the ninth century, achieved by fostering a commitment to philosophy and the development of the humanities. Nevertheless, most Muslim societies today are still concerned about political despotism because they continue to adhere to traditionalism to protect their political interests, which poses a threat to the philosophical legacy of rationalism.

Hence Mernissi's rereading of ninth-century Arabo-Islamic thought offers a crucial insight into the rational heritage embodied by the Muslim jurist Ibn Anas, the Sufi Al-Hallaj, and the Mu'tazila philosophers. They advocate the right to interpretation (*ijtihad*), self-determination, and rationality as imperatives for human progress and the flourishing of Islamic thought. From this, an appeal for issues of legal justice can be derived by emphasizing the right to interpretation (*ijtihad*) as a method of finding rights via Islamic law. It was also argued that divine justice is expressed in the notion that human beings make their own decisions and are responsible for their destiny. Moreover, political justice was derived from the underlying principle of equality between ruler and ruled, with the latter having the right to participate in decision making. In addition, Mernissi introduces the rational, transcultural, and humanistic tradition of the early Arabo-Islamic heritage to remind contemporary Muslims that a notion of democracy and justice is not foreign to Islamic thought, but that it is truncated due to political interests when despotic leaders cultivate the tradition of obedience instead of autonomy and freedom of thought, to protect their regimes. Mernissi also addresses the West by pointing to the rational and humanistic thinking of the Islamic heritage to counter the fundamentalist interpretive stereotypes with which Arabo-Islamic culture is presented today.

2.4 Transdisciplinary approaches to establish gender justice within the framework of Islamic feminism

One of the goals of my research is to examine the transdisciplinary approaches Mernissi uses to enforce gender justice in Islam. The first section of the following chapter focuses on her return to the pre-Islamic era, to show how Mernissi revives the story of female deities who occupied the political and religious spheres. With the advent of Islam and for religious and political reasons, the symbolic role of these female deities was hollowed out by creating a false interpretation about their mythical and symbolic existence. Mernissi attempts to provide an alternative interpretation of their existence. In her study of the pre-Islamic period, she argues that women, even as deities, were subject to patriarchal judgments.

The second section examines Mernissi's historiography of women at the time of the Prophet Muhammad and after his death. It examines her depicting of the economic, intellectual, and leadership roles played by the Prophet's wives. Mernissi

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shows how the emancipatory image of women in an earlier period of Islam was suppressed due to a misogynistic interpretation of the Tradition, with the intention of displacing and dismissing women from the religious and political spheres.

The third section presents Mernissi's socio-historical and linguistic interpretive methods for the Qur'anic verse about the veil. This is done by describing and analyzing the complex network of thoughts about the veil—which even Mernissi did not consider—that might be applied to advocate for the recognition of veiled women in our contemporary society.

The fourth section discusses the socio-economic situation and legal rights of most women in Maghreb countries in the political context of the first Iraq war (1991) as a commentary on the liberation of women through their participation in protest. An important goal is to explain that many rights of women in Maghreb countries have still not been obtained. In most Maghreb countries, women still face economic and legal discrimination. Patriarchal systems of power use religious persecution as a means to eliminate and exclude women from the public sphere and the labor market. By comparing the 2011 uprising in the Maghreb with Mernissi's 1991 study, I show the relevance of Mernissi's study to the struggle of Maghrebian women today.

More or less detailed critical comments are made at the end of this study, first on Mernissi's secular feminist approach as a radical feminist agenda and second on the reception of her Islamic feminist approach as reformist. The aim is to demonstrate the potential of using transdisciplinary approaches—secular and Islamic—to demand Muslim women's rights; a method that Mernissi shares with other researchers who contribute to the growing framework of Islamic feminism.

Female deities in the pre-Islamic era: Symbols of divinity and power

In a passage from the book of Ibn Sa'd, entitled *Tabaqat*, Mernissi explains the arrival of the prophet Muhammed in Mecca with the aim of spreading monotheism, and therefore renouncing the worship of gods. She explains that when the prophet Muhammed made the ritual circuits around the temple and around the Ka'ba, while saying that the truth had come and falsehood has vanished, the gods slid from their pedestal. Mernissi declares that among the gods that slid down were feminine deities.[224] However, she declares "these goddesses did not have the facial expression of the tenderness (*rahma*) associated with the nurturing mother, for they wallowed in the bloodbaths of the sacrifices that they demanded."[225] In many cultural traditions, women are considered sensitive and delicate creatures. Accordingly, women were limited to the role of a mother. The goddesses of the pre-Islamic period are

224 Mernissi 2002: 86.

225 Mernissi 2002: 86.

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the opposite of this image of women, as they exist in the public sphere of the sacred and powerful.

In this regard, Mernissi turns to chapter 53 of the Qur'an , in verses 19 and 20, where the names of the three most important goddesses are mentioned. "[Disbelievers], consider al-Lat and al-'Uzza, and the third one, Manat."[226] Mernissi explains the meaning of the names of every deity. She says, they are *al-'Uzza*, which means 'power' in the military sense of the word, *Manat*, which comes from the same root as *maniyya* (death), and *al-Lat,* which is the contraction of *ilahat* (goddesses).[227] One could argue that Mernissi refers to these female deities in pre-Islamic times to criticize the position of women in many Muslim societies today. Mernissi points out that female deities held important positions in both the sacred and political spheres. However, their position was misinterpreted after the spread of Islam (see below). As in modern times, Islamic law—as interpreted by men—prohibits women from participating in religious and political activities.

Mernissi highlights that the most powerful goddess is *al-'Uzza*; the etymological root of which comes from the Arabic *'izz* (power), as outlined above, and *quwwa* (physical force). Mernissi adds that al-'Uzza was considered the most powerful goddess because she has multiple symbols used in worship. For example, she was worshiped in the form of a tree, and was represented by an idol, and a temple was dedicated to her.[228] According to Mernissi, the deity *al-'Uzza* reigned not only on earth but also in the stars, as Venus, *Zahra,* is one of the names attributed to this deity. [229]

However, the spiritual symbol of al-'Uzza has a certain frightening aspect. It is this frightening aspect of the gods that has led to the denial of women's participation in the sacred sphere, when it was claimed that the gods require a sacrifice. Therefore, Mernissi claims that according to historians, burial of baby girls (*al-wa'd*) was considered a sacrifice offered to al-'Uzza.[230] Mernissi adds that "some verses directly link *al-wa'd* to the demands of the deities, which would make it human sacrifice".[231] One example is seen in verse 138 of chapter 6, which confirms that the burial was inspired by the divinities. The verse asserts

> ****In the same way, their idols have induced many of the pagans to kill their own children, a bringing them ruin and confusion in their faith: if God had willed

226 The Qur'ān, Chapter 53, The Star; Verses 19–20.
227 Mernissi 2002: 116.
228 Mernissi 2002: 118.
229 Mernissi 2002: 122.
230 Mernissi 2002: 119.
231 Mernissi 2002: 119.

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> otherwise they would not have done this, so [Prophet] leave them to their own devices.[232]

Mernissi refutes this Qur'anic theory that claims that the deities demand the killing of newborn girls. She argues:

> The idea of a deity who demanded the killing of children was inconceivable. To my mind, it is this phobia that explains the horror about the *jahiliyya* that up to the present day blocks scholarly research on that period. Before year of 1 of the Hejira (A. D 622), humanity had no history. There was nothing but darkness—only a zero.[233]

Mernissi argues that most Muslims do not know enough about the pre-Islamic era, which constituted the historical past, and the cultural heritage. She admonishes Muslims to "explore everything that has contributed to Islamic civilization" (meaning before and after the dawn of Islam). They should explore the "past with all its historical and mythical component parts, with its 'truth' and its 'lies,' its 'high points' and its 'low points.'"[234]

From this we might conclude that the history of Islamic civilization before the advent of Islam was shaped by the idea that goddesses demanded the death of female infants and, thus, engaged in immoral practices. This reminds us of the reasons for the fear of democracy and autonomy as symbols of the chaos (see 2.1) that led Muslims to ignore and reject their past. Thus, the period before Islam is perceived as a time of ignorance. In Arabic, this ignorance is called Jahiliyyah. "The word 'Jahiliyyah' comes from 'jahl' or ignorance. Thus, the age of Jahiliyyah refers to an age of ignorance existing in the pre-Islamic Arab peninsula. It is unclear what time span is covered by that age. Sometimes it covers all pre-Islamic Arab history, but more often it refers only to the last century before Islam."[235] By referring to the pre-Islamic period, Mernissi wants to correct false assumptions about the female deities of the pre-Islamic period to clarify that these assumptions were used for political reasons after the spread of Islam, to deny women participation in the sacred realm.

Like Mernissi, Azizah al-Hibri, in her article entitled "A study of Islamic herstory: or how did we ever get into this mess?" (1982), uncovers the historical past and the role of female deities in pre-Islamic times. In this context, al-Hibri argues:

> The northern people of Jahiliyyah built shrines for goddesses. The most famous among them were: al-Laat, al-Uzzah and Manat. They were referred to as *God's*

232 The Qur'ān, Chapter 6, Livestock; Verse 138.

233 Mernissi 2002: 120

234 Mernissi 2002: 122.

235 Al-Hibri 1982: 208.

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> *daughters.* [emphasis added] However, these and other gods were part of a hierarchy topped by one major God. They were not worshipped, since only God was. Their role was to advise and intercede with God on behalf of their followers. They were so influential in that role that they were mentioned both in the Qur'an and by the prophet.[236]

Accordingly, Mernissi ignores the historical fact revealed by al-Hibri that these goddesses were considered the daughters of one major God. Based on this discovery it is possible to assume that in the pre-Islamic period there was the belief in the idea of one major God. This would have been a preform monotheistic belief.

Like Mernissi, al-Hibri opposes the theory that killing female infants was a demand from the goddesses, as it is stated in the Qur'an as noted above. Al-Hibri provides the following interpretation, which is also shared and asserted by Mernissi. Al-Hibri and Mernissi argue that the parents killed their female infants because of poverty, when the female children are considered an economic burden, or because of the fear of shame, as the daughters could be captured during a raid and turned into sex slaves by their captors.[237]

Another fact about the pre-Islamic era revealed by al-Hibri is that women who were not goddesses preoccupied a particularly important role in the political, socio-economic, and cultural spheres. One of these women is Khadija, the first wife of the prophet Muhammed, whose prominent position at the time of the prophet Muhammed I will explore later. In this regard, al-Hibri argues:

> Among the famous women warriors [was] ... Hind Bint Rabi'ah who fought against [the prophet Muhammed]. Among the famous women poets are al-Khansa,' and Um-Jandab. But the most famous businesswoman was Khadijah Bint Khuwailed, who gave the prophet his first job, sending him to trade in Damascus when he was only twelve. (She later proposed to him in marriage, and he accepted.) And finally, among the wise women we know of Suhum Bint Lukman and Jum'a Bint Habis al-Ayadi. Taken out of context, these facts could lead to the erroneous conclusion that women were possessed of their rights in pre-Islamic Jahiliyyah. [238]

Hence, in the pre-Islamic era women had a great deal of self-determination. They performed poetry, served in the military, and conducted business. These contributions made them active in their societies. In addition, a woman had the right to express her emotions and to choose her husband. The practice of this cultural tradition

236 Al-Hibri 1982: 208.

237 Mernissi 2002: 119–120; Al-Hibri 1982: 209.

238 Al-Hibri 1982: 209.

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is uncommon even in most modern Muslim societies, when controlling female emotions is considered as necessary. Thus, the revealing of the roles of female goddesses and female mortals in pre-Islamic Arabia is important, for it reminds us that there were women before the dawn of Islam who occupied important positions in their societies, and we learn that women were free from those misogynist traditions that now forbid them such positions.

