



In search of equality: from London to Kuala Lumpur

Last year, London's City Circle hosted the launch of a model Islamic marriage contract in a bid to secure better rights for Muslim women – a trend corresponding to recent developments in Malaysia, says Ziba Mir-Hosseini

READERS of *The Middle East in London* may recall reading last summer about the launch of a new model marriage contract for British Muslims wishing to marry under Islamic law. The event was hosted in London by the City Circle, which since its formation in 1999 has gained a reputation as an open and adventurous forum for Muslims. The new contract offers women better rights and protection, if not equality, in marriage. It was initiated by the Muslim Parliament of Great Britain in February 2004, then taken up by Dr Ghayasuddin Siddiqui of the Muslim Institute, who developed it in collaboration with several Muslim scholars and women's groups, and it was endorsed by a number of Muslim organisations in Britain. These included, initially, the Muslim Council of Britain, though they withdrew just before the launch. In addition to Dr Siddiqui, Mufti Barkatullah from the Islamic Shari'ah Council and Cassandra Balchin from Muslim Women's Network UK were speakers at the launch.

Dr Siddiqui and Cassandra Balchin were also key participants at another important launch, which took place earlier this year in Kuala Lumpur, Malaysia. Several hundred scholars, activists, legal practitioners and policy-makers from 47 countries gathered for five days in mid February to participate in the launch of Musawah ('equality'), the global movement for equality and justice in the Muslim family. The gathering was hosted by Sisters in Islam, the Malaysia-based women's group that has been articulating Muslim women's rights and equality within an Islamic framework since 1988. It was planned over two years at workshops in Istanbul, Cairo and London and through constant electronic communication by a committee with members from 11 countries (I was one of three from London) and in consultation with a wide range of other Muslim activists and academics.

The original inspiration for the movement was the Moroccan women's campaign for an egalitarian family law, which achieved success in 2004. Adopting the Moroccan slogan – 'change is necessary and change is possible' – we set out the vision, principles and conceptual framework of the movement in 'Framework for action', which is now

available in five languages on the Musawah website (www.musawah.org). Our objective was to link scholarship and activism and to bring a fresh perspective on Islamic teachings, universal human rights principles, fundamental rights and constitutional guarantees and the lived realities of women and men today in order to argue that equality in the Muslim family is now both necessary and possible, and that denial of this equality in the name of Islam and tradition should be firmly rejected.

Musawah is in many ways the child of its time, the product of 20th-century shifts in debates over religion, law and family in the Muslim world. The earlier part of the century saw the retreat of religion from politics and the secularisation of law and legal systems, but in the last quarter this process was reversed with the rise of political Islam and its slogan of 'return to *Shari'a*'. A turning point was 1979, when the gains made by Muslim women earlier in the century suddenly became vulnerable. Laws that had given women easier access to divorce in Iran and Egypt were dismantled and the *Hudud* ordinances were introduced in Pakistan. Yet 1979 was also the year that the United Nations adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which gave gender equality a clear international legal mandate, and the emergence of international women's NGOs in the Muslim world opened a new front in the politics of gender. Human rights instruments like CEDAW gave women's rights activists what they needed most: a point of reference, a language and tools for their struggle; above all, they gained an ideology that they could use to challenge and resist the regressive gender policies of political Islam.

Meanwhile, political Islam itself has proved a paradox. The Islamists' defence of pre-modern patriarchal juristic

The panel at the first plenary session of Musawah; left to right: Maha Yamani (Saudi Arabia), Shaista Gohir (UK), Rangina Hamidi (Afghanistan), Isatou Touray (The Gambia), Amal Hadi (Egypt), Nani Zulminarni (Indonesia) and Rafidah Abdullah (Malaysia) (above)

Photo courtesy of www.musawah.org

rulings on gender relations and the family as 'God's law' and their attempts to translate them into policy provoked many women to increasing activism. A growing number of women came to see no inherent and logical connection between Islamic ideals and patriarchy, nor any contradiction between Islam and feminism. By the early 1990s, 'Islamic feminism' had emerged as a broad movement, feminist in its aspirations yet Islamic in its language and sources of legitimacy. It was nurtured by feminist scholars who were uncovering a hidden history of Muslim women, and re-reading the textual sources to unveil an egalitarian interpretation of the *Shari'a*. When the Islamists brought the classical jurisprudential texts out of the closet in order to promote a 'return to *Shari'a*', they unintentionally exposed them to public scrutiny and debate and opened a space in which an internal critique of patriarchal interpretations of the *Shari'a* could be articulated to an extent unprecedented in Muslim history.

