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EDITORIAL: Contesting the Dichotomy of Islam and Modernity: Islamic Feminisms

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Even nowadays, Muslim women, who are or are not veiled, are still not treated individually, but collectively, often reduced to „Muslimwoman“), an artificial determination that collapses all the aspects related to gender and religion. By promoting this insidious concept of „Muslimwoman“, Islamist men, non-Muslim men, orientalists, and even Muslim or non-Muslim states deny and mask the national, ethnic, cultural, historical, philosophical, and spiritual diversity of Muslim women and forcefully assume the right to decide what is good or bad for Muslim women and on their behalf.¹ However, during the last decades, a salutary path for progress has been made, especially in academia; the new ideas and attitudes are also reflected in Muslim activist feminist movements. A new type of Islamic feminist resistance against the limited neo-orientalist or Islamist gender-related imaginary preserves the faith-based point of reference and facilitates the emergency of a series of various alternative Islamic gender concepts and theories, doubled by an enhanced representation of Muslim women by their own agency.

The development of the last century’s political Islam that had to allow public access to classical books of fiqh (Islamic jurisprudence) in order to justify its return to Shari’ah and that opportunistically resorted to logic, reasoning and non-religious sources of knowledge, paradoxically and involuntarily generated the configuration of an internal critique and demystification of the sanctity of the so-called divine Islamic law’s diverse patriarchal interpretations. On the background of the confrontation between traditionalism and modernism, new Islamic feminist reformist studies approached the fiqh reglementations that consolidated gender inequality in pre-modern Islamic theories as simple human constructions conceived by the male jurists’ minds, subjective and

fallible constructions that contradict the essence of divine will revealed in the sacred text.¹

De-essentializing „the Muslim-woman problem” uncovered the complex and inextricable process of interference of social, political, cultural, economic and religious-related factors responsible for the institutionalization of gender inequities in societies with a predominantly Muslim population. Many recent Islamic feminist studies concentrated on more subtle and rigorous theological analyses that take into consideration the distinction between the sacred text (Qur’an) and its various exegesis, the special character of prophetic traditions whose authenticity and understanding depend on a series of political, historical and social variables, as well as the multiple factors that determined the formation of Islamic normative traditions in the first three centuries after the demise of the prophet Muhammad or the influence of history and of specific social and cultural suppositions in the „canonization” of the major Islamic sciences.

There is no homogenous Islamic feminism; different methodologies and approaches have formed; the unity is however identified regarding the goals targeted by different types of Islamic feminisms. Some Muslim feminists plead for preserving and exploiting in a new manner the categories and goals specific to Islamic traditional jurisprudence. Other Muslim feminists propose a radical reform of the fundamental suppositions and principles that informed pre-modern Islamic exegesis and jurisprudence. Another category of Muslim feminists prefers to adopt and integrate the discourses, approaches and terminology used by Western feminists, sometimes translating them into the Islamic idiom, other times importing them as such, even from a secular perspective. Their position is often contested not only by some Western feminists tributary to a neo-colonialist perspective, but also by the traditionalist and neo-traditionalist Muslims (especially Salafi Muslims), men or women, still visible and quite vocally centered on a defensive, excessively apologetic construction of – allegedly “Islamically justified” – gender inequalities. Nevertheless, the proliferation of various forms of Islamic feminisms functioned as a positive, revealing factor of the Western modernist and Islamic reformist projects’ convergence, stimulating the elaboration and

promotion of some theoretical systems that construct alternative, viable modernities that are able to overcome the pre-conceived dichotomy of Islam and modernity.

The current number of AnAlize Journal focuses on different facets of the Islamic feminisms, often from an interdisciplinary perspective. A synthetic, complex, multidimensional, nuanced presentation of Islam(s) is to be first found in Professor Lazăr Marius's article *Islam: Faith and Practice* that opens the present volume, in order to facilitate understanding of the general background on which all the subsequent debates, reforms, and proposals related to the major theme of gender in Islam are carried out. *Islamic Feminism(s): A Very Short Introduction*, by Alina Isac Alak, is the following article that intends to familiarize the reader with a few notions and general questions regarding the formation, development and problems of contemporary Islamic feminisms.