As a result, in her historical rereading of the pre-Islamic era, Mernissi stresses more the role of goddesses who reigned in Arabia before the dawn of Islam. Yet the reign of these goddesses is negatively represented, when it was claimed that these female goddesses demanded the killing of infant girls. Therefore one should consider the reasons behind this claim. One interpretation is given by Mernissi herself. She affirms that "the monotheistic order required that the feminine should be barred from the sphere of power, which coincided with the sacred."[239] Indeed, the dismissal of pre-Islamic goddesses from sacred and reigning spheres would have an impact on the role of women, particularly after Islam became a political power and, thus, was used as a means of controlling women. In this way, in most Islamic traditions, women inhabited the harem. They were not allowed to cross the boundaries of the private sphere and lived under the leadership of men. In this regard, Mernissi argues:

> Woman would be the equal of man in all domains in Islam, since she was also a believer and endowed with reason and will; but she was henceforward to be invisible in the political sphere. In the palace of the caliph she had her place— … in the harem—the "forbidden space." [240]

Along the same lines as Mernissi, Laila Ahmed (1982) asserts that the harem has a deplorable connotation in the imaginary of most Arab and non-Arab Muslim women. Harem reminds women of the Turkish harem of the Ottoman Empire, where women were chosen for their beauty and destined for the pleasure and service of the sultan. Women were classified in pyramidal form, where the most beautiful and talented were given the opportunity to share the bed of the sultan, thus, becoming the favorite companion of the sultan, as opposed to the less beautiful and talented women, who were kept out of the group.[241]

Thus, Mernissi and Ahmed agree that the harem is a derogatory institution for women. Ahmed emphasizes the sexual and hierarchical dimensions of the harem, while Mernissi underlines the spatial aspect. Mernissi considers the harem as the

239 Mernissi 2002: 126.

240 Mernissi 2002: 126.

241 Ahmed 1982: 154

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forbidden sphere where foreign men could not enter, and women could not escape. She considers the harem as a place of confinement, and thus, denial of spatial freedom.

In her autobiographical novel *Dreams of Trespass: Tales of a Harem Childhood (1994)*, Mernissi tells of her childhood growing up in a harem in Fez, 1940. She recounts:

> I was born in a harem in 1940 in Fez, a ninth-century Moroccan city some five thousand kilometers west of Mecca, and one thousand kilometers south of Madrid, one of the dangerous capitals of the Christians.[242]

Mernissi provides an innovative conception of the harem. As such, the harem remains the place of the forbidden, but it is also the place where women seek to escape confinement. She describes how being in the harem with illiterate women inspired her to acquire literacy and develop a strong female identity. Despite living in a harem, Mernissi explores the ability to cross spatial boundaries and to fulfil her dreams. She affirms:

> Aunt Habiba was certain that we all had magic inside, woven into our dreams. "When you happen to be trapped powerless behind the walls, stuck in a dead-end harem," she would say, "you dream of escape. And magic flourishes when you spell out that dream and make the frontiers vanish. Dreams can change your life, and eventually the world. Liberation starts with images dancing in your little head, and you can translate those images to words."[243]

Indeed, the patriarchal system of the harem ironically empowers women in specific ways. Nausheen Ishaque (2019) argues that Mernissi provides a new conception of the harem which challenges Western orientalist assumptions in relation to the female inhabitants of harem, who are historically believed to be passive receivers of traditional patriarchy.[244] At the end of this study, I will elaborate on Mernissi's innovative conception of harem (2.5).

Mernissi's reinterpretation of pre-Islamic Arab civilization is essential. She demonstrates the significant roles that female deities occupied in both the sacred and ruling realms. However, the Qur'an states that their role was associated with immoral functions. This allows most Muslims to obscure and ignore the history of female deities. Therefore, in her historical review, Mernissi attempts to identify the reasons for women's exclusion from the religious and political spheres in most Muslim societies and during the period when only men ruled Islam. She identifies

242 Mernissi 1994: 1.

243 Mernissi 1994: 113–114.

244 Ishaque 2019.

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the symbolic pushing down of female deities from their pedestals as one of the factors that contributed to the confinement of most women in Islam to the forbidden space, the harem.

Women rebels in the time of the prophet Muhammed: Religious and political roles

In *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam* (1991), Mernissi looks at historical sources in order to uncover the significant role that the prophet's wives played in his time and after his death. The prophet Muhammad's first wife, Khadija, played a crucial role in his life as the first woman with whom he shared his first revelation. Moreover, Aisha was also regarded by most Sunni Muslims as a source of the Tradition (sayings and actions of the prophet) and was viewed as rebellious against patriarchal rules. Mernissi reveals the story of the Prophet's wife to assert that women played an important role in the Prophet's time. They were the confidants of the Prophet and participated in both the religious and political spheres. This is to refute false assumptions that, first, women cannot be the provenance of transmission of religious sources and, second, that they do not participate in politics.

Khadija Bint Khuwaylid

Mernissi argues that Mecca was one of the most important towns of Arabia in Muhammed's time (even before he received the revelation). Mecca had become indispensable for the security of the great international trade routes. Muhammed, as a member of the clan of Quraysh, the most powerful clan in Mecca, was destined to become a merchant. He went into business with a businesswoman named Khadija Bint Khuwaylid.[245] Mernissi provides the following information about the personage of Khadija:

According to Mernissi, Khadija was a widow, who like Muhammed, belonged to the tribe of Quraysh and who had inherited a large fortune from her late husband. Khadija was so happy with her cooperation with Muhammed and so surprised by his rectitude (which must have been a rare quality) that she proposed marriage to him. He accepted. He was twenty-five years old, and she was over forty. It was his first marriage. Although Khadija could not know that fifteen years later the man she married would become the prophet of a new religion, she was nevertheless convinced that he was no ordinary husband, and she had complete confidence in him. The first revelations were distressing to him, and, terrified by the voice he had heard, he went and described them to Khadija. He was assailed by self-doubt: "O Khadija, I fear I am

245 Mernissi 1991: 27.

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going mad." She reassured him, convincing him that what had happened was marvelous and unique. Khadija celebrated the event by converting to the new religion of her husband; she was Islam's first adherent.[246]

These historical details about Khadija, as narrated by Mernissi, can help us realize that a woman at the time of the Prophet was a trustee, a self-confident and economically independent person. Moreover, it is important to know that the first person to convert to Islam was a woman. This challenges the patriarchal claims about most Muslim women as well as the dominant role of men over Islamic heritage. It likewise challenges the assertion that man can be the sole representatives of Islam and must forbid women's participation in the interpretation of Islamic law and in the performance of religious functions such as leading prayers.

In a similar vein, Miriam Cooke explores the personage of Khadija in her article entitled "Feminist Transgressions in the Postcolonial Arab World"(1999). Like Mernissi, Cooke describes Khadija as a successful businesswoman who proposed marriage to her employee, even though she was older than him. Also like Mernissi, Cooke asserts that Khadija was the first who believed her husband after he reported his revelation and was the first who converted to Islam. She argues that "when she died in 619, the prophet Muhammed lost one of his most influential supporters."[247]

One could argue that Cooke emphasized the historical personage of Khadija to highlight one of the approaches used by Islamic feminist scholars to achieve women's rights in Islam by looking to an equitable understanding of the Islamic legacy as interpreted by women. In this context, Cooke affirms that "some Islamic feminists are interrogating the historiography at the time of Muhammed, finding there a goldmine of information about women."[248]

Mernissi is undoubtedly one of the most important Islamic feminist scholars whose work Cooke presents in her article mentioned above. Cooke shows how Mernissi challenged false assumptions about Islamic legacy and criticized misogynistic Traditiona that are commonly attributed to the prophet. Cooke argues that Mernissi "dared to question the unquestionable, namely the reliability of a 'sound' Tradition or saying attributed to the prophet."[249] For Cooke, Mernissi requested a proper understanding of a Tradition that has been introduced to Muslims as sound. In Arabic, sound is (*sahih*). This term implies that a Tradition is attributed to the prophet and, thus, is not subject to questioning or refuting by Muslims. Cooke underscores that "Mernissi notes that the source of the misogynist Tradition is the key to its authority."[250] Following on from this, in accordance with Mernissi, I present

246 Mernissi 1991: 28.
247 Cooke 1999: 97.
248 Cooke 1999: 97.
249 Cooke 1999: 89.
250 Cooke 1999: 100.

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an example of a misogynist Tradition that has been attributed to the prophet. The purpose is to show how it remains an argument used against women to exclude them from the sphere of political guidance.

Aisha bint Abī Bakr

Mernissi declares that Muhammed is close to four men: Abu Bakr al-Siddiq, Umar Ibn al- Khattab, ʿAlī ibn Abī Tālib, and ʻUthman Ibn ʻAffan.[251] As explained by Mernissi, the first and the second of these are the prophet's fathers-in-law. Muhammed married Aisha, the daughter of Abu Bakr, and Hafsa, Umar's daughter.[252] The third and fourth men are the prophet's sons-in-law: ʻAli married Fatima, the prophet's eldest daughter, and ʻUthman married Ruqayya, who is also one of the prophet's daughters.[253]

Likewise Mernissi, Cooke argues that these four men were remarkably close to Muhammed. She further explains that these men were to be the next to succeed the prophet after his death.[254] In other words, these men were the caliphs of the prophet. The word caliph comes from the Arabic verb (*khalafa*) meaning 'to succeed.' In the *Sunni* Islamic legacy, the theory of succession is known as the Islamic caliphate (*al-khilafa al-Islamiyya*). The caliphate (*al-khilafa*), according to Sunni Islamic tradition, is a system of government that is based on the succession of a Muslim leader (caliph) to assume the leadership of a community of Muslims. It is called the caliphate because the caliph is the one who succeeds the prophet Muhammed.

Mernissi provides valuable historical details about the biography of Aisha, the daughter of Abu Bakr and the youngest wife of Muhammed. One could speculate that Mernissi does this because Aisha was considered, after the death of the prophet Muhammed and by most Sunni Muslims, as the mother of the faithful, and her life became a role model for most Sunni Muslim women. Indeed, "after Muhammed's death, Aisha was long considered the chief source of Traditions as well as a respected interpreter of the Qur'an."[255]

Indeed, Mernissi tells us the following: "It was year 36 of the Hejira (AD 656), and public opinion was divided: should one obey an "unjust" caliph (who did not punish the killers of ʻUthman), or should one rebel against him and support Aisha, even if that rebellion led to civil disorder?."[256] Thus, one can deduce that Aisha guided a battle against ʻAli because he did not punish the killers of ʻUthman, his prior caliph.

251 Mernissi 1991: 33.
252 Mernissi 1991: 33.
253 Mernissi 1991: 33.
254 Cooke 1999: 97.
255 Cooke 1999: 98
256 Mernissi 1991: 54–55

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Hence, according to Mernissi, Aisha decides to go to Basra—a city in the south of Iraq—to accuse 'Ali. She chose Basra because there were people in this town who did not like 'Ali, and therefore would most probably support her.[257]

Mernissi describes the procedures Aisha adopted before she led war against Ali. An essential detail which Mernissi mentions is that Aisha usually accompanied the prophet Muhammad, before his death, on his military expeditions. She therefore pursued similar strategies before waging war. For example, she informed the Muslim community about her choice to conduct war, asked people for their opinions and negotiated with those who disagreed with her. Mernissi explains accordingly:

> Aisha, who often used to accompany the Prophet on military expeditions, knew the procedure for the negotiations that took place before the military occupation of a city and had conducted matters correctly. Before besieging the city, she had sent messengers with letters to all the notables of the city, explaining to them the reasons that had impelled her to rebel against 'Ali, her intentions, and the objectives that she wanted to attain, and finally inviting them to support her.[258]

This historical narrative about Aisha demonstrates her strong personality as a rebel woman who established herself as a war leader among males. However, according to Mernissi, Abu Bakra, one of the prophet's companions, and a member of the notable of Basra, negatively responded to the demand of Aisha, by evoking a Tradition—which he remembered twenty-five years after the prophet's death. The Tradition stated, "Never will succeed such a nation as lets their affairs carried out by a woman."[259]

One could think that the Tradition recalled by Abu Bakra might be a reason for the defeat of Aisha. However, Mernissi asserts that Abu Bakra remembered this Tradition attributed to the prophet, and especially in this political context, only for the purpose of denying Aisha the right to wage war against Ali. Mernissi argues, "Abu Bakra had a truly astonishing memory for politically opportune Hadith which curiously – and most effectively – fitted into the stream of history."[260]

Mernissi claims her right as a Muslim woman to examine misogynist Tradition, like the Tradition quoted above. She argues:

