political tool used by orthodox scholars to legitimize and maintain power (see chapter 3.3).

Thus, Arkoun's critique of orthodoxy in our time serves to "open the gate of *ijtihad*"[38], a concept in Islamic legal theory that denotes the creation of norms based on independent reasoning. It represents the effort of making one's own judgments. The purpose of *ijtihad*, defined as independent and rational effort to understand and interpret the religious Islamic sources, is to seek the optimal legislation within the Islamic legacy that promotes the common good (*maslaha*) of Muslims in our contemporary times. Arkoun considers philosophical rational methods as the first basis for the liberation of Islamic reason from orthodoxy. The *ijtihad* that Arkoun promotes is inspired modern and postmodern philosophical theories. In this sense, philosophy offers an analytical ability, the capacity for reflective thinking, and openness to critique in order to overcome the constraints of any cognitive system.[39]

Mernissi's and Arkoun's critical thinking is important in exposing the various forms of discrimination and fundamentalism in our times. In addition, their intellectual oeuvre paves the way for situating postcolonial theory in the Maghrebian context and for developing a concept of justice in Arabo-Islamic philosophy that starts from the deconstruction of the hegemony involved in the formation of Islamic discourse.

1.2   The significance of postcolonial theory for the Maghrebian context

Most Maghrebian universities rarely engage with postcolonial thought, in contrast to Western universities, which are becoming increasingly interested in postcolonial studies. One might argue that Maghrebian academia should engage in the debate on postcolonial thought, since the Maghrebian countries have been colonized. In addition, postcolonial studies can be related to Maghrebian thought, since poststructuralist methods form the basis of postcolonial theory and poststructuralist thought has been also used by Maghrebian scholars to critique hegemonic, orthodox, and patriarchal Islamic discourses. Furthermore, postcolonial thought also serves to critique the neo-colonialism and the nationalism which, as noted above, are challenged in the works of Mernissi and Arkoun. There are several realms in most Maghrebian societies that continue to be influenced and controlled by neo-colonialism, even though the Maghrebian countries are formally independent. As a case in point, French remains the language of culture in most Maghrebian countries, the language of the intellectuals and the bourgeoisie. Their administrative bureaucracy still reflects the system of French colonialism. Because of France's neo-

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38   Hallaq : 1984.

39   Günther 2019.

colonial influences, most academics in the Maghreb are interested in the Western tradition of thought.

Nevertheless, advocating against neo-colonial rules that continue to influence the current global does not mean that in this research I follow an approach of *decolonial thinking* in the sense of the Latin American thinker Mignolo (2011).[40] For decolonial thought demands a strict departure from Western modernity and enlightenment in order to fully attain independence from a neo-colonial and dominant system of thought. As outlined above, this research rather aims at building an intellectual bridge between Western and Maghrebian thought. Thus, a transcultural approach is required and should be based on a mutual intellectual dialogue between both traditions.

In this sense, the concept of double critique from the Moroccan scholar Abdelkebir Khatibi (d. 2009) is crucial in locating a postcolonial approach of thinking. Double critique challenges and disrupts all sorts of binary definitions of Self and Other, East and West. As its name implies, double critique analyses together philosophical lines of influence that come both from the East and the West. Through his works, Khatibi tries to liberate the field of humanities and social sciences in most Maghreb academia from colonial boundaries. In addition, his critique addressed a notion of "the unity of Arab" that participates in the marginalization of "(Berber, Coptic, Kurdish … and the feminine)."[41] His ethical aim is to promote the thought of difference by which the Maghrebian identities could recognize themselves. Khatibi considers the critique of the West by the West, by which I mean the poststructuralist critique of Western modernity, as a starting point for his intellectual project.

In his book *Plural Maghreb* (2019) (French original: *Maghreb Pluriel* (1983)), Khatibi seeks to communicate with and integrate 'the thought of difference' of Maurice Blanchot and Jacques Derrida in order to apply their critical methods to Maghrebian thought; to deconstruct it from the rigidity of nationalism and traditionalism.[42] He claims that one could take from them not only their style of thinking, but also their strategy and mainly their 'war machine',[43] in order to place them at the disposition of the Maghrebian thought for an effective decolonization.[44] The decolonization of Maghrebian philosophy as suggested by Khatibi, in this sense, calls for plurality and

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40   See: Mignolo, Walter. D. (2011): *The Darker Side of Western Modernity: Global Futures, Decolonial Options.* Durham, London: Duke University Press.

41   Khatibi 2019: 19.

42   Khatibi 2019: 19.

43   Khatibi borrows this concept from the French poststructuralist thinker Gilles Deleuze. In its basic meaning, the concept serves to name and theorize artistic and political dissidence and creativity. See: Deleuze, Gilles and Felix Guattari (1986): *Nomadology: The War Machine (Semiotext(e) / Foreign Agents)*, transl, by Brian Massumi. Los Angeles, USA: Semiotext(e).

44   Khatibi 2019: 20 .

diversity. Khatibi demands that Maghrebian thinking should open up to the experience of difference and move beyond its ideal of (Arab) unity. In this research, I argue that Mernissi and Arkoun participate in developing postcolonial thought in the Maghrebian context in line with Khatibi.