Islamic feminist hermeneutics holds an important place in the Islamic academic analyses as it proposes a re-reading and de-construction of the misogynistic interpretations of the Qur’an. "*Reverence the wombs that bore you": On Unearthing a Female Legacy Transgressive to the Patriarchal Social Order* is a study submitted by Nahida S. Nisa that investigates the logical inconsistencies in patriarchal male scholarship, defined as the line of scholarship that claims traditional precedent and mainstream consensus, in regards to classical Islamic rulings on women's behaviors, dress, and spiritual location relative to men's spiritual location, by exploring the implications of exemplary Qur’anic verses that have been problematized by Islamic feminist scholarship. Vanessa Rivera de la Fuente’s article *Feminist Hermeneutics of the Qur’an and Epistemic Justice* explores the basic principles of feminist hermeneutics of the Qur’an that intend to establish an epistemic justice through a discourse that recognizes gender equality as a Qur’anic cosmological framework. Basic debates and commentaries present in the premodern and even modern exegesis of the Qur’anic verses regarding the marriage (including polygyny) of women – be they Muslim, non-Muslims, slaves – are analyzed by Virgil Nicolae in his article: *Les dispositions coraniques en matière de mariage. Courte analyse des versets qui donnent les dispositions générales et qui formulent les interdictions.*

The realities that confront Muslim women are diverse and complex, depending on many external factors and personal choices. Veronica Mohamed-Salih proposes an analysis of some demographic aspects of the Muslim community in Romania, classifying
it according to various criteria, followed by a qualitative analysis of the stereotypes regarding Muslim men and women as manifested on the Romanian internet. The recurrent stereotypes have been aggravated by the January 2015 events in Paris and by the incessant politically-originating conflicts in the Middle East. Whether or not we can identify Islamophobic attitudes in Romania – with a main concern on the gender dimension of Islamophobia: Hijabophobia – we realize in the article entitled *Stereotypes regarding Muslim men and Muslim women on the Romanian Internet: a qualitative comparative analysis for 2004-2009 and 2010-2015*.

Some Muslim and/or Middle-Eastern intellectuals have been striving to create alternative modernities in order to answer to the contemporary challenges in a way that integrates the common values of two different civilizations. The study presented by Ana-Maria Niculescu-Mizil – *The 'Princest Diaries'. A 'Middle-Eastern' Reading of American Popular Culture* – engages critically with sixty-five animated artworks of Middle-Eastern artist, Saint Hoax. Saint Hoax's artworks promote critical assessment of dominant discourses concerning gender roles, representations of femininity and masculinity, family relations, and self-respect, along with giving voice to the silent, the marginal and the vulnerable, strengthening civic engagement and co-operation within a participatory democracy, and stimulating creativity and reasoning by means of exhilarating forms of presentation.

The articles gathered in this volume reflect the variety and the richness of the theme proposed: *Unveiling the Feminisms of Islam*. From different perspectives, analyses regarding the Muslim woman identity construction processes, influenced by various factors as race, ethnicity, nationality, region, historical period, are presented. On the other hand, the process itself of producing knowledge about Islam is questioned. The sacrality of the Qur'anic text is not contested, but its various interpretations, historically monopolized by men/males conditioned by different socio-political contexts, are. The various Islamic gender studies included in this volume gravitate to the central idea that there is no ideal, uniform Islamic tradition, but a diversity of complex interpretations that can be reformed and reassessed according to new knowledge and contemporary societal development.

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Islam: Faith And Practice

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Abstract: The article proposes a brief overview of the main Islamic doctrinal themes and religious rules. It examines the fundamental themes that define the essence of the Islamic faith (aqīdah) and, accordingly, religious sciences developed around them. It also analyzes the key aspects of Muslim ethos, managed mostly by what is called Shari‘a and which are incorporates in two main categories of norms and obligations: those which regard the cult (ibadāt) and those which establish the human condition within society (mu‘āmalāt). Finally, the paper provides an overview of issue of religious authority in Islam, topic that generated countless doctrinal, ideological, political disputes inside the Muslim societies, until today.