> So nothing bans me, as a Muslim woman, from making a double investigation – historical and methodological – of this Hadith and its author, and especially of

257 Mernissi 1991: 50.
258 Mernissi 1991: 54.
259 Mernissi 1991: 56–57
260 Mernissi 1991: 58.

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> the conditions in which it was first put to use. Who uttered this Hadith, where, when, why, and to whom?[261]

Accordingly, Mernissi demonstrates her intellectual role as an Islamic feminist scholar to examine misogynist Tradition attributed to the prophet, in order to remind contemporary Muslims about the right of interpretation and the search of the common good (*maslaha*) established by Imam Malik Ibn Anas in the eighth century of Islam (see 2.3). In this sense, Ibn Anas, according to Mernissi, considered "this religion as a science."[262] Therefore, religious claims should be verified through logical and scientific methods of interpretation. Mernissi quotes Ibn Anas as follows:

> "This religion is a science, so pay attention to those from whom you learn it. I had the good fortune to be born [in Medina] at a time when 70 persons [Companions] who could recite Hadith were still alive. They used to go to the mosque and start speaking: The Prophet said so and so. I did not collect any of the Hadith that they recounted, not because these people were not trustworthy, but because I saw that they were dealing in matters for which they were not qualified."[263]

Thus, if one considers Ibn Anas' assessment, Abu Bakra is unqualified to recount the Tradition. By means of Ibn Anas' critique, Mernissi shows that misogynist Traditions are wrongly attributed to the prophet. Therefore, for her, a historical and methodological analysis is necessary to examine the Islamic legacy. Later on, I will discuss Mernissi's methodological analysis of one of the Qur'anic verses to provide alternative interpretations of the meaning of 'veil' in Islamic legacy. First I shall explore how Mernissi sees the Tradition, which was recited by Abu-Bakra, as a continuing challenge for women today who aspire to be political leaders.

In her book *The Forgotten Queens of Islam* (1993), Mernissi asks: "Was Benazir Bhutto the First?"[264]. Mernissi provides historical and political details about the personage of Bhutto. She recounts that Benazir Bhutto became Prime Minister of Pakistan after winning the elections of 16 November 1988. According to Mernissi, all who monopolized the right to speak in the name of Islam, and clearly who lost the democratic election in Pakistan, appealed to the past and Tradition. Indeed, they evoked the same famous Tradition recited by Abu Bakra in 656, which is also employed by the opponents of Bhutto with the aim to eliminate her from participation in political life, claiming that "the political decision-making among our ancestors,

261 Mernissi 1991: 49.
262 Mernissi 1991: 59.
263 Mernissi 1991: 59.
264 Mernissi 1993: 2.

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they said, was always a men's affair".[265] Thus, Mernissi explores how political adversaries of Bhutto obstructed her democratic right to be a political leader. Mernissi reveals that this political event took place in Pakistan in 1988, to inform us how the same Tradition used against Aisha to dismiss her from leadership in the past was reactivated to dismiss Bhutto as well.

To counteract this misogynist Tradition which claims women cannot hold leadership positions, Mernissi applies the method of historical investigation in order to introduce Arab and non-Arab Muslim queens who achieved power and attained leadership positions. In this context, she asserts:

> Just as in a fairy-tale, queens, malikas, and khatuns emerged little by little from the soft crackle of yellowed pages in old books. One by one they paraded through the silent rooms of the libraries in an interminable procession of intrigues and mysteries. Sometimes they appeared in twos or threes, passing the throne from mother to daughter in the faraway isles of Asiatic Islam. They were called Malika 'Arwa, 'Alam al-Hurra, Sultana Radiyya, Shajarat al-Durr, Turkan Khatun, or, more modestly, Taj al-'Alam (Crown of the universe) and Nur al-'Alam (Light of the universe). Some received the reins of power by inheritance; others had to kill the heirs in order to take power. Many themselves led battles, inflicted defeats, concluded armistices. Some had confidence in competent viziers, while others counted only on themselves. Each had her own way of treating the people, of rendering justice, and of administering taxes. Some managed to stay a long time on the throne, while others scarcely had time to settle down. Many died in the manner of the caliphs (either orthodox, Umayyad, or Abbasid) – that is, poisoned or stabbed. Rare were those who died peacefully in their beds.[266]

It is interesting to note that Mernissi highlights the importance of women in early Islamic history. Mernissi presents women who engaged in politics and war as queens and warriors. Her work is a basic historic-cultural analysis. She returns to historical sources to delve into women's visibility in Islamic history. By doing so, she highlights the political involvement of Muslim women. Besides the historical context, Mernissi aspires to demystify the error of believing that Muslim women did not play a role in politics. Therefore, she challenges patriarchal beliefs that seek to conceal the past activism of women in Islam.

The previous sections contained a historical and socio-cultural analysis of the position of women in the pre-Islamic period and at the beginning of Islam. The goal was to show the significant role that women have played in Islamic history. As we have seen, patriarchal views and interpretations contributed to the distortion of the Tradition by aiming to exclude women from the political and religious spheres. In

265 Mernissi 1993: 2.

266 Mernissi 1993: 3.

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what follows, I present Mernissi's deconstructionist socio-historical and linguistic approach to interpreting a Qur'anic verse. In addition to Mernissi's historical analysis of the Tradition, as presented above, I will also consider her methodological analysis of one of the most challenging Islamic legacies for Muslim women today: the concept of the veil in the Qur'an.

The question of the veil in Islamic heritage: Mernissi's deconstructionist socio-historical and linguistic approaches

In her book entitled *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam* (1991), Mernissi interprets verse 53 of chapter 33 of the Qur'an, entitled *The Joint Forces* (*Al-Ahzab*). There are other verses in the Qur'an that deal with the issue of the veil. Mernissi has chosen to focus her interest on this one, which discusses the veil in Islam as follows:

> Believers, do not enter the Prophet's apartments for a meal unless you are given permission to do so; do not linger until [a meal] is ready. When you are invited, go in; then, when you have taken your meal, leave. Do not stay on and talk, for that would offend the Prophet, though he would shrink from asking you to leave. God does not shrink from the truth. When you ask his wives for something, do so from behind a screen: this is purer both for your hearts and for theirs.[267]

The word for 'screen' in Arabic, the original language of the Qur'ān, is 'hijab,' حجاب. The word 'hijab' is interpreted by Muslim jurists to mean veil: the veil that a woman puts on her head to cover herself from the gaze of men. In this context, I explore the methods applied by Mernissi in the socio-historical investigation as well as linguistic studies to reinterpret the above-cited Qur'anic verse. The purpose is to provide an alternative interpretation of the notion of the veil in Islamic legacy, to challenge the traditional understanding of it. In addition, I aim to show Mernissi's crucial contribution to Islamic feminism in her use of transdisciplinary methods including socio-historical, and cultural forms of analysis. I argue that Mernissi's application of different methods and approaches throughout her career has made her a major contributor to Islamic feminism.

It is important first to clarify that the purpose of this deconstructivist study of the notion of the veil is not to go through the controversial debates on veiling or not veiling, which may sometimes lead to social or political discrimination against women. Indeed, I agree with Tunisian scholar Soumaya Mestiri, who maintains that "there is no difference at all between a woman who is naked in public and a veiled woman, both of whom are obsessed with their bodies. The struggle for unveiling,

267 The Qur'ān, Chapter 33, The Joint Forces; Verse 53.

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then, seems to be a false struggle: if we must speak of unveiling, it is rather that of the mind"[translation mine].[268] Indeed, the fight of a woman is not just about sensual and corporal veiling or non-veiling; her challenge is more important intellectually and spiritually. A woman in Islam must free her mind from dogmatic and traditional barriers in order to discover the Islamic heritage and hold her rights without being reliant on men's prescriptions.

According to Mernissi, verse 53 of chapter 33 of the Qur'an, cited above, is regarded by experts in the science of jurisprudence as the basis of the institution of the veil.[269] Their interpretation was based on the testimony of Malik Ibn Anas (see 2.3) which was reported by al-Tabari, who was bent on the explanation of the Qur'ānic verses.[270] Below, I provide Mernissi's reference to the explanation of Al-Tabari.

Mernissi recounts that the prophet had married, and Ibn Anas was charged with inviting people to the prophet's wedding supper. Many people came and ate; then they dispersed. Only a small group of tactless guests remained, lost in conversation. The prophet, who had good manners, wanted to be alone with his wife. But he was irritated because the groups of men did not leave his home. Afterwards, upon their departure, God revealed the verse on the veil to the prophet; the prophet drew a curtain between himself and Ibn Anas, who was the witness, while the prophet recited chapter 33, verse 53.[271] Mernissi quotes from al-Tabari's report of what Ibn Anas said: "It was in this position that he let fall a *sitr* [curtain] between himself and me, and the verse of the *hijab* descended at that moment."[272]

However, as Mernissi asserts, this narration of Al-Tabari's about the veil lacks the socio-historical context in which the verse descended.[273] In this context, I present Mernissi's explanation of the socio-historical circumstances of the descent of the verse of the veil. As Mernissi tells us, year 5, the year of the descent of chapter 33 of the Qur'an, was a particularly disastrous year after the military defeat in several battles dating from the year 2 until the spring of year 8, when the prophet won a decisive victory.[274] Indeed, Mernissi claims that we need to pay attention to the following: On the one hand, this verse arrived in a difficult time filled with doubts and military defeats. That might explain the rapidity of the revelation of this verse which split the Muslim community in two. On the other hand, this verse came to further strengthen the morals of the companions of the prophet. Thus, it was revealed to promote moral values that the companions of the prophet seemed to lack, such as not entering a

268 Mestiri 2016: 8 fn. 5.
269 Mernissi 1991: 85.
270 Mernissi 1991: 93.
271 Mernissi 1991: 87.
272 Mernissi 1991: 87.
273 Mernissi 1991: 87.
274 Mernissi 1991: 89.

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dwelling without asking permission, and to forbid Muslims to marry the prophet's wives after his death.[275] In this sense, the verse declares,

> It is not right for you to offend God's Messenger, just as you should never marry his wives after him: that would be grievous in God's eyes.[276]

Having begun by illustrating, according to Mernissi's investigation, the socio-historical circumstances in which the Qur'anic verse of the veil is exposed, I demonstrate the linguistic method used by Mernissi to uncover the various meanings, which the term 'veil' entails. In this line of thoughts Mernissi distinguishes between the linguistic dimension and the anatomical meaning of the word 'veil.'

a) The linguistic dimensions of the word 'veil'

According to Mernissi, the word 'veil' is three-dimensional, and these three dimensions often blend into one another. The first dimension is a visual one : to hide something from sight. The root of the verb *hajaba* means to hide. The second dismension is spatial : to separate, to mark a border, to establish a threshold. On this basis, the veil is used to divide two spaces. And finally, the third dimension is ethical : it belongs to the realm of the forbidden.[277] In this sense, Mernissi introduces the veil of a prince, to clarify the three dimensions of the word veil. The prince, who was the most powerful man in the Muslim community, had recourse to the veil. The veil of the prince was used to escape the gaze of his entourage and further to divide two places : the place of the prince and that of the members of the court. Hence, the veil of the prince was used to forbid the member of the court to gain access to the prince's palace.[278]

b) The anatomical use of the word 'veil'

The anatomical use designates the positive and negative connotation of the term 'veil.' I start with the positive connotation which the word 'veil' implies. Referring to the field of linguistics, Mernissi explains that the veil in the Arabic language means *hijab* and, literally, the curtain which is used as a protection, such as the eyebrows, *al-hajiban*, which protect the eye from the sun's rays. Another example that Mernissi

275 Mernissi 1991: 89–92.

276 The Qur'ān, Chapter 33, The Joint Forces; Verse 53

277 Mernissi 1991: 93

278 Mernissi 1991: 94.

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adds in this context is the diaphragm of the stomach, *hijab al-jawf*, and the hymen of virginity, *hijab al-bukuriyya*. [279]

As opposed to this, Mernissi points out the Sufi's conception about veiling and other verses from the Qur'an to explore a negative connotation of the word 'veil.' In the Sufi tradition, one calls veiled, *mahjub*, the person whose consciousness is determined by sensual or mental passion and who as a result does not perceive the divine light, because he is 'covered.' Likewise, in other references in the Qur'an, the word 'veil' has a negative significance, as when it describes the inability of certain individuals to perceive God. An example is in verse 5 of chapter 41, entitled *Made Distinct*, which asserts:

> They say, 'Our hearts are encased against [the faith] you call us to; our ears are heavy; there is a barrier between us and you. So you do whatever you want, and so shall we.' [280]

In this verse the same Arabic word is used, namely hijab, while it is (always) interpreted and translated as "barrier", never as "veil". [281]

Thanks to her deconstructionist linguistic and socio-historical approaches, Mernissi uncovers that the veil does not necessarily signify the clothing that shrouds Muslim women, limiting their access to human interaction in public spaces.

