constitution*, CAUTION CHURCH AHEAD BLOG (April 25, 2013, 12:09 PM), <http://www.cautionchurcahead.com/2012/12/humanism-feminism-and-egyptian.html>.

<sup>114</sup> *Id.*

want cannot be achieved by constitutional declaration. There must first be a change in the way people view Islamic feminism and women's rights. The masses need to be educated, they need to understand the status the Prophet Muhammad and Islam granted to women. Centuries of patriarchal teachings must be reversed before the general population begins to understand and accept gender equality. The revolution is a work in progress and I believe people will continue to push for reform, but for the sake of women it is imperative that the fight for gender equality become a major part of this revolution, today.

### ***B: Morocco***

The video clip that started the February 20<sup>th</sup> movement began with Amina Boughalbi's face and voice, a twenty year old student and founding member of the February 20<sup>th</sup> movement saying: "I am Moroccan and I will march on February 20th because I want freedom and equality for all Moroccans."<sup>115</sup> On February 20<sup>th</sup>, as requested by the video, several thousand Moroccans rallied in the streets in more than 60 cities and towns in Morocco.<sup>116</sup> Women were not only virtually present, they were physically protesting alongside men and visible at all levels of mobilization and organization including international and national conferences and forums.<sup>117</sup> Just like the male protesters, the women too took their share of police brutality. February 20<sup>th</sup> is defined as a "youth dynamic" that is "secular, modernist (hadathi), democratic and

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<sup>115</sup> Zakia Salime, *A New Feminism? Gender Dynamic in Morocco's February 20<sup>th</sup> Movement*, 13 J. INT'L WOMEN'S STUD.,101 (2012), [http://www.bridgew.edu/soas/jiws/Vol13\\_no5/article11.pdf](http://www.bridgew.edu/soas/jiws/Vol13_no5/article11.pdf).

<sup>116</sup> Id.

<sup>117</sup> Id. at 105.

independent of all foreign agendas or political affiliations”.<sup>118</sup> “However, strikingly missing from these formal structures of support are Moroccan feminist organizations. A few organizations, including internationally renowned Association Democratique des Femmes du Maroc (ADFM), and the ligue democratique pour les droits des femmes, first supported the movement’s goals then withdrew after the King’s speech on March 9, 2011.”<sup>119</sup> These feminist organizations, Islamic and liberal alike, had too much to lose by joining this movement and confronting the King when he is the one they must regularly confront with their women right’s agendas.

Since February 20, 2011, the youth movement has continuously staged protests and demonstrations across the country demanding the dissolution of Parliament, the government and the constitution. They also demand access to housing and free education, such as better wages and access to jobs, and the recognition of Tamazight as a national language.<sup>120</sup> Youth activists want to see a modern political regime where the King reigns but does not rule. Feminist organizations supported the movement until the King announced his reforms on March 9<sup>th</sup> 2011. “King Mohamed VI quickly responded to the first waves of protests by dictating a reform of the constitution in a televised address on March 9<sup>th</sup>, 2011 [where] he announced the formation of a Royal Council for the constitutional amendment and gave recommendations for the institution of equality and gender parity.<sup>121</sup> The new constitution would also allow broader prerogatives to the Prime Minister, hypothetically limiting the sphere of the King’s

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<sup>118</sup> Id. at 102.

<sup>119</sup> Id.

<sup>120</sup> Id.

<sup>121</sup> Id. 109

sovereignty.”<sup>122</sup> Leading Moroccan feminist groups were content with this address, endorsed the King’s proposed reforms and withdrew from the movement.<sup>123</sup> The youth movement though credited for these reforms (as the feminist organizations were not truly involved with the February 20<sup>th</sup> movement), saw them as superficial changes and continue to demonstrate across the country.<sup>124</sup> Morocco has not yet had a revolution, but people have continued to demonstrate throughout the country. When the time comes for Morocco to truly start a revolution, women need to ensure that gender equality is a priority.

#### **Part IV**

#### **Conclusion**

Islamic feminists have a very strong presence in both nations and they have adopted different strategies to achieve public understanding and support of their movements. This group has the potential to bring forth monumental changes for women in the region but there are several issues facing their advancement. These women are approaching the situation incorrectly. Mernissi’s great undertaking of re-interpreting Hadith is essential and incredibly important to the effort, but too much attention is being focused on this strategy. Women do need to continue to push for more female lead re interpretation because with the support of Islam, the rights of women are legitimized but more energy needs to be devoted to connecting with the masses. The re-interpretation of Hadith is sophisticated work that may appeal to the elite and educated parts of the population, however there still remains a large disconnect between the work Mernissi does and the majority of the Egyptians and Moroccans. To rural, uneducated families, Mernissi and

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<sup>122</sup> Id. at 106.

<sup>123</sup> Id.

<sup>124</sup> Id.

her colleagues are a group of radical women inappropriately entering the sphere of Islamic jurisprudence.

Grassroots organizations are needed to bridge this gap. Both rural men and women alike need to be educated and made to understand that the rights these women speak of do in fact come from Allah and Islam, and there is Qur'anic evidence to prove it. This works hand in hand with the need for Western separation. Colonialism has left a legacy of Western distrust, particularly among the rural population, and that legacy is toxic to the feminist movement. Islamic feminists have unfairly been shunned by the public because of the liberal feminist's strong connection to the West. This has led the general population to believe that all feminism is associated with Western culture. It is not enough for Islamic feminists to simply differentiate themselves from liberal feminist; they must achieve complete separation from Western feminist ideas. As they reach out to the masses at the grassroots level, and educate them on Islamic feminist concepts and authorities, they are simultaneously dispelling the idea that all women's rights advocacy is associated with the West. Another cause for concern that is addressed by my grassroots approach is the lack of access to information. Both revolutions were started online and the internet has remained as a main source of outreach. Only 39% of Egyptians and 51% of Moroccans have internet access.<sup>125</sup> That leaves about half of the Moroccan population and more than half of the Egyptian population with no access to information being shared online by youth movements.

By directly educating the masses and assuring them of the Islamic evidence for gender equality, the Islamic feminist movement will gain a much larger audience. Then the Hadith re-interpretation done by women will be further legitimized, understood and supported. As a result, it will slowly become socially acceptable for women to get involved in politics and positions of

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<sup>125</sup> Internet Users per 100 People, THE WORLD BANK, <http://data.worldbank.org/indicator/IT.NET.USER.P2>.

power because they will have sufficient support to get elected. With women in positions of power supported by the masses, meaningful legislative reform can occur. This bottom up approach proved effective when Moroccan feminists reformed the family code, and I believe it could be incredibly effective for the entire Islamic feminist movement. With the support of the Qu'ran, the masses and legitimized Hadith, the possibilities for women's rights advocacy are endless.