Key words: Islam • Quran • Shari‘a • Allah • Muhammad • Hadith • Fiqh • Sunna • Shi‘a

Emerging at the beginning of the seventh century, Islam is regarded as the last religion of humanity. The term 'Islam' means 'submission', from which as correlation, the Muslim is the 'submitter', who follows the divine norms and who assumes the most loyal ethos towards the principles instituted by the Quran and by the ulterior theological and lawful Islamic evolution. There exists a traditional ambiguity in regards to the term Islam, which comes to mean, both in common language as well as in the academic writings, that of Muslim religion, as well as that of the civilization(s) bloomed on the Muslim doctrinarian, intellectual, spiritual, aesthetic, ethical, political principles and ultimately, in the geographical sense, that of the societies or the territories inhabited by communities of Muslim confession. Therefore, we may speak of a polymorphic term which translates the large religious, cultural, social, and political dimension shaped during the centuries into numerous particular forms. Its incipit sprang from the endeavor to plenary valorize, both through the medium of faith and of conduct, the
Quranic principles and significations and the Prophet’s and His companions’ exemplar experiences.

Ever since the first years of development, Islam was divided into numerous factions due to doctrinarian, political, or personal divergences. Sunni Islam, being the majoritarian among adherents (approx. 90% of Muslims), is regarded as a sort of orthodoxy since it had been embraced, during Islam’s history by the most political powers to which Sunnis mutually reward its Islamic legitimacy. Sunnism as doctrine defined itself as a loyal model for the Tradition (Sunna) that facilitates the congruence between the doctrinarian developments and the socio-political realities within the Muslim societies. Contrastingly, Shi’ism certificated only the political legitimacy, and, subsequently, the spiritual legitimacy, of the Alids (Ali and his descendants, through his wife Fatima’s lineage, daughter of the Prophet). Several schisms permanently characterize this movement, most notable the Isma’ili division, which would come to elaborate its own theological and political exegesis. Latterly, the Kharijites set out as a puritan and rigorist movement which promoted the impetus for equality among the believers and furthermore the principle of electing the Caliph strictly based on his virtues. The movement gradually lost its influence, became moderate and at present is hypostasiated by the Ibadi School, in Oman.

Aspects of Islamic Faith

Islam is established on encompassing the Quran (al-Qu’ran – ‘the recitation’), the divine revelation sent to humanity though the medium of Prophet Muhammad. The Quranic text was definitively established during the period of Uthman, the third caliph (approx. 650 AD); the need to establish a unique and definitive corpus, a grouping of the divine revelations which were transmitted to the Prophet, was motivated both by the concern to preserve their content most accurately in the circumstance of divergent exegesis, and to facilitate its dissemination to larger masses of believers in the context of territorial expansion of the caliphate and of the contacts of the new religion with surrounding cultures from the conquered regions. Summing up and systematizing more

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than twenty years (610-632 A.D.) of prophetic experiences attributed to Muhammad (in 114 chapters - sūrah, arranged by length in descending order with the exception of the first chapter - al-Fatiha), the Quran is regarded as the ultimate and absolute divine revelation transferred to humanity. Nevertheless, the text is far from having the configuration of a structured teaching which would coherently and explicitly convey a clear dogma and orthopraxy. The text is comprised of a mélange of narrations concerning significant events and characters, primarily the prophets of Judeo-Christian or Arab tradition - with evident emphasis on the inner and outer experiences of Muhammad, to which further theological, ethical and practical passages are added. The difficulty in reading the Quranic text (endowed with the particularity of the Arabic language which marks only the consonants), the ambiguity and the often symbolic or allegorical character of most of the textual passages have motivated, during the forthcoming period, a plurality of interpretations which were instrumental in the creation of different philosophical, theological, and juridical configurations of Islam

From the theological perspective, there are a few fundamental themes that define the essence of the Islamic faith (aqīdah) and ethos: the oneness of God, the role of the Prophets and that of the Books of Revelation, the ‘last judgment’ and subsequently the ‘resurrection’, angelology, divine predestination and the freedom of the human being

First and foremost, the Quran emphasizes the absolute oneness (tawhid) of God (Allah), thus correlating with the Judaic and the Christian monotheistic traditions, id est the Abrahamic inheritance. Transcendent and creator of the worlds, Allah is perceptible in creation only through His attributes, his ‘99 names’ (ʾasmāʾ Allāh al-ḥusnā) that the Quran evokes. The dispute over the divine attributes and of their relation with the essence has subsequent been one of the most controversial, and it provoked numerous theological, philosophical and mystical reflections. During the classical period of Islam (9th – 10th centuries), this controversy generated acerbic disputes between the Traditionalists school which considered the attributes as intrinsically existing, independent of ‘essence’, and the Muʿtazili school, a rationalist school, which considered the divine attributes as inseparable from essence. The status of the Quran was also taken into discussion, since traditionalist theologians concluded, from the idea that the Book is understood as the integral expression of the divine Truth, that the Quran is consubstantial with God,