Mernissi provides a multi-layered analysis of the different meanings of the veil. Here, the term 'veil' does not refer to the covering that women wear to protect themselves from male gaze. In addition, Mernissi offers an examination of the socio-historical circumstances under which the Qur'anic verse was revealed. In doing so, she clarifies the causes of the revelation (*asbab al-nuzul*). Thus, Mernissi provides a new reinterpretation of the hijab, the veil, as part of the Islamic heritage.

Along with her methodological examination of the veil's connotations, I would like to draw attention to Mernissi's autobiographical novel, *Dreams of Trespass: Tales of a Harem Girlhood* (1994), to further clarify her critical stance towards the veil. Mernissi's conception of the veil is connected to her childhood memories. As she writes about them, Mernissi perceives the veil as a representation of women's oppression, subjugation, and exclusion to the extent that the veil defines spatial and intellectual boundaries (*hudud*). Mernissi refers to her mother as a way of rebelling against the veil. Although she lives in a harem under the control of men, her mother does not want her daughter (Mernissi) to cover herself. As Mernissi attributes the following words to her mother:

279 Mernissi 1991: 96.

280 The Qur'ān, Chapter 41, Made Distinct; Verse 5.

281 Mernissi 1991: 96–97.

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> "Covering your head and hiding will not help. Hiding does not solve a woman's problems. It just identifies her as an easy victim. Your Grandmother and I have suffered enough of this head-covering business. We know it does not work. I want my daughters to stand up with their heads erect and walk on Allah's planet with their eyes on the stars." [282]

In her book entitled *Rethinking Muslim Women and The Veil: Challenging Historical & Modern Stereotypes* (2010), Katharine Bullock states that Mernissi's notion of "veil" is widely adopted in the West. According to Bullock, Mernissi views the veil as "a symbol of unjust male authority over women."[283] Bullock refers to Mernissi's autobiographical novel (1994), which is cited above to show the reasons behind Mernissi's refutation of the veil. Bullock describes Mernissi's tale that during the Second World War II, when Mernissi was almost nine years old, out of fear of Adolf Hitler, who according to Mernissi hated dark-haired people, Mernissi—as a child—concluded that she needed to protect herself by covering her head.[284] In this context, Mernissi recounts, "Hi-Hitler – that was the name of the king of the Allemane – hated dark hair and dark eyes and was throwing bombs from planes wherever a dark-haired population was spotted".[285] Bullock argues that Mernissi's mother refused to allow her daughter—Mernissi—to cover her head.[286] In this regard, Mernissi affirms:

> That night, Samir begged his mother to promise to put henna in his hair, in order to redden it, the next time we went to the hammam (public bath), and I ran around with one of my mother's scarves securely tied around my head, until she noticed it and forced me to take it off. [287]

Bullock argues that Mernissi investigated the veil because of her traumatized childhood memories. She contends that Mernissi's whole work on the veil issue is a search for the source of her pain. Bullock apparently sees Mernissi as supporting "the negative stereotype that hijab is a symbol of Islam's oppression of women."[288] In addition, Bullock asserts that Mernissi's examination of the reasons for covering is restricted to the societal system of her Moroccan society.[289] In this regard, Mernissi asserts:

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282 Mernissi 1994: 100.
283 Bullock 2010: 14.
284 Bullock 2010: 14.
285 Mernissi 1994: 99.
286 Bullock 2010: 14.
287 Mernissi 1994: 100.
288 Bullock 2010: 15.
289 Bullock 2010: 15.

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> While upper-and middle-class women threw away the veil, the newly migrant peasant women who came to Fez after independence would wear one to proclaim their "urbanity," to show that they belonged to the city and were no longer part of the countryside where the veil was never, throughout North Africa, worn by women. Even today, the highly political Islamic *hijab*, which is a distinct headdress, is an urban, middle-class, educated phenomenon in Morocco. Peasant and working-class women do not join in that fashion.[290]

Following on from this, I argue that Mernissi highlights the socio-cultural significance of wearing the veil by pointing to its function as a discriminatory practice between upper middle-class women and peasants in Morocco. In the same manner, in post-independence Tunisia, middle- and upper-class urban women refuse to wear the veil to resist traditional dress and express their modernization. Conversely, migrant women who come from rural areas to work in the city often wear the veil as a sign that they are urbanites, as the veil is not traditionally worn in many rural areas of Tunisia.

If we turn to the history of independence in Algeria, we could understand that Frantz Fanon gives a revolutionary meaning to the veil. He explains the cultural significance of the veil in his book *A Dying Colonialism* (1965). Fanon, a psychiatrist who deals with postcolonial studies, gives Algerian women's veil a revolutionary meaning. Algerian women wore the veil in colonial Algeria as a form of cultural resistance against French attempts to unveil Algerian women during the Algerian struggle for independence in 1950. Fanon argues:

> Removed and reassumed again and again, the veil has been manipulated, transformed into a technique of camouflage, into a means of struggle. The virtually taboo character assumed by the veil in the colonial situation disappeared almost entirely in the course of the liberating struggle. [291]

Indeed the veil was used in a variety of socio-cultural settings and was not always associated with religion. According to some interpretations, the veil does not necessarily represent oppression or backwardness, and is not meant to exclude women from the mainstream of public life and social interaction. In this context, Bullock criticizes Mernissi for failing to recognize the cultural and historical significance of the veil, and that different people have enacted Islam differently at different times and places. Bullock believes that Mernissi's explanation of the veil is reductive because she ignores the multiplicity of discourses that surround it.[292]

290 Mernissi 1994: 120 fn. 2.

291 Fanon 1965: 61.

292 Bullock 2010: 15.

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Presently, most Muslim migrant women living in Europe wear different types of veils to self-identify as Muslims. In addition to expressing religious tradition, wearing the hijab has been argued to be a manifestation of resistance to racism and Islamophobia, particularly in the context of French laicization.

> Within the secular French Republic, which constantly redefines its secularism in terms of a racial order of appearances, where it is not so much the manifestations of the religious as of Islam that are considered repugnant, the veil acts as a phobogenic object, cluttering the nation's ordinary field of vision. [translation mine] [293]

Despite the criticism directed at Mernissi, her work on the concept of the veil deserves attention. This has been proven by exploring her deconstructionist socio-historical and linguistic approach to provide an alternative interpretation of one of the verses about the veil in Islamic heritage. Nevertheless, her assumptions about the veil presented in her autobiographical novel (1994) could be critically questioned. On this basis, one could argue that veiled women are not always subject to male dominance, or that a woman wearing a veil is automatically subordinate to a man. In fact, the veil represents the right of choosing one's own dress, as its wearer does not impose it on other women by allowing intrusive religious discourse.

It is possible to interpret Mernissi's position on the veil differently: For example, one could argue that Mernissi does not condemn the veil as an Islamic religious garment, but she does condemn it when it is used to control women's social interactions in public spaces and when it is imposed by men. Here, Mernissi gives the concept of the veil a spatial connotation. In this context, Mernissi links the concept of the veil to the concept of the harem to specify spatial boundaries. In this line of thought Mernissi declares, "in the palace of the caliph she [woman] had her place—behind the *hijab* [the veil], in the harem—the 'forbidden space'".[294]

Nevertheless, it is not the fate of women to remain confined in harems behind the veil. In modern times, the socio-political and cultural situation of most Muslim societies has changed drastically. Since the independence of several Muslim countries, nationalist politics has promoted emancipation for women and has defended their rights—although the emancipation of women from patriarchal rule has not always been fully realized.

Socio-economic, and political challenges continue to impact the situation of women. Taking this into account, the section below explores Mernissi's examination of socio-political events that took place in Maghreb countries after independence. Indeed, she focuses on earlier events that followed the end of the Gulf War of

293 Benthouhami 2017: 272.

294 Mernissi 2002: 126.

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August 1990. She describes the protest of most Maghrebian women in February 3, 1991, against the first Iraq War (1990–1991). The protests of women are important, for Mernissi, because they have a noticeable effect on women's lives. Hence, the entrance of women into the public sphere and their decision to leave the male dominated boundaries by appealing to their opinion is a feminist uprising. However, the Gulf War had a detrimental effect on the socio-economic situation in the Maghreb, affecting women the most.

Following on from this, I would like to present Mernissi's empirical and socio-political investigation into Maghrebian women's demonstrations after the Gulf War. To do this, I apply a comparative method to examine the socio-political circumstances of the Maghrebian Revolution of 2011 and of the Gulf War of 1991. Indeed, in 2011, Maghrebian women demonstrated against dictatorship regimes and demand political and social rights. In this way, I explore the commitment of Mernissi's feminist thought which is relevant and vibrant for today's women's socio-economic and political struggles.

The situation of women in contemporary times: From freedom to social, economic, and political crisis

In *Islam and Democracy: Fear of the Modern World* (2002), Mernissi devotes several pages to the post-Gulf War political context.[295] By examining this political situation, Mernissi addresses the socio-political consequences of the appearance of Maghrebian women in the public sphere denouncing the first Iraq War (1990–1991) and calling for peace. Mernissi examines the socio-political and economic impact of this in Maghreb countries, focusing, particularly on Morocco. She notes:

> The most desperate outcry against the war was from women throughout the world, and especially from Arab women. A perhaps unnoticed detail, which nevertheless constitutes a historical breakthrough, is that during this conflict women, veiled or not, took the initiative in calling for peace—without waiting, as tradition demanded, for authorization from the political leaders, inevitably male. In Tunis, Rabat, and Algiers, women shouted out their fear louder than all the others; they were often the first to improvise sit-ins and marches, while the men could decide to do something only after drawn-out negotiations between various powers and minipowers. [296]

Mernissi describes this as illustrative of the solidarity felt between the veiled and unveiled women. As one can observe here, Mernissi changes her mind about veiled women, claiming that even veiled women are leaving the private sphere of men's

295 Mernissi 2002: 1–9; 14–15; 149–151.

296 Mernissi 2002: 2.

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control, and they participate in the protest alongside unveiled women. This means that women from traditional and modern backgrounds are standing side by side, united in their opposition to the war in Iraq and their rejection of male control. In fact, for Mernissi:

> What is certain is that women have decided to listen no longer to *khutaba* (sermons) they have not had a hand in writing. They are ready for takeoff. They have always known that the future rests on the abolition of boundaries, that the individual is born to be respected, that difference is enriching. [297]

Thus, Mernissi emphasizes that Maghrebian women, with their different cultures and ideologies (veiled or unveiled), are entitled to their individual rights, such as protest rights and the right to express their opinions. Therefore, women are emerging into the public sphere, leaving the confines, the spatial boundaries of the harem.