Hence, I argue that it is possible to situate the thought of Mernissi and Arkoun as 'postcolonial theory.' According to Achille Mbembe (2008), postcolonial thought was essentially developed based on the work of poststructuralist thinkers. In addition, it has been influenced by the critique of Orientalist discourse developed by Edward Said.[45] Therefore I emphasize that postcolonial theory emerged around the time when Edward Said published his book entitled *Orientalism* in 1978. Mbembe declares:

> It was Edward Said, a stateless Palestinian, who laid the first foundations for what was gradually to become "postcolonial theory," in the sense this time of an alternative form of knowledge about modernity and a separate academic discipline.[46]

Thus, this implies that the poststructuralist critique of the constraints of knowledge, the Marxist critique of capitalism, and the critique of the discourse of the 'intellectual hegemony' of grand narratives are important critical theories that underpin postcolonial thought.[47] For example, Edward Said invokes Michel Foucault, one of the most influential exponents of poststructuralist thought, to critique Orientalist discourse. Said argues that Orientalist discourse embodies a discourse of power that represents the colonial agenda by representing a demeaning, negative, and stereotypical image of 'the Orient.' Another figure of poststructuralist thought, as just outlined, is Jacques Derrida, whose concept of deconstruction dislocates and transforms the normativity that continues to influence the discourses of neo-colonialism, nationalism, and religious orthodoxy. Derrida's concept of deconstruction will be briefly discussed in order to situate Mernissi's and Arkoun's contemporary intellectual project within the field of postcolonial studies, particularly because Arkoun is heavily influenced by Foucault and Derrida's critical methods.

Indeed, the work of Derrida describes and transforms the ways in which one thinks about life and death, culture, philosophy, literature, and politics. Derrida's work is specific because it transforms terminologies by providing other possible meanings. Derrida's thought is transformative. The method of deconstruction challenges the dominant interpretations of texts. This means that deconstruction destabilizes traditional approaches of thinking. It is about shaking up, dislocating,

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45   Mbembe 2008: 5–6.

46   Mbembe 2008: 5–6 .

47   Williams and Chrisman 1994: 2- 5- 13.

and transforming the verbal, conceptual, psychological, textual, esthetic, historical, ethical, social, political, and religious landscape. Its concern is to disrupt ad de-sediment, and its desire to transform discourses, actions, and institutions. Such a transformation n has to do with language *and* with "more than language."[48]

In the same line of thought, Mernissi returns to the origin, myth, and foundations of Islamic discourse in order to deconstruct it from patriarchal constructions. In her book entitled *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam* (1991), in which she develops her approach of Islamic feminism, Mernissi breaks with both misogynist and fundamentalist traditions related to Islam. Mernissi applies historical and linguistic approaches to religious texts, examining the socio-historical contexts of some Qur'anic verses and some Hadith (sayings of the Prophet Muhammad). She concludes that the patriarchal, misogynistic, and fundamentalist assessments of the holy scriptures that represent Islam today are the result of a political abuse of religion. As a result, most Muslim scholars use these backward fundamentalist and patriarchal assessments in order to deny women their rights in Islam. In this way, Mernissi attempts to offer new plausible interpretations of Islamic discourse in order to rid it of misogyny and fundamentalism.

Arkoun draws, as mentioned already, on poststructuralist approaches such as Foucault's concepts of 'discourse' and 'epistème,' *The Order of Things* (2001), (French original: *Les Mots et Les Choses* (1966)); *The Archaeology of Knowledge* (1982), (French original: *L'Archéologie du Savoir*, (1969)). In addition, he is interested in Derrida's 'deconstruction,' *Of Grammatology* (2016) (French original: *De la Grammatologie*, (1967)) and Deleuze's concept of 'difference,' *Difference and Repetition* (1994) (French original: *Différence et Répétition*, (1968)). His writings are also inspired by the applied anthropology of the ethnographer Roger Bastide, an expert on African-Brazilian religions.[49] These various poststructuralist approaches and different disciplines contributed to the establishment of 'Applied Islamology' Applied Islamology aims to reform and rethink Islamic discourse, to open the horizon of Islamic discourse to plural meanings and to transfer the religious texts from the framework of historical studies to the field a critical analysis. Applied Islamology is a rigorous criticism and moves beyond any ideological agenda.[50] It expresses Arkoun's cosmopolitan ethos, which is manifest also in his other philosophical concepts, such as the concepts of 'exhaustive tradition' and 'emerging reason.'

Arkoun's concept of exhaustive tradition brings to light the hidden, repressed, and marginalized cultural traditions of Islam as opposed to the dominance of one religious tradition and theological school. The concept of emerging reason is in line

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48   Royle 2003: 21.

49   Kersten 2019: 37.

50   Kersten 2019: 37–38-39.

with the idea of transcultural dialogue between different cultures and systems of thought. In addition, emerging reason calls for interreligious dialogue, which is crucial today to resolve religious and political conflicts and to create an atmosphere of tolerance and religious plurality for peaceful human coexistence.

This study, therefore, presents the works of Fatima Mernissi and Mohammed Arkoun by examining their different concepts and approaches as forms of initiating a transcultural debate on justice from an Arabo-Islamic perspective. The study has two main parts: The first is devoted to Mernissi's works and consists of five chapters that analyze her valuable feminist project which combines secular and Islamic feminism. The second part focuses on Arkoun's oeuvre and is divided into four chapters. Each chapter offers an examination of his various concepts, from his rethinking of early Arabo-Islamic philosophy to his implementation of his own various critical concepts. The research ends with an epilogue that recapitulates Mernissi's and Arkoun's contributions to theorizing justice in Arabo-Islamic thought. The epilogue also calls for a cosmopolitan debate on justice, based on a transcultural approach that helps to liberate the debate on justice from Western hegemony.