

Detailed Description

Feminist Shari'a:

Re-imagining 'Ā'isha — the Messenger of the Prophet of Islam

Objectives

Muslims have become a litmus test for Canadian multiculturalism. In the past two years, at least three major national debates revolved around Muslims and the limits of multiculturalism in Canada. There was the niqab and citizenship ceremony controversy, which dominated the 2015 federal elections. Then M103 was tabled by MP Iqra Khalid, which led to a heated parliamentary debate about systemic racism, religious discrimination, and Islamophobia. Most recently, Quebec passed Bill C62 whereby Muslim women can be denied public services if they are wearing a niqab. Beyond Canada, Muslims and Islam are politicized in various ways — consider the Muslim Travel Ban in the United States; the issue of multiculturalism and Muslims in the UK; minaret and niqab bans in Switzerland, Belgium, France; the ban on niqabi women driving cars in Germany; and the list goes on.

At this historical moment, there is a pressing need for two things: 1. robust internal conversation amongst Muslims about what it means to be a contemporary Muslim living in a world in which Islam is highly politicized; and 2. listening and learning from Muslims about the ways in which they negotiate their religious identities with their national, ethnic, racial, class, sexual, and other identities.

To address those two needs, this project aims to consider the challenges and opportunities available to contemporary Muslims in minority and majority contexts as Islam is re-imagined and re-formed to meet the needs of an ever evolving community of believers. It examines internal Muslim debates about gender and Islam to foster a dialogue about the scope and limits of Islamic norms in the contemporary age. The project takes an interdisciplinary approach to imagine and hold space for a *Feminist Sharia* that accommodates the evolving beliefs of contemporary Muslims, challenges narrow conceptions of Muslim piety from within and outside of the Muslim community, and informs policy on Muslim citizenship and rights.

This project is unique and ground breaking for many reasons. It brings together fields of study that are often isolated from one another, including history, political science, law, religion, gender theory, public policy, and Islamic studies. These disciplines will be brought to bear on each case study.

Introduction

Laws are built on narratives (Dupret & Drieskins 2008; Farber & Sherry, 2003), and so it stands to reason that Islamic law is founded on stories about the early Muslim community in seventh century Arabia (El-Hibri, 2010). One might reasonably expect to find Muhammad — the Prophet of Islam — to be the principal character in these stories. Yet, it is his youngest wife 'Ā'isha who takes centre stage as the main protagonist in many of the narratives that frame Islamic laws (Spellberg, 1994). Her character is especially central to laws that have become contentious in the modern period. These laws, in their medieval constructions, were based on patriarchal assumptions of gender that empower and privilege men while disempowering and restricting

women's agency (Spectorsky, 2010). In the contemporary period, in which millions of Muslims believe in an Islam that values the equality of men and women, patriarchal Islamic laws have come under increasing pressure to reform so as to reflect Muslim belief (Welchmann, 2004).

Key to the project of reforming Islamic laws toward gender equality are egalitarian narratives which justify and support egalitarian incarnations of Islamic laws (Mernissi, 1991; Tucker 1998). Creating a feminist narrative of 'Ā'isha, whose example is central to the narrative upon which gendered laws are built, is imperative for Islamic legal reform (Afshar, 1996). My project examines narratives of 'Ā'isha that were constructed in the pre-modern period to support patriarchal Islamic laws, investigates modern Muslim debates on these laws, and proposes strategies for reimagining 'Ā'isha to develop a new narrative that can frame gender equal Islamic laws. The six contemporary debates that anchor this project are: i) women's political and religious leadership; ii) women's testimony iii) polygamy; iv) child marriage and virginity testing; v) slander and corporal punishment for illicit sex; and vi) domestic violence; each of which trace their narrative genealogy to 'Ā'isha.

Context

Some of the most contested issues in the Muslim world revolve around gender. In my recent book, *Domestic Violence and the Islamic Tradition: Ethics, Law and the Muslim Discourse on Gender*, I demonstrated how the patriarchal nature of the pre-colonial Islamic tradition creates problems for contemporary Muslims who seek to create a gender egalitarian vision of Islam (Wadud, 1996; Chaudhry, 2014). Since they cannot anchor their egalitarian vision of Islam in the authority granted by the "Islamic tradition", their authoritative claims are weakened. Thus, they run into what I call the "egalitarian-authoritative dilemma", wherein a gender-egalitarian vision of Islam must find a way to root itself in the Islamic tradition even while departing from core values of that tradition — namely patriarchy (Chaudhry, 2014).