In *Beyond the Veil: Male-Female Dynamics in Modern Muslim Society* (2003), Mernissi provides a substantial definition explaining her notion of the division of the public and the domestic spaces. She declares:

> Strict space boundaries divide Muslim society into two sub-universes: the universe of men (the *umma*, the world of religion and power) and the universe of women, the domestic world of sexuality and the family. The spatial division according to sex reflects the division between those who hold authority and those who do not, those who hold spiritual powers and those who do not. The division is based on the physical separation of the *umma* (the public sphere) from the domestic universe. These two universes of social interaction are regulated by antithetical concepts of human relations, one based on community, the other on conflict.[298]

According to Mernissi, Muslim society is strictly divided "into two hierarchical spaces"[299], the public space and the domestic space. Hence, in "the public sphere" (by definition, "male spaces")[300]"only one sex manages politics and monopolizes decision making." [301] Boundaries separate these spaces to prevent intersex interaction. Moreover, Mernissi believes that men occupy both public and domestic spaces, but women occupy only the domestic one.[302] The purpose of this is to illustrate the unequal relationship between the two sexes, where men occupy two

297 Mernissi 2002: 152.
298 Mernissi 2003: 138
299 Mernissi 2002: 156.
300 Mernissi 2003: 138.
301 Mernissi 2002: 156.
302 Mernissi 2003: 138.

https://doi.org/10.14361/9783839465516-009 - am 14.02.2026, 03:44:20. https://www.inlibra.com/de/agb - Open Access -

spaces while women occupy only one. Additionally, Mernissi asserts that women are subordinated to men in the domestic sphere. In this regard, she states:

> The duty of the Muslim women is to obey… The separation of the two groups, the hierarchy that subordinates the one to the other, is expressed in institutions that discourage, and even prohibit, any communication between the sexes. [303]

My intention here is to identify Mernissi's concept of the division of the domestic and public spaces as an important aspect of her thought. For Mernissi, the domestic space is a place of subordination and segregation for women, which she must escape to be free of male dominance. I turn now to Mernissi's book, *Islam and Democracy: Fear of the Modern World* (2002), in which she describes the Maghrebian women's protests in 1991 and their effect on transforming both religion and politics levels.

On the religious level, according to Mernissi, the entry of women into the public space challenges the religious order which is manipulated by men. Hence, she argues that

> the imams, who have proclaimed for centuries that marital *ta'a* (obedience) is a duty, are fuming. Obeying the husband means obeying God. The word *ta'a*, which appears in contemporary civil codes, reproduces in the harem blind obedience to the caliph.[304]

Mernissi refers here to the religious-political monarchies, which have been installed in many Islamic countries and in which the imam (religious leader) rules. Mernissi uses this argument to show her opposition to religion interfering in politics, thus, showing her support for secular humanist ideas (see 2.1).

On the political level, women's obedience to their male counterparts has always been regarded as one of the key pillars that has legitimized the power of political rulers. Indeed, she affirms "if domestic *ta'a* is challenged by weak women, how can men be expected to lower their eyes in deference to the leader?."[305] In other words: If a woman does not obey her husband in the domestic sphere, the man will feel inclined not to a revolt against the political leadership. Conversely, women's withdrawal from the domestic sphere triggers men's revolt against their leaders. One could argue that Mernissi's feminist stance is not radical in this regard. To put it simply, men are not excluded from Mernissi's advocacy of women's rights. In her view, both men and women play a key role in changing society.

303 Mernissi 2003: 138.

304 Mernissi 2002: 152–153.

305 Mernissi 2002: 153.

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A as result, the regime seeks to oppress this male-female revolution. Therefore, religious-political authoritarian procedures will be employed to distract the citizens from revolt. Thus, Mernissi declares:

> A Muslim sovereign … has recourse to the traditional measures of destroying the stores of wine and placing a ban on women leaving their homes, and especially on their using the same means of transportation as men … Wine and women—here we have the Gordian knot of the crisis. *Tathir,* the ritual purification of the social body, requires the destruction of the first and the confinement of the second.[306]

In other words, both women and wine are considered as impurities. The public sphere, therefore, should only be accessible to men; women should be excluded. This confirms with the religious practice of cleanliness (*Tathir*), which is a tenet of Islam. *Tathir* refers to women's exclusion from public arenas. We can speculate about the humiliation women experience when they are branded impurities. The question that must be asked is the following: Which social strata of woman are repressed? To answer this question, Mernissi describes two types of women:

1. The first is a proletarian woman. As Mernissi describes her, she wears the traditional *djellaba* (see 2.2). She is worn out by long bus trips to and from work, and she is underpaid and without union protection.[307]
2. The second is a middle-class woman. As described by Mernissi, she has had access to education and valorizing salaried jobs. She enjoys and exercises all the visible privileges of modernity. She is bareheaded, with windblown hair, she drives a car, and she has identity papers and a passport in her own name in her handbag. This woman, from the height of her new academic *minbar* (mosque pulpit), preaches, writes, educates, and protests.[308]

Thus, Mernissi suggests that women who enjoy the benefits of modernity are the main targets of religious fundamentalists and political dictatorships.[309] In other words, a woman who can stand up for her legal, economic, and political rights. Mernissi, a woman who herself comes from the middle class and who has succeeded in establishing herself in the public sphere, would appear to support cultivated women through her writing in this way. This does not mean that Mernissi undervalues proletarian women. Mernissi is concerned about the empowerment of women in rural Morocco. Her work in civil society and in the NGO projects shows

306 Mernissi 2002: 154.
307 Mernissi 2002: 158.
308 Mernissi 2002: 158.
309 Mernissi 2002: 158.

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this (see: 2). Mernissi is also committed to protecting the rights of proletarian women, as exemplified by her interview with Mina, a proletarian working woman without the right to be insured (see: 2.2). What Mernissi seeks to emphasize in her presentation of proletarian women and the middle-class women is the importance of education. The role of education for Mernissi is crucial in emancipating women from illiteracy, and for preventing men's domination. Education and a university degree would enable women to succeed in all spheres of society, including the socio-economic sphere, the academic sphere, the political sphere, and—why not—in the religious sphere as well (see: 2.2). As Mernissi declares:

> For women of my generation higher education was regarded not as a luxury, but as a chance for survival and escape from the widespread contempt for women that characterized the traditional ordering of society a few decades ago.[310]

Hence, dictator leaderships will be frightened of educated women because their voices will be heard, and they will be a threat to them. Mernissi argues that "it was university women like those who surged into the streets in front of the presidential palace in Algiers to demand democracy"[311] who are the target of oppression by fundamentalist and dictator leadership.

In this line of thought, Mernissi refers to feminists who are persecuted by fundamentalists for voicing their demands in the Arab and non-Arab worlds. She names the Egyptian feminist Huda Sha'rawi, the Egyptian feminist Nawal el-Saadawi, and the Iranian sociologist Nayereh Tohidi.[312] In my opinion, el-Saadawi[313] is one of the most important feminist thinkers in the Arab world. In 1981, she was imprisoned for alleged crimes against the state under Anwar Saadat's rule. After the assassination of Saadat (see: 2.3), el-Saadawi was released. Her memoir, Memory of the Women's Prison (1994), chronicles her prison days. El-Saadawi wrote about women's emancipation. In her writings, she advocates women's rights and denounces male's dominance. Having been trained as a physician and psychiatrist, she is furious about the traditional ritual of female circumcision. In her view, this practice deprives women of their dignity and causes psychological damage to them. El-Saadawi sees that most Muslim male jurists determine the rights of women via a patriarchal interpretation of laws. As a result of her observation, she concludes that Islam specifically, and religion in general, are not *per se* oppressive against women, but they become

310 Mernissi 2002: 159.

311 Mernissi 2002: 158.

312 Mernissi 2002: 160.

313 For further insights into el-Saadawi's biography and intellectual work, see: Nawel el-Saadawi (2016): "Nawal El Saadawi and a History of Oppression: Brief Biographical Facts." In *Diary of a Child Called Souad* (pp. 153–158). London, United Kingdom: Palgrave Macmillan.

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oppressive when adapted to existing patriarchal social structures. During her lifetime, el-Saadawi was charged with blasphemy. Her progressive ideas about women's rights were criticized even by Arab feminists. Even after her death in March 2021, el-Saadawi's thoughts on women's emancipation remained the target of fundamentalists activist.

What was described here by Mernissi is the social-political protest led by many Maghrebian women against the first war of Iraq (1991). Mernissi interpreted this protest as an indication of women's emancipation from their private sphere and their emergence in the public sphere. This emancipation, however, did not last. Women were subjected to religious procedures that aimed to stifle their right to protest and to express their opinion. I turn now to Mernissi's exploration of one of the socio-economic effects of the Gulf War: the increase in unemployment rates.

Mernissi explores the issue of unemployment as socio-economic phenomena in two of her books; in her dissertation published in the USA in 1975 under the title *Beyond the Veil: Male-Female Dynamics in a Modern Muslim Society* (2003) and in her book *Islam and Democracy*: *Fear of the Modern World* (2002). I start by analyzing her stance on the unemployment rate in the latter book, in which she provides statistics on the rate of the unemployment in most of the Arab states during 1990. In this regard, she declares:

> Unemployment is the gravest threat to stability in the Arab states. One of its causes is the annual rate of population increase—one of the highest in the world, 3.9 percent. From 1985 to 1990, the Arab population increased from 188 million to 217 million … in just five years![314]

Mernissi relates the unemployment rate to the increase of the rate of population in the Arab world. She further argues:

> Women, as half this population, (108 million in 1990, almost equal to the population of France and western Germany combined)—most of whom are under twenty-five years of age—represent a large army of job seekers. [315]

To put it simply, unemployment primarily affects young women, who make up the majority of the population throughout the Arab world. Mernissi further explains

> When we talk about Arab women, therefore, we are not talking about mature, settled women; we are talking about *83 million job seekers* who will marry late because, like young men, they are concerned about their futures and want to get

314 Mernissi 2002: 164.

315 Mernissi 2002: 164.

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> an education first. Whereas early marriage used to be the rule, today the Arab world is seeing a spectacular delay in the age of marriage.[316]

Hence, the tradition of women marrying at younger ages has changed in modern times. This is an important social and cultural element which is emphasized by Mernissi. It is not the goal of most women in Arab countries to get married at a young age. Many women want to continue their university education as well as gain access to the job market. Indeed, having a job means being economically independent and establishing their own lives. However, women's access to university and demanding of jobs is a threat to most Arab regimes that are unable to satisfy the social and economic needs of their populations. Therefore, Mernissi asserts, Arab leaders will call for religious procedures to keep women from accessing the job market and to reduce unemployment rates. Most leaders will then impose veiling on women as a religious practice. Mernissi illustrates her investigation using Algeria as an example. She declares:

> The Algerian leader Shaykh Madani, who is a sociologist, knows the statistics well. By calling for the return to the *hijab*, the fundamentalists delegitimize the presence of women on the labor market. It is an extraordinary powerful political weapon.
> The *hijab* is manna from heaven for politicians facing crisis. It is not just a scrap of cloth; it is a division of labor. It sends women back to the kitchen. *Any Muslim state can reduce its level of unemployment by half just by appealing to the* shari'a, *in its meaning as despotic caliphal tradition.* [317]

Mernissi claims that calling for the hijab—the veil—is a religious procedure introduced by those in power to prevent women from entering public spaces and, consequently, to limit their prospects for employment. This argument may be relevant to 1990, when Mernissi conducted her socioeconomic empirical study. In the present time, both veiled and unveiled women are affected by high unemployment. Most veiled women have abandoned their domestic life and are looking for work. Nowadays, veiled women in most Islamic societies attend universities, and once they graduate, they go to employment offices to find work. In some cases, they have been successful in finding jobs and can be seen in higher positions such as those of teachers, professors, doctors, and politicians. Hence, the stereotype of veiled women as subordinate and traditional is superannuated today.