The launch of Musawah generated a great deal of enthusiasm among participants and attracted media attention for its approach to Islam as source of empowerment, rather than an obstacle to change. Among those present were the founders of leading women's organisations, scholars of Islamic law and representatives of transnational and regional organisations. Yakın Ertürk, UN Special Rapporteur on Violence against Women, was among the keynote speakers. Holders of all shades of opinion were invited, but extreme opponents (such as the Malaysian Ulama Association) declined to participate, contenting themselves with issuing press statements condemning Musawah for bringing a 'liberal Islam agenda' to their country and 'challenging basic principles of Islam'. Most participants came from Muslim-majority countries, but substantial numbers were from elsewhere. From Britain, apart from Cassandra Balchin and myself from the planning committee, came Lynn Welchman (of SOAS), Ghayasuddin Siddiqui and Shaista Gohir (Executive Director, Muslim Women's Network UK).

Study sessions were led by Muslim reform thinkers, such as Khaled Masud and Amina Wadud. Instead of searching Islam's sacred texts for a genealogy for new ideas, such as equality and human rights, these sessions shed light on how religious knowledge is produced, how gender is constructed in Islamic legal tradition and how interpretations of the *Shari'a* must be evaluated in their historical contexts. It became a forum for coalition and consensus-building among diverse groups of women's rights activists, notably, between those secularists for whom religion, and especially Islam, has been the enemy, holding back any struggle for equality, and the increasing number of Muslim women who are finding sources and justifications for their struggle in their faith.

The divide between 'Islam' and 'feminism' is not easy to overcome. It led to heated exchanges in the Musawah gathering, which reflected tensions in the planning committee. For many women's rights activists – especially in the Middle East – feminism is only possible within a



secular framework; they have a visceral mistrust of religion, and see any engagement with it as futile. To them, religion is not the source of inspiration and liberation but an obstacle and a hurdle that should be ignored for the time being and will eventually be overcome. Yet, whether they like it or not, they live and work in a context where Islamists define the terms of gender debates. Many Islamists, on the other hand, cannot debate with Musawah, which they find too 'liberal', 'feminist' and 'human rights-oriented'. What was encouraging was the enthusiasm of many participants, who found such an engagement with religion empowering and liberating. One young woman exclaimed: 'I feel like someone opened a window into my mind and let in the fresh air. It feels so good!' Reporting this for the *Jerusalem Post*, columnist Mona Eltahawy observed: 'How lucky that young woman is, I thought. Just over 20 years ago, I felt as though I had to smash the window into my mind open myself, fists bleeding and bruised, to catch some of that fresh air.'

At the time of writing, the Musawah planning committee had scheduled another meeting in London in June to discuss the way ahead. The main tension in evidence at the February meeting, between secularist and Islamic feminists, proved, as we hoped, to be productive; we managed to find, maintain and develop common ground, to agree on ends if not means, but doubtless there are more battles to be fought, more alliances to be made. Muslim women's demand for equality is now unstoppable; from London to Kuala Lumpur, they are forging alliances and using the emerging feminist scholarship in Islam to frame their claims for just and equal Islamic family laws.

Ziba Mir-Hosseini is an independent researcher and consultant, specialising in Islamic law and gender, and a Research Associate at the LMEI and the Centre of Islamic and Middle Eastern Law, SOAS. She is also Hauser Global Law Visiting Professor at New York University

Musawah participants from 47 countries (above) Photo courtesy of www.musawah.org

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