The egalitarian-authoritative dilemma becomes intensified in Islamic law because law makes concrete what might otherwise be simply a theoretical debate. The stakes, therefore, are high in Islamic law, especially with respect to legal debates on gender, in which pre-colonial and patriarchal Islamic legal narratives promulgated by traditional clerics are challenged by contemporary ideas promoted by gender egalitarian Islamic feminists (Mir-Hosseini, 2015). Since patriarchy and egalitarianism are mutually exclusive, the debate sets up a seemingly irreconcilable binary between traditional clerics and contemporary feminists, and between conservative and liberal political movements. Muslims feminists, however, offer a space where the "Islamic" and the "feminist" are not in tension with each other, but rather build on each other, creating a vision for a feminist Islam. As they do this, they must develop counter-narratives that promote gender justice and are rooted in the Islamic tradition. There is a sense of urgency to this task, since the legal implications of this debate affect women's rights and quality of life in tangible and embodied ways.

Several scholars have pointed out the need for counter-narratives in reforming patriarchal Islamic laws (Moghissi, 1999; Shaikh, 2010), but they have been slow in coming. This proposed project is an important step toward creating robust gender-egalitarian Islamic counter-narratives. By examining the origins of prevailing patriarchal narratives and tracing their evolution, I highlight the link between patriarchal narratives and patriarchal laws and policies, and make policy

recommendations for how specific counter-narratives of ‘Ā’isha can contribute to gender-equal reforms in the Muslim world.

This project directly aligns with three of the Foundation’s themes: Human Rights, Responsible Citizenship, and Canada in the World. This project positions Canada as a leader in the production of feminist Islamic knowledge that is rooted in Muslim communities and experiences, and in many ways, Canada is an ideal place for such knowledge production .

Feminist Sharia is a human rights project that is invested in gender justice. This project anchors itself at the intersection of religious and legal thinking to articulate a religious narrative that supports legal change in favour of gender justice in the language of religion and human rights. As such, it examines both exclusionary Muslim practices while also giving voice to Muslims who resist such exclusion and promote gender equality.

Feminist Sharia promotes responsible citizenship in important ways — it offers Muslim majority countries, especially those that have used religious reasoning to resist gender equal legislation, religious grounds for offering women equal legal status with men, and for giving Muslim women full citizenship rights. In countries where Muslims are a minority, in which Muslims have the option of following various interpretations of Islamic law in daily life, this project offers Islamic legal reasoning that supports gender equality, and which can be used to shape rhetoric and practice in homes and communities.

Methodology

The Islamic legal tradition itself, with its unambiguous patriarchy, does not lend itself easily to the reformist project (Ali, 2006; An-Naim, 2010). However, by reimagining the foundational narratives that support and justify laws, feminists may root themselves in the tradition without being bound by its specific laws. In this endeavour, ‘Ā’isha plays a special role, because constructions of ‘Ā’isha are at the nexus of some of the most controversial debates in the Muslim world (Mazrui, 2014). Consider the fact that the six debates under study stem directly from ‘Ā’isha’s biography: ‘Ā’isha was Muhammad’s child-bride; she was in a polygamous relationship with Muhammad her entire married life; she was accused of adultery in her early teens which precipitated the laws on illicit sex; she is reported to have said both that Muhammad never hit his wives and that he hit her so hard it caused her pain; her status as the second-most prolific transmitter of Muhammad’s legacy challenges the Qur’anic injunction that the testimony of two women is equivalent to that of one man; and ‘Ā’isha’s example after Muhammad’s death, both as a key religious teacher and as a leader of a Muslim army, raises questions about women’s religious and political authority (Abbott, 1942; Chaudhry, 2015).

The narratives surrounding each of these moments in ‘Ā’isha’s biography make her a tremendously contested figure, both historically and contemporaneously. In the medieval period, constructions of ‘Ā’isha were used to justify patriarchal Islamic laws, and her story was used to define ideal femininity. In the modern day, ‘Ā’isha’s example is cited as the reason for incorporating patriarchal laws into the legal codes of many Muslim-majority countries. Her example is called upon to justify polygamy, police sexual choices, equate the testimony of two

women to that of one man, and exclude women from positions of religious and political leadership (Semerdjian, 2008). Of course Muslim majority countries make varied legal and political decisions with regard to each of these issues (Davis & Robinson, 2006; Moosa, 2009). Nevertheless, it is significant that ‘Ā’isha’s example is invoked in public debates about these laws and policies, and further that she is often used as a major barrier to reforming laws toward gender egalitarianism.