Within the scope of her book *Beyond the Veil: Male-Female Dynamics in a Modern Muslim Society* (2003), Mernissi not only analyses the socio-economic dimension of

316 Mernissi 2002: 165.
317 Mernissi 2002: 165.

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unemployment as it relates to women, but she also speculates about men, who are also at risk of unemployment. As explained earlier, the problem of unemployment in most Arab states becomes more apparent when women enter the labor market. Mernissi discusses the example of Algeria, which relies heavily on religious customs, such as requiring women to wear a veil and to stay home to keep jobs free for men and reduce unemployment in the country. Thus, this traditional pattern of governance was designed to deny women the right to work, and to give men greater employment opportunities. In this regard, Mernissi further cites the example of Morocco to illustrate how the Moroccan code of family law, Mudawana, based on a patriarchal interpretation of Islamic law, makes women dependent upon men and forces them to stay at home:

> This just what happened in Morocco. In 1956–57, at the dawn of independence, a commission of ten men selected from the leading religious authorities and the most prominent functionaries of the Ministry of Justice met and drafted a *Personal Status Code*, which after some discussion, was adopted and become law. Article 115 of that Code affirms "Every human being is responsible for providing for his needs (*nafaqqa*) through his own means, with the exception of wives, whose husbands provide for their needs." [318]

Thus, Mernissi bases her argument on a critical analysis of the Moroccan Personal Status Code, Mudawana, created after independence. The family law code continued to exist during her 1990 socio-economic investigation. The family code was subjected to reform in 2004. (This will be explained below.) In this matter, what we need to understand is that Article 115 of the Moroccan code of family law is intended to ensure the economic subordination of women to men. Mernissi contends that this law contradicts the social realities in Morocco. The image portrayed of men who can provide for their own needs as well as the needs of their families does not correspond to the living conditions of most families. Mernissi notes: "In Morocco, racked by class divisions and constant inflation, the man in the street spends considerable time discussing virtually insoluble economic problems".[319] In fact, most men fail to find full-time jobs, and most women are forced to look for wage-labor outside the domestic sphere.[320] Based on these socio-economic facts, one can understand that women's work becomes a necessity not only because they want to secure their economic independence, but also because they want to help their husbands. Consequently, as Mernissi claims, these development challenge the traditional cultural system upheld

318 Mernissi 2003: 148.

319 Mernissi 2003: 148.

320 Mernissi 2003: 148.

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by men who are economically dominant and women who consume their husbands' fortunes.[321]

As a follow-up to Mernissi's investigation, one could add that wives are not the only ones who support their husbands, but female daughters do the same for their parents. In modern Tunisia, illiterate females from the very lowest classes work as maids or in textile factories to support their families. Many of them come from rural regions of Tunisia and are working as child labor without any legal or social protection. In this line of thought, as was examined in 2.2 above, Mernissi highlights the condition of women workers in Morocco. In this context, she argues:

> What is new, and laden with consequences, is not the mere fact of women working (Moroccan women of the poor classes have always worked), but the fact that they are working in positions in which they are paid wages. In traditional Moroccan society only women of the plutocracy were inactive and led lives of leisure. The others worked hard, often without any remuneration whatever, in domestic services and also in economic sectors like crafts and agriculture. [322]

Access to the job market is an important step for women in their search for economic and social independence. Nevertheless, the employment of women is often plagued by negative elements. This is due to the way the employers exploit them. Mernissi describes the situation of proletarian women workers who are exploited economically in Moroccan society. Women who work in the labor sector are particularly affected by this situation. Chapter 2.2 of this study discussed women's illiteracy as a major obstacle in their struggle for economic and social rights. They have no idea about human rights treaties protecting their rights as workers. Mernissi argues once more that the privilege of education is a fundamental human right. Through education, individuals learn about their rights. In this respect, Mernissi's project engages in empirical research in order to draw attention to the lack of social and economic rights in Morocco. In what follows, I use recent statistics on female unemployment to place Mernissi's study of women's work in Morocco, completed in 1990, in the context of the current socio-economic situation in the Maghreb.

Current statistics show that in the third quarter of 2021, Tunisia's female unemployment rate was 24.1%, exceeding that of men by about 8%. Women's unemployment remained higher than that of men between 2017 and 2021, reaching 25 percent in the second quarter of 2020. As a result of the COVID-19 outbreak, the Tunisian labor market saw an increase in unemployment in that period. Similarly, Morocco has a higher rate of unemployment among women than among men. Women in Morocco are unemployed at 16.2%, while men are unemployed at 10.7% in 2020. Women

321 Mernissi 2003: 148.

322 Mernissi 2003: 152.

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in the southern regions were experiencing the highest rates of unemployment, at 48%. Likewise, in 2019, the female and male unemployment rates in Algeria corresponded to approximately 20% and 9% percent, respectively. The unemployment rate for women has been significantly higher than that of men since 2010 and peaked at 20.7% in 2017.[323]

Thus, Mernissi's study of unemployment among women, dating back to 1990, remains topical in present-day Maghreb. Women in Maghrebian countries face a higher unemployment rate than men, based on current statistics. The high unemployment rate of women in the Maghreb region is caused by several factors: few workplaces, gender-blind economic policy, educational outcomes that do not match market demands, social and cultural constraints as well as, regulatory and policy issues.[324]

The empowerment of women is one of my suggestion for combating unemployment among women. There is no doubt that the approach of women's empowerment is an important one, as it advocates for the socio-economic and political rights of women and prevents them from being socially and economically exploited. In this regard, I would like to emphasize the approach to women's empowerment known as "Gender and Development" (GAD) by the United Nations (UN). The GAD project is influenced by the writings of postcolonial and cultural studies, which aim to defend the rights of women in the Global South. The aim of GAD is to ensure the social, economic, and political rights of subordinated and marginalized women by highlighting the necessity for changing their role in society, and to liberate women by deconstructing and understanding the patriarchal dominance that continues to affect them.[325] In fact, five strategies will be used to accomplish the empowerment of women: The first strategy, "well-being", is to satisfy the vital and essential needs of women. Second, women must have access to the fundamental institutions and structures of society. Third, "consciousness-raising" means that women should be aware that they can participate in various projects concerning their society, in the manner that "their sex is not a fatality and does not condemn them to servitude nor does it confine them to certain tasks rather than others" [translation mine].[326] Fourth is "mobilization" meaning that women should be able to make decisions in development projects. Five, "control" refers to the access of women to political decision making.[327]

Accordingly, the improvement of women's socio-economic conditions could not be achieved without a radical change in the political power system. The demonstra-

323 https://de.statista.com.

324 United Nations: Social Policy Brief 8: 2016.

325 Mestiri 2016: 109.

326 Mestiri 2016: 109.

327 Mestiri 2016: 110.

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tions of Maghrebian women of 1991, seen by Mernissi as women's uprisings for their rights, continue up to the present. The lack of political, social, and economic rights described by Mernissi (also see 2.2) could be considered as one of the major manifestations of the corrupt regimes that controlled much of the Arab World and the Maghreb. As a result, in 2011, a revolt began to change the system of power. In most of the Arab world, oppressed individuals reacted against poverty, discrimination, and despotism. In fact, some corrupt regimes ended. Other political systems chose to undertake political, economic, and social reforms. In other cases, the revolts and demands for rights have turned into anarchism and absurd fundamentalism. I demonstrate in the following how Mernissi's 1990 study is still relevant today to show that social, political, and economic rights remained the most cherished rights of citizens during the 2011 revolutions in Maghreb countries.

In Morocco, a group of young Moroccans calling themselves the "February 20 Movement" (F20) recognized that the regime's democratization process remains stalled. Their demand for the democratization of their regime triggered the first wave of protests in early 2011. Several calls for demonstration were launched on social networks, the first on January 30. These calls were renewed on February 20, 2011, under the name "Dignity Day". [328]The demands of the F20 were freedom, equality, real democracy, social justice and dignity, issues that are linked to an international human rights discourse.[329] The claims expressed by the protest were an unprecedented blend of social, economic and political demands : The establishment of an elected Constituent Assembly, entrusted with the drafting of a new constitution to be submitted to a popular vote in a referendum; the recognition of Tamazight as an official language; the abandonment any repression against peaceful demonstration; the immediate integration of unemployed graduates into public service; the protection of citizens' purchasing power by limiting the cost of living, raising the minimum wage and improving working conditions; free access to social services for all citizens; the punishment of all those responsible for crimes against the people; and the punishment of all those responsible for plundering the country's wealth.[330] The socio-political protest in Morocco was not only sustained by young people, but also by political parties from different backgrounds, such as Parti social iste unifié, parti de gauche, Annahj Addimocrati, parti de la gauche radicale, Al Adl Wal Ihsane, mouvement islamiste, Ila Al Amame, mouvement marxiste, and Mou vement amazighe. It was also supported by several political associations. The most important of these are : La Ligue marocaine pour la défense des droits de l'homme, l'Association marocaine des droits humains, le Forum marocain pour la vérité et la justice, l'Association démocratique des femmes du Maroc, l'Association marocaine

328 Desures 2013: 410–411 ; Bennani-Chraïbi and Jeghllaly 2014: 3 ; Hamblin 2015: 186–190.

329 Brouwer and Bartels 2014: 16.

330 Radi 2017: 39.

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des femmes progressistes, l'Association marocaine pour la citoyenneté et les droits de l'homme, and Organisation pour la liberté d'information et d'expression.[331]

In Algeria, the protest took the form of social demonstrations. They began on January 3, 2011, and were directed against the rising prices of certain basic foodstuffs. The manifestations were transformed into a political movement through the coordination of opposition parties and civil society representatives, as well as unofficial associations such as the "Rassemblement pour la Culture et la Démocratie (RCD)" and the "Coordination nationale pour le changement et la démocratie (CNCD)."[332] These political civil society organizations attempted to organize a demonstration in Algiers despite a ban by the political authorities. Several thousand demonstrators gathered in Algiers on February 12, 2011, to demonstrate against Algerian power.[333] This political movement in Algeria did not bring about a change in the political system. Currently, as well as in 2019 and 2021, demonstrations are taking place in Algeria one after another in different regions of the country, as well as in the diaspora. The protests started in 2019 and are called the Hirak movement. They were a popular movement which began following the announcement of the candidacy of President Bouteflika (he was the president of Algeria 1999–2019) for a fifth term, and led to his resignation. The protests were about reforming the political system. Protesters demanded democracy, civil liberties, and the rule of law.[334] The active role of women in the protests was remarkable. Women founded the feminist collective "Femmes algériennes pour un changement vers l'égalité" on March 16, 2019, in order to strengthen the political role of women in the protests.[335]

In Tunisia, the rule of one-party state dictatorship has continued for fifty-five years. Democracy and the modern political instruments of freedom of thought, press and expression have been completely absent for decades. On December 17, 2010, the first wave of protests was set off against the political regime of Ben Ali. The protests started in Sidi Bouzid after the self-immolation of Mohammed Bouazizi. This was an intense civil resistance that lasted 28 days. The protests were sparked by high unemployment rates, corruption, lack of political freedoms, and poor living conditions. ", "*Shughl, hurriyya, karama wataniyya* (Work, freedom, national dignity) [شغل,حرية,كرامة وطنية] was one of the most repeated slogans during the early stage of the protests. The notion of dignity (كرامة]] karama) was central in the narratives of the protests, which denounced the economic and political humiliation that Tunisians experienced on a daily level under the authoritarian regime."[336] The

331 Brouwer and Bartels 2014: 16.
332 Chena 2011: 106.
333 Volpi 2013: 107–109.
334 Volpi 2020: 153–154.
335 Djelloul 2020: 86.
336 Zeghal 2013: 7.

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protests reached the capital, Tunis, on Dec. 27, where a thousand citizens expressed solidarity with the residents of Sidi Bouzid and demanded jobs. As a reaction to these massive protests, Ben Ali announced that he would not change the constitution, a move which would have allowed him to stay in power until 2014. Zemni (2013) notes that Bouazizi's self-immolation "was not so much the starting point of the Tunisian revolution but rather the rallying point for different types and forms of protest to converge into a national uprising".[337] He explains that activists from the labor movement, as well as "well-educated but unemployed youth, and some of the urban poor" contributed to the January 2011 revolution, alongside "a large proportion of civil servants, members of professional associations (lawyers, engineers, etc.), and sectors of the economic elite".[338] On January 14, 2011, Ben Ali resigned and dissolved his government and declared a state of emergency. On the same day, he fled the country to Saudi Arabia. Thus, "the revolution in Tunisia is presented as the result of an emptiness of the human, misery, despoliation, distress, resistance taken to its limit, to nihilism, to the immolation of Bouazizi" [translation mine].[339] The Tunisian protest turned into revolution. The regime of Ben Ali fell, and he left the country. "The period of mass protests that started on December 17, 2010—the day of the self-immolation of Mohamed Bouazizi—and ended on January 14, 2011—the departure of President Ben Ali from the country—was called a *thawra* [ثورة] by Tunisians, which can be translated by 'uprising,' 'revolt,' or 'revolution.'[340]

Thus, Mernissi's thought is relevant for contemporary men's and women's struggles for their rights in the Maghreb region and the Arab world in general. The example of the Maghrebian protests/revolutions (2011) outlined here is an ultimate justification to affirm this. Mernissi refers to the UDHR in her writing of 1990 in which she considers it as the core principle of human rights still applicable today in Morocco, where protesters assert their rights based on the international human rights declaration. In addition, women's rights issues occupied a prominent place during and after the protests in Morocco, and they were the main contention.[341] Similarly, Mernissi's 1990 study that highlighted the importance of women's participation in the demonstration continues to be relevant for the 2011 Maghrebian demonstration in which Algerian women of different ideologies mobilized themselves and demanded their rights. Therefore "the Hirak of February 22, 2019 was an opportunity for Algerian women to reclaim the public space from which they had been excluded for decades".[342] Last but certainly not least, one can argue that the intellectual en-

337 Zemni 2013: 128.
338 Zemni 2013: 128.
339 Ben Said-Cherni 2016: 19.
340 Zeghal 2013: fn. 1.
341 Sadiqi 2016: 16.
342 Rouibah 2021: 585.