1 Haleem Muhammad Abdel, Understanding the Qur’an: Themes and Style, I. B. Tauris, 2011
thus eternal. However, to the Mu'tazilis, the statutory character of an absolute transcendent and non-categorical divine essence implicitly designates the fact that the Quran has a created nature\(^1\). The dispute between the two visions, which escalated over other theological issues (the problem of human freedom and sins, of the post-mortem condition of the believer, of divine retribution, etc.) and which caused a serious crisis within the Sunni world, was ultimately surpassed by virtue of the conciliatory position of theologian al-Ash'ari (873-935). For him, the Quran, as divine Truth, as Logos, is eternal and only its physical form founded on the revelations transmitted to Muhammad is 'created'. Furthermore, he tried to overcome the anthropomorphist theory (\textit{tashbih}) of the Traditionalists and the 'negationist' (\textit{ta'\textsuperscript{\textvphantom{t}t}il}) theory of the Mu'tazilis through a pietistic attitude which postulates the necessity for the believer to renounce the vain interrogations on the true nature of God, since it is intangible to the cognitive capacity; what it is imperious is that the Muslim must have faith in an assumed way, in all Quranic affirmations, with no ambition of knowing the plenitude of the divine revelations through himself\(^2\).

Another focal theme of the Quran and of the Muslim religion is that of prophethood, which integrates and reinterprets the anterior Judeo-Christian prophetic traditions. Prophets are regarded as messengers (\textit{Rasul}) of God who have the role of reminding the believer of his ontological condition: that of creature predestined to become conscious of his dependence on the Creator and to follow a way of life most loyal towards the divine directives\(^3\). The first prophet, Adam, is the archetype of humanity, He whom by respecting and understanding the teachings and the values given to him by revelation, actualizes the potentialities instituted by God through the creation of humankind. In Sufism, Adam is understood as the 'Perfect Man', an exemplar model to the believer's effort of accomplishment. According to the traditional Muslim theology, the philosophy of history is one which divides the history of the world and humanity in prophetic cycles: each of the great prophets (Adam, Noah, Abraham, Moses, Jesus) had as mission to deliver a new message (\textit{Risalat}), a new 'book from Heaven', a new divine Law (\textit{Shari'a}) through which humanity is reminded the practices and the teachings that

\begin{itemize}
  \item \(^1\) Martin Richard C., Mark R. Woodward, Dwi S. Atmaja, \textit{Defenders of Reason in Islam. Mu'tazilism from Medieval School to Modern Symbol}, Oneworld, 2003
  \item \(^2\) al-Ash'ari Abul Hasan Ali ibn Isma'il, \textit{Al-Ibanah fi Usul al-Diyanah (The Elucidation of Islam's Foundation)}, American Oriental Society, 1940
  \item \(^3\) Fazlur Rahman, \textit{Major Themes of the Qur'an}, University of Chicago Press, 2009
\end{itemize}
it must re-assume as the created is obliged to its Creator. Muhammad is considered the last prophet charged with revelation of absolute divine Truth, i.e. the Quran. Hence, to the Muslims, Islam is regarded as the last religion of humanity, the religion that finalizes and supersedes all anterior ones. The aim of this historical evolution is for humanity to reach the ascent of Islam, the universal and plenary religion. This certitude which the eminence of the Islamic message carries has motivated the enthusiasm of the first Muslims during the Islamic expansion and continues to perpetuate to the present. It is what is called da’wa, the ‘appeal’, the calling made to all humanity to adhere to the Islamic truth. Proselytism and missionary are integral part of the conscience of each authentic Muslim. The ‘appeal’ is today globally re-actualized and disseminated through numerous institutions and associations such as the Muslim World League and financed and sustained by states or structures, whether public or private, impersonating an explicit Islamic identity and activism.