In this project, I will approach each legal debate related to ‘Ā’isha in four ways. First, I will consider the biographical constructions of ‘Ā’isha in historical, theological, and commentary sources related to the law. Second, I will investigate the ways in which constructions of ‘Ā’isha were leveraged in legal literature to justify patriarchal Islamic laws. Third, I will explore her evolving characterization in modern debates in the public square, investigating how religious discourse intersects with politics. Fourth, I will deliberate on strategies for fashioning a feminist narrative of ‘Ā’isha and consider policy recommendations for each debate that stems directly from this narrative re-conception.

Originality and Significance

This project bridges the divide between Muslim medieval legal discourses and contemporary Muslim legal debates, the latter of which continues to be highly influenced by medieval discourses. In doing so, we move beyond textual study to include contemporary Muslim voices found in various media (including web, audio, and visual sources) and sites (including mosques, madrasas, communal and informal religious education sites, NGOs). It reflects the changing dynamics of religious authority in Muslim communities by paying attention to the voices of both Muslim scholars and activists, non-binary Muslims and women as well as men. Most importantly, an examination of major Muslim debates about gender through the lens of ‘Ā’isha will provide a counter-narrative to dominant stereotypes about Islam as inherently and irremediably patriarchal. We will see that though ‘Ā’isha lived and died in seventh century Arabia, she continues to capture the imagination of over 1.5 billion Muslims worldwide. In studying the elaborate, complex, and vivid constructions of ‘Ā’isha by Muslims over the centuries, this project will present a complex portrait of the diverse groups that create ‘Ā’isha in their own image, fashioning her to fulfill multiple competing aspirations. This is a necessary step for understanding how ‘Ā’isha functions as a hero for each of these groups, including those who are pressing for gender equal Islamic laws founded on a gender equal Islamic narratives.

Activities and Deliverables

During the first three years with the Foundation, I will organize two international workshops (in the second and third years) that explore existing narratives about ‘Ā’isha, focusing on the six legal debates under study and imagining new narratives that can support gender equal laws in each of these six areas. These international workshops will be knowledge creation venues where we will focus on in-depth discussions of narrative and policy as related to each of the six debates. The international workshops are key to the vision of this project because it will be crucial to have wide-ranging voices to provide input on my scholarship and facilitate knowledge mobilization. Given the political nature of my scholarship, I will take great care to incorporate an intersectional approach to my work by engaging various stakeholders in sustained and careful conversation.

My research will be shared widely, during and after the workshops. In the academic world, the findings of this research will be shared through conference presentations, and single authored and co-authored papers published in academic journals. This research will be shared at international conference such as the American Academy of Religion, Middle East Studies Association, and Society for Jewish, Christian and Muslim Ethics. I will submit papers for publication in journals such as the *Journal for the American Academy of Religion*, *Journal for the Scientific Study of Religion*, *Journal for the Feminist Study of Religion*, among others. I will submit at least one Trudeau paper during the course of my fellowship. Finally, this project will culminate in a book, published with a university press.

In the policy world, I will share my finding with policy makers through meetings and conferences with governmental and inter-governmental organizations like the World Bank and the United Nations, as well as with NGOs like the Carter Centre, the Social Justice and Inter-religious Engagement (ISJIE) program at Union Theological Seminary, the Canadian Council for Muslim Women (CCMW), Musawah, and others. Given my interaction with each of these organizations in the capacity of an expert commentator, consultant, or advisor, I am well-positioned to share my findings with these organizations.

Public audiences will be engaged in this project through a series of op-eds. I expect to publish one op-ed for each debate under study. There is general interest for this, since each chapter is devoted to a contested issue about gender and Islam. I expect to publish these op-eds in national newspapers, such as the *Globe and Mail* and the *New York Times*. I have already published op-eds in the *Globe and Mail*, the *Vancouver Sun*, the *Toronto Star* and the *Chronicle Herald* among others. I expect these op-eds to generate debate and thereby further disseminate the findings of this project. I am committed to such public engagement because I consider it a moral responsibility for scholars to enrich civic discourse.

Budget

	Year 1	Year 2	Year 3	Year 4	Total
Professional Support (salaries, stipends, course buyouts)	20000	20000	20000	20000	\$80000
Travel & Participation (non-Foundation events, research travel, conference participation)	5000	5000	5000		\$15000
Electronic and Technical Supplies	2500	2500			\$5000
Knowledge Dissemination (international workshop)		20000	20000		\$40000
Miscellaneous (website, manuscript support)		5000	5000		\$10000
University Administration \$15%					\$0

\$50 000 Award					\$50000
\$25 000, Foundation Events					\$25000
Total					\$225000

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