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gagement of Mernissi is relevant to understand the current revolutions that took place in most parts of the Arab world—the Maghreb—to liberate people from oppression and despotism.

Nonetheless, as discussed above, Mernissi uses Morocco as an example to illustrate how Islamic law is still used to exclude women from public life after independence. This is not the case for all Muslim countries.[343] As a counterexample, I would like to emphasize Tunisia, as a Maghrebian country. Indeed, Tunisia was among the rare Muslim countries after colonization that promoted the social and political rights of women within the reform of the Islamic family law in 1956, as well as the implementation of the code of nationality in 1993.

Postcolonial Tunisia promulgated the Personal Status Code (CPS), giving Tunisian women their social and political rights. By enacting the CPS, polygamy was abolished, and traditional divorce rules were drastically altered, since husbands could no longer repudiate their wives verbally and without granting them their legal rights. Thus, the CPS allowed women to file for a divorce by judicial procedure, by which the divorce become a judicial affair and rights of alimony and child custody accrued to women. In addition, the promulgation of the CPS prohibited parents from forcing their daughters to marry against their will. A major social right accorded by the CPS was the right to education, which was granted equally to men and women.[344] As political rights, the CPS "gave Tunisian women the right to vote, and it is considered as one of the most liberal codes in the Arab World, particularly in terms of women's rights".[345] In 1993, Tunisian women were granted the right to pass on their nationality to their children. Indeed, "the Code of Nationality was amended in 1993 to allow mothers more rights to transfer their citizenship to their children".[346]

Tunisia was known in the Arab region as the most promising country for woman rights after the promulgation of the CPS in 1956. The CPS has provided important rights to Tunisian women, especially compared to other Arab Muslim countries. In Tunisia, however, some legal rules are still maintained by patriarchal domination, for example, regarding the transfer of citizenship from the mother to her children, which, despite its confirmation in 1993, is still not required by law, as just outlined. Also at issue are: conditions of marriage, guardianship, conjugal duties, relationship with children, pension, their last name, and the law of inheritance.[347] Moreover, the Tunisian woman remains vulnerable to several insecurities. For example, Tunisian women are subjected to physical and psychological violence in domestic and public

343 Hatem 1987: 816.
344 Charrad 2007: 1519.
345 Jules 2017: 373.
346 Moghadam 2005: 297.
347 Tunisia: Pact for Equality, Individual Freedom: 2018.

https://doi.org/10.14361/9783839465516-009 - am 14.02.2026, 03:44:20. https://www.inlibra.com/de/agb - Open Access -

spheres. Furthermore, in many cases, the rights guaranteed by the CPS to Tunisian women are not enforced by law.

In this line of thought, since the code of family law remains based on religious law, it might be an important idea to rewrite it from the perspective of Islamic feminism. Thus, the participation of women scholars in reinterpreting religious texts is crucial to ensuring Tunisian women more legal rights. The approach to Islamic feminism is not very well developed in Tunisia, since the reformulation of the family law code was programmed by a nationalist feminist state project, which came after independence to suppress all forms of religious traditionalism.

One shall explain that the first approach to feminism in Tunisia was led by a man who contributed to the liberation process and won Tunisian independence in 1956. In Tunisia, Habib Bourguiba (the first president of Tunisia 1957–1987) was the first nationalist leader to assert women's rights. There is no doubt that Taher Haddad's emancipatory project for women inspired Bourguiba. Haddad was first and foremost a Tunisian pioneer of the women's movement. In his book *Muslim Women in Law and Society* (1930–2007), Haddad argued for more rights for women, arguing that the patriarchal interpretation of Islam hindered them.

According to the nationalist feminist project, women were encouraged to participate in the public sphere, i.e., national and social life. Therefore the institutions of the newly state met the needs of most citizens. Women and men could participate in the construction and conduct of a modern state and society. However, at that time, no theory of equality within the family existed. Thus, equal rights between men and women were not envisioned in two areas: the religious segment of the public space—that is, religious professions and religious ceremonies, in which women could not participate—and the private sphere of the family, which was governed by religion, so that the interpretation of family law was still subject to misogynist interpretations.[348]

Islamic feminism is often viewed as a traditionalist approach that devalues the secular rights granted to Tunisian women after independence. Indeed, the lack of intellectual engagement in interpreting Tunisian family law from an Islamic feminist perspective negatively impacts the achievement of Tunisian women's rights. In this sense, the drafting of the controversial Article 28 of the new 2014 constitution was the first political sign that there was an intensified need of a renewed interpretation of Islamic legacy to acquire more legal rights for women. The article challenges the privileges guaranteed to Tunisian women in the 1956 CPS. It "states that women are 'complementary' to men."[349] Based on religious tradition, the article asserts that in Islam, women cannot be equal to men; rather, women must complete men. Therefore women do not play an essential role in Tunisian society. A woman is viewed as an

348 Badran 2010a: 27–28.

349 Grami 2016 : 309.

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object by a man; she is not treated as an autonomous subject. Grami argued that the concept of complementarity was interpreted in a conservative manner in order to achieve an "authentic" patriarchal culture.[350] Large demonstrations were promptly organized, with up to 6,000 women participating, in the capital Tunis on August 13, 2012, Tunisian Women's Day, protesting this article.[351] In this sense, women can demonstrate against the politics of their countries. Some of the women who participated in the 2012 demonstration belong to civil organizations. To mention a few of the organizations involved the demonstrations : The Democratic Women's Association, La Ligue Tunisienne des Droits de l'Homme and L'Association des Femmes Tunisiennes pour la Recherche sur le Développement.

In contrast to Tunisia, which fails to promote women's rights based on a feminist interpretation of the Islamic legacy and in which we are witness to the consequences of that failure, I want to explore the example of Morocco. In 2004, Moroccan feminist activists operating under the influence of Islamic feminism actively participated in the reformation of the Moroccan family code of 1957, which was described by Mernissi as the main source of the subordination of Moroccan women. Hence, the Moroccan code of family law (Mudawana) was successfully reformulated in 2004. The first code of personal status (Mudawana), instituted in 1957 in Morocco, was based on religious law to make it "sacred", and not subject to public debate. This law establishes women as minors and distances them from the public.[352] In fact, the Moroccan feminist movement was confronted by a serious challenge: the powerful Islamist movement. As a result, they pushed female politicians to advocate for women's rights from a religious standpoint. The main strategy used was a call for a more flexible rereading of the religious corpuses.[353] In other words, Moroccan feminist activists realized that reforming the family law, which is based on Islamic law, required reinterpreting the religious texts to claim their rights. That is considered a challenge to the ideologies of Islamists who used the religion as a justification to exclude women from public life and to deny their rights. One might affirm that the egalitarian philosophy of gender justice espoused by Mernissi enabled feminist activists to make gender issues a national issue for the first time in Morocco's history.

Mernissi discusses the modern socio-economic and legal rights of most women in the Maghreb. According to her, the Iraq War of 1991 sparked a female uprising, with women demanding the right to voice their opinions and to be seen in the public sphere. The majority of women have access to education and the labor market in the modern era. Unemployment remains a significant challenge for women and

350 Grami 2016 : 309.

351 Charrad and Zarrugh 2015 : 106; Grami 2016 : 309.

352 Sadiqi and Ennaji 2006: 20.

353 Sadiqi and Ennaji 2006: 21.

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men. Most government policies have failed to solve the problem. They used traditional religious prescriptions to exclude women from social and economic life. The uprising of 2011 served as a testament to the relevance of Mernissi's investigation. The 2011 uprising highlights that most women in the Maghreb still face socio-economic difficulties, especially when it comes to legal rights and economic issues.

The reception of Mernissi's thought: secular and Islamic feminist approaches

Mernissi's thought was characterized by two approaches: "reconstructionist" (or "revolutionary") for her secularist approach, and "reformist" for her Islamic feminist approach.[354] In the following, I begin by examining the criticism against Mernissi's secularist approach to show how scholars such as Katherine Bullock (2010) and Lamia Zayzafoon (2005) understand Mernissi's views on gender relation in Islam.

Mernissi's secular feminist approach

Mernissi argues in her dissertation (1975) published under the title *Beyond the Veil: Male-Female Dynamics in Modern Muslim Society* (2003):

> Sexual equality violates Islam's premise, actualized in its laws, that heterosexual love is dangerous to Allah's order. Muslim marriage is based on male dominance. The desegregation of sexes violates Islam's ideology on women's position in the social order: that women should be under the authority of fathers, brothers, or husbands. Since women are considered by Allah to be a destructive element, they are to be spatially confined and excluded from matters other than those of the family. Female access to non-domestic space is put under the control of males.[355]

Bullock interpreted this stance as follows:

> [Mernissi concludes] that Islam views women's sexuality as dangerous, therefore needing to be controlled. She further argues that Islam views 'femaleness' as antidivine, or sullying, and that Islam is against heterosexual love between husband and wife. Women threaten men's relationship to God, so must be covered, secluded and excluded from the Muslim community.[356]

One could argue that Mernissi desires to criticize the "official Islam" [357] to contest its religious authority. This is ignored by Bullock. As a counterexample, Bullock em-

354 Rhouni 2010: 5.
355 Mernissi 2003: 19.
356 Bullock 2010: 16.
357 Mernissi 2003: 82.

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phasizes Islamic sources, the Qur'an and the Tradition, to show that Islam does not assert inequality between the sexes. Bullock affirms that Islam has a sexually positive outlook; all appetites harden the heart, only sexual desires soften it. She further argues that there is nothing in the Qur'an about women as dangerous sexual beings.[358] There is the notion that men and women are fundamentally alike, being created of a single soul, and being both recipients of the divine breath, and therefore the Qur'an is replete with verses stressing mutual material love and harmony, for instance in chapter 30, verse 21 of the Qur'an.[359] That verse asserts:

> Another of His signs is that He created spouses from among yourselves for you to live with in tranquility: He ordained love and kindness between you. There truly are signs in this for those who reflect. [360]

Along the same lines of thinking, Zayzafoon addresses a major criticism of Mernissi's secularist writings. Zayzafoon accuses Mernissi of promoting an orientalist notion of an Islamic culture that is homogeneous and unifying, dismissing the heterogeneity and diversity of Islamic cultures.[361] According to Zayzafoon, Mernissi neglects the cultural heterogeneity of the Maghreb region in relation to the Moroccan Berber-speaking population.[362] In the last chapter of this study, I discuss Mernissi's rejection of the notion of a homogeneous and unifying Islamic culture to show that she is aware of the different ethnicities that exist in the Arab and Islamic societies, referring to her novel *Scheherazade Goes West* (2001).

Furthermore, Zayzafoon argues, along with Bullock, that "Mernissi's claim that the entire Muslim order condemns love between a man and a woman, and a husband and his wife, presupposes a homogenous misogynistic Islamic tradition with no internal antagonistic or contradictory elements."[363]

In order to respond to Bullock and Zayzafoon's claim, I argue that Mernissi presents this thesis in her book *Beyond the Veil* (1975–2003), while in *The Veil and the Male Elite* (1987–1991), Mernissi offers an antithetical thesis, presenting the prophet as a lover who sought his wives' advice in all matters (see 2). As well, Mernissi published a book in 1986 entitled *L'Amour dans les pays musulmans* (Love in Muslim countries), "in which she precisely argues that love is central to Islam, but is one of its repressed or forgotten aspects."[364]

358 Bullock 2010: 16.
359 Bullock 2010: 16.
360 The Qur'ān, Chapter 30, The Byzantines; Verse 21.
361 Zayzafoon 2005: 2.
362 Zayzafoon 2005: 22.
363 Zayzafoon 2005: 24.
364 Rhouni 2010: 3.