Another essential Quranic theme, likewise largely discussed within the Muslim theology, is that of human freedom in regards to the divine almighty. Along many Suras, the Quran affirms the idea that God establishes the destiny of that which will come to pass, including human fate. This divine determinism, this predetermination of events resulting from the condition of Allah as creator, provoked numerous philosophical and theological reflections which endeavored to deduce, through contemplation of Quranic text, the condition of human freedom. During the 8th-9th centuries, two main schools of thought debated. The Qadariyya believe that the human being is endowed with free will, therefore responsible for his deeds, and consequently he will be judged after death according to the good or bad he has accomplished. For the Jabriyya however, Allah is the ultimate agent who determines both the intention and the action of His creation and therefore the legitimacy of post-mortem judgment. The Mu’tazili have placed the idea of God’s divine justice (al-adl) as the fundament of their doctrine: man is endowed with free will and he is solely responsible for the existence of evil; Allah only judges the man according to way he had or had not respected His commandments, He is rightful and yet, in the same time, merciful. Once again, in regards to such a critical problem, al-Ash’ari and his school of thought mediated a compatible interpretation. To the ash’ariyyah, even though the human being is endowed with free will (or rather free intention), he is not the real agent of his acts in the frame of reality, but Allah is the author of events to the extent that He alone is the only power with the ability to create. What occurs is a matter
of coincidence – or not (Ash’ari thinkers employs the term *iktisab*, ‘acquisition’) -- between the freedom of man to acquire an action and the objective predetermination of the act as a product of divinity\(^1\). The ulterior Ash’ari theologians have placed their master’s solution within an atomist system: the material reality at its ultimate level is composed of atoms which are the support through which Allah permanently creates, moment by moment, the things and the events that arise. By postulating an apophatic vision concerning the God, by criticizing the rationalism of the mu’tazilis and the ambitions of the Islamic philosophies (al-Farabi, Avicenna, and their heirs) which validated the capacity of human intellect to accede to the truth through its own resources, the Ash’arism structurally insists on the value of faith and on the respect of the Quranic prerogatives. The solutions that he introduced have gradually instituted after the 9\(^{th}\) century into an official orthodoxy of Sunnism strengthened by both the developments of great theologians such as Fakr ad-din al-Razi (1149-1209) and al-Ghazali (1058–1111) and by the running Muslim political powers\(^2\). The supremacy of Ash’arite vision endures until the 19\(^{th}\) century, when the reformative Muslim movements, regarding it as obsolete, commence to contest its philosophical fundaments and attribute the Ash’ari school with the perpetuation of a doctrinarian immobility, of a strong conservatism and fidelity (*taqlid*) towards the teachings of the masters obstructing innovative efforts and free reflection.

The Quran serves as the primary source to the entire theological, moral, juridical and socio-political ulterior construction developed by the Muslim societies over centuries. During the first years of Islam, the doctrinarian and axiological centrality of the Quran produced the development of the Quranic sciences that would bear the role of revealing its sense and significations most clearly\(^3\). The semantic difficulties of the Quranic text and the necessity of precise readings have motivated the development of the Arabic grammar. The standardization of Hedjaz dialect – in which the Quran was revealed, and its dissemination to a large scale of Muslim Empire, has allowed the massive emergence of Arabic literature. Because the Revelation was transmitted through the text and the word, Islam has established the foundations of a civilization operating on Word rather than image. The recitation of the Quran had a liturgical

\(^{1}\) *Montgomery Watt, Free Will and Predestination in Early Islam*, Luzac, London, 1948

\(^{2}\) See the different studies on Ash’arism in Richard Franck, *Classical Islamic Theology: The Ash’arites*, Ashgate, 2008.

function since it directly conjoins the believer with God, with the divine Word (*Kalam Allah*) which is re-actualized during the recitation. Extensively performed nowadays in mass-media, the Quranic recitation has been one of the most venerated and appreciated sciences and arts within the Muslim societies. Likewise, calligraphy has been one of the first and most specific arts of Islam; the artistic representation of the Quranic text on different media (paper, stone, wood, gypsum, etc.) and by the medium of different classical forms of writing (kufic, naskh and its particular version, nasta’liq, diwani), carries not only an aesthetic role but a spiritual one which sacralises the ambient space and which places the believer into the presence of God’s Word\(^1\). On a different note, the Quran had been and remains a cryptic text, where narration is often allegorical and symbolic; this structural ambiguity of the holy text was impetuous to the development of another religious science: the Quranic hermeneutic. There generally existed two main schools of exegesis: the Literalist (*tafsir*) and the Interpretative (*ta’wil*). In regards to the latter, the forms of interpretation have been diverse: symbolical, rationalistic, philosophical, and mostly spiritualist, mystical. In this circumstance, the ulterior juridical and theological developments alongside the different divisions to arise amidst Islamic world were largely generated by the differences of Quranic text interpretation\(^2\).