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Bullock and Zayzafoon, thus, focus on Mernissi's writings from 1975, which are written from a secular perspective. They see Mernissi as conforming to orientalist views of women in Islam. Their reception of Mernissi's work is incomplete because they fail to consider her Islamic feminist framework. Thus, I would like to cite the reception of Mernissi's Islamic feminist approach as an example of her anti-orientalist and, thus, reformist treatment of women in Islam.

Mernissi's Islamic feminist approach

By focusing on Mernissi's book, *The Veil and the Male Elite* (1987–1991), Barlow and Shahram present Mernissi as a moderate feminist thinker. They argue: "The impact of Islamic revivalism on Mernissi's feminism is manifest in *The Veil and the Male Elite*. In the preface to this book Mernissi is confident that "Muslim women can walk into the modern world with pride, knowing that the quest for … human rights … stems from no imported Western values, but is a true part of the Muslim tradition."[365]

In this respect, *Le Harem politique: le Prophète et les femmes*, first published in 1987, and mostly known as *The Veil and the Male Elite: a Feminist Interpretation of Women's Rights in Islam* (1991) has been considered as one of the first works which displays a new way of doing feminism, in which Mernissi breaks with her earlier secularist position. In this book, she focuses on the interpretation of the Islamic foundational texts, the Qur'an and Tradition. She does not denounce their legacy, but she introduces interesting conversations with these established texts of Islam.[366] Raja Rhouni explores the methods used by Mernissi to reinterpret those texts from the perspective of an Islamic feminist approach.

She argues that "By considering the political, social and psychological context of production of those verses, Mernissi's hermeneutics moves beyond the methodology of classical exegesis, or *Tafsir*, called *asbab al-nuzul*, "occasions of the revelation," which is a tool limited to the consideration of the immediate events which aroused the revelation of a particular verse".[367] Despite this claim, one could affirm that Mernissi does not totally reject the historical analysis of the '*asbab al-nuzul*'. In this sense, Rhouni clarifies that Mernissi's work can also be seen as building on this tradition since *asbab al-nuzul* is a historical tool of analysis, but this method does not include an analysis of the broader historical and social environment and their psychological dimension.[368] In this regard, Mernissi's reading of the established text of Islam is crucial in the way that she alternates between the traditional method of historical as well as sociopolitical analysis and a psychological assessment, as pointed

365 Barlow and Shahram 2006: 1486
366 Rhouni 2008: 105–106
367 Rhouni 2008: 106
368 Rhouni 2008: 106–107.

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out in section 4 above, where I introduced her interpretation of the verse of the veil, including a linguistic analysis of the word 'veil' as well.

Another interesting method used by Mernissi to rethink the established text of Islam, as pointed out by Rhouni, is the method of verification. This method aims to prove the untruthfulness regarding the interpretations of the Tradition, which has been distorted by misogynist ideology.[369] As outlined earlier, Mernissi engages in a critique of the Tradition, which has been attributed to the prophet, concerning women' incapacity s to become political leaders (see 2). The method of the verification asks new questions, such as when the transmitter remembered this statement, and most importantly, in which political circumstances this act of remembrance occurred. In this context, Rhouni argues that Mernissi challenges the traditional methodology of reference, *isnad*, concerned with authenticating statements attributed to the prophet, by verifying the reliability of their transmitters.[370]

In a continuation of Rhouni's analysis of Mernissi's approach to reinterpreting religious texts, I discuss other Islamic feminist scholars who help developing Islamic feminism. The intent is to assert that Mernissi puts forth these methods in her intellectual Islamic feminist project. She thereby engages in Islamic feminism by combining different approaches of thinking.

a) The first method is the interpretation or explanation (*tafsir*) of the Qur'an.

Among other Islamic feminist thinkers interested in the interpretation of the Qur'ān, I introduce Amina Wadud, one of the most important figures of Islamic feminism today. Wadud is an Afro-American Islamic feminist. She converted to Islam in 1970. Wadud believes in the equality of men and women. She argues that the Qur'an contains many verses on women's rights. Nevertheless, the problem lies in the fact that the interpretation of the Qur'an is distorted by the ultraorthodox. As a result, Wadud calls for an "anti-sexist" interpretation of the Qur'an, meaning that Muslim women should contribute to the interpretation of the Qur'an. For Wadud, the veil should be regarded as a choice of clothing rather than as a sign of oppression. Furthermore, she argues that Islamic feminism is concerned with gender justice through the involvement of men in the gender discourse, and not their elimination from it. [371] Pakistani theologian Riffat Hassan is yet another feminist who contributes to the reinterpretation of the Qur'anic text. Hassan argues that the Qur'an text is the Magna Carta of human rights. She argues that the Qur'an upholds several general human rights, such as the rights to life, respect, justice, freedom, knowledge, sustenance, work, and privacy. She maintains that these rights are also

369 Rhouni 2008: 106–107.

370 Rhouni 2008: 106–107.

371 Wadud 1990.

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applicable to Muslim women. Throughout her work, Hassan makes references to verses of the Qur'an that serve as principle references to defend her position.[372]

b) The second method focuses on reexamining the Tradition.

Azizah Al-Hibri, a Lebanese philosopher and legal scholar, is famous for reexamining Islamic law to promote women's rights.[373] The interpretation of the texts of Islam—the Qur'ān and the Tradition—is so controversial among Islamic feminist scholars as it concerns the background on which they ground their reasoning about Islamic sources. In this respect, I would like to clarify the connection between Islamic feminism and Islamist movements.

Islamic feminism is interconnected with the notion of Islam, which remains widely misunderstood and misused. Within the framework of political Islam, some Muslim feminist scholars advocate the establishment of an Islamic state. Other Muslim feminists advocate the idea of an Islamic society or community within a secular state. Still others, and this is more a phenomenon of late Islamism (1990s), act politically to gain the freedom to express their religious identity in public. Others promote "progressive Islamism," which calls for the rereading and interpretation of Islamic texts for the daily life of all Muslims.[374] Thus, the term "Islamic," which is connected to the approach of Islamic feminism, covers a wide range of meanings, from radical Islamism to the progressive Islam. With her intellectual project, Mernissi promotes an Islamic moral vision within a secular state by arguing for a renewed reinterpretation of the Islamic heritage (see 2.1).

In this regard, in her book, *The forgotten Queens of Islam* (1993), she differentiates between political Islam and spiritual Islam. According to her, political Islam means the use of Islam for political ends. By contrast, spiritual Islam expresses the relationship between human beings and God, instead of being used for political purposes. Islamic spirituality conveys the essential message (*Risala*) of Islam. In this context, she states:

> In order to avoid any misunderstanding or confusion, let me say that in this book every time I speak of Islam without any other qualification, I am referring to political Islam, to Islam as the practice of power, to the acts of people animated by passions and motivated by interest, which is different from *Islam Risala*, the divine message, the ideal recorded in the Koran, the holy book. When I speak of the latter, I will identify it as *Islam Risala* or spiritual Islam.[375]

372 Riffat 1996: 361–386.
373 Badran 2009: 247.
374 Badran 2001: 48.
375 Mernissi 1993: 5.

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Contrary to Mernissi's approach to Islam, Cooke (1999) introduces the Egyptian Islamic feminist scholar Zayneb Al-Ghazali who presents herself as an Islamic feminist. Al-Ghazali is "adamant that the duty of the Muslim woman is to be a wife and mother first, and … when she has satisfactorily fulfilled these duties, can she contemplate other activities."[376] Accordingly, Al-Ghazali views the first duty of a woman as fulfilling her family responsibilities. For Al-Ghazali, a woman's access to the public sphere and to work is not a necessary requirement to fulfil this duty. Al-Ghazali's claim can conform with patriarchal and traditional views of women. Alternatively, as explained earlier, Mernissi believes that the right to work in the public sphere is a prerequisite for a woman's emancipation (see 2.2, and 2.4 section 4).

c) The third method explores the history of Muslim women who were actively involved in the political and social lives of Islam.[377]

Algerian novelist, poet, and filmmaker Assia Djebar[378] commences her novel entitled *Loin de Medine: Filles d'Ismael* (1991), with a historical account of the death of the Prophet in Medina. As illustrated in the novel, there were many fascinating women in Medina, including Fatima, the daughter of the prophet, who is described as a new Antigone of the Islamic tradition, because she expressed her political opinion against Abu Bakr's succession to her father the prophet Muhammed. At the other extreme, Aisha, the widow of Muhammad, the most revered and the youngest, settles gradually into her role of telling the Tradition of the prophet. For Sunni Muslims, she is a trusted source of the Hadith. In addition, Djebar uncovers the history of migrant women from Mecca, the freedwomen, the wanderers, a whole chorus of anonymous people recounting the chain of "sayings" of the disappeared prophet. In particular, Djebar rehabilitates Aisha and Fatima, demonstrating how their voices are indispensable to better understanding the Tradition of the prophet. With the strength and breadth of a prose epic of Arabic inspiration, this novel by Djebar gives back to women the freedom of the body and their voice.[379] Alike Djebar, Mernissi used the paradigm of revealing the history of Muslim women who played a crucial role in the history of Islam. She cites the youngest wife of the prophet, Aisha, as an intellectual figure reporting the Hadith (see 2.4). In this way, Djebar and Mernissi uncover an emancipatory image of women in Islamic history that contrasts with the subjugated image of women in most of the modern Muslim world used to control women. In her pursuit of gender justice within Islam, Mernissi is combining the three methods of the Islamic feminist approach mentioned above.

376 Cooke 1999: 102.
377 Cooke 1999: 97.
378 Tlemçani 2016: 236.
379 Djebar 1991.

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In summary, Mernissi employs transdisciplinary methods to examine women's rights within an Islamic feminist framework. These transdisciplinary methods include historical inquiry, socio-political analysis, and linguistic analysis, as well as empirical research. In addition, Mernissi expresses interest in applying pioneering methods to interpret Islamic corpora as an opportunity to renew the Islamic heritage. By addressing the issue of women's rights in Islam, Mernissi also combines insights generated by secular and Islamic feminism. In what follows, I present my interpretation of Mernissi's thought and show that in addition to her secular and Islamic feminist approaches, Mernissi also takes a transcultural stance in defending women's rights.

2.5 The relevance of Mernissi's feminist thought for a transcultural approach to feminism

One of the approaches that is gradually appearing in philosophical books and articles is the transcultural approach. As the name suggests, transculturality refers to the exchange and dialogue between different cultures. In other words, transculturality goes beyond a singular, isolated, and autonomous notion of what a culture is and refers to pluralistic cultural entities. One could argue that postcolonial thinking paves the way for the development of a transcultural approach to thinking. Postcolonial thought challenges homogeneous notions of identity, the simplified representation of foreign cultures, and Eurocentric universalism. Thus, postcolonial thinking advocates the use of pluriverse knowledge that can better reflect the diversity of the world and the heterogeneity of knowledge. Postcolonial thought engages with subaltern studies (see 2).

In this line of thinking, Islamic feminism is related to the transcultural approach. This is because Islamic feminism draws less on the experiences of women from Western cultures or former colonies and more on those of Muslim women who face specific social and cultural challenges in their societies or even in their communities. In other words, Islamic feminism critically engages with colonial studies of Islam, thus, detaching the question of feminism from its Western location where it was born.[380] Islamic feminism opposes the monolithic constitution of Islam and its misogynistic representation that conveys the notion of a sexist Muslim culture and religion.[381] In doing so, Islamic feminism emphasizes the distortion of cultural and historical knowledge about Islamic culture. Islamic feminism promotes dialogue and the participation of women from different cultures and religions to support transculturality (see: 2).

380 Lazreg 1994: 8.

381 Benbrahim 2014.

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