Within the Sunni tradition, one of the most renowned Quranic commentaries pertaining to the Persian historian and scholar al-Tabari (839-923) is founded on an extensive utilization of the oral traditions (*hadith*), attributed to the Prophet and to the first pious Muslims, and also on a rationalistic interpretation. Where Sunni Islam had officially privileged a rather literal and normative exegesis, the Shi’ite movements (Twelver, Isma’ili) had massively employed a spiritualist comprehension of the Quran, on which their elaborate metaphysics was initiated. A similar process characterizes the Sunni Sufism, where special passages from the Quran such as the *Sura* of ‘Light’ or of the ‘Throne’ have given birth to numberless spiritualist commentaries. In both Sufism and the mystical forms of Shi’ism, the exegesis is not a mere explicative hermeneutic of the text, but a method of revelation of the profound and spiritual meanings of God’s truth present in the text of the Book and also one of interiorizing and intimate experience leading towards the transfiguration of the adept.

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\(^1\) Annemarie Schimmel, *Calligraphy and Islamic Culture*, New York University Press, 1990

\(^2\) Karen Bauer, *Aims, Methods and Contexts of Qur’anic Exegesis (2nd/8th-9th/15th Centuries)*, Oxford University Press, 2014
Islam as normativity and ethos

Initiated and comprehensively elaborated in the Quranic revelation, Islam has become not only a religion but also a civilization and a way of life which set the basis of collective values, norms, and conducts and which shapes the existence of the believer and of the community as well of that of the state. Up until the initiation of gradual secularization and westernization processes in the 19th century, the Muslim societies have been, overall, characterized by a pre-eminence of the religious in both the private and public life. The large process of the Islamization of values and norms have been the result of a dynamic begun since the very first years of Islam and continued, during the following centuries, with the assimilation and ‘Islamisation’ of specific traditions and cultures within different spaces the new religion accommodated. Therefore, Islam developed an integrative tendency, as to confer religious significations and to theologically encode the largest dimension of human experiences, at all levels. In order to easily embrace the numerous problems regarding the religious, administrative, and political management of the new Muslim community (’Umma), it had rapidly become visible that, regardless of the eminence conferred by the status of holy revelation, the Quran offers a limited amount of solutions, being unable to integrally respond to the complex phenomenology that surrounds the existence of the individual or the collective. Therefore, progressively, out of the necessity to build the norms of a new society based on a model as close to the Muslim principles as possible, the new Islamic religious elites employed other sources of authority to supplement the Quran. The gest of the Prophet had gradually become an inspirational model; by virtue of his status, of his exemplar life, and as messenger of God, he became an archetype of conduct for the believers. Consequently, mostly during the 8th and 9th centuries, the Prophet’s sayings (hadith) and his acts (sunna) were collected by the ‘Traditionist’ scholars, who, along with the Prophet’s biography, would incorporate exemplar characters at the beginning of Islam (caliphs, companions of the Prophet, pious people) into the archetype. In Sunni Islam, we find six such canonical collected works (Kutub al-Sittah), belonging to al-Bukhari, Muslim ibn al-Hajjaj, Abu Dawood, al-Thirmidi, al-Nasa’i, Ibn Majah (substituted by Imam Malik from the Maliki School). Separately, the Shi’ites elaborated their own hadith collections, contesting much of the Sunni tradition’s failure to recognize the political and spiritual importance of the Alid family. Four of the works compiled during the 9th and
10\textsuperscript{th} centuries are canonical (belonging to al-Kulayni, Ibn-Babawayh, Muhammad Tusi); they include not only the sayings and the acts of the Prophet but also those of Shi’\textsuperscript{a} Imams – the principal theological and socio-political authorities of Shi’ism\textsuperscript{1}.

The role of the \textit{hadith} is fundamental within Islam since on their foundation the Muslim scholars (\textit{'ulema}) have the ability to formulate the religious principles as well as of the codes of law on which the Muslim society and the political system would function in a manner regarded as most canonical and faithful to an exemplar normativity - that of the Prophet and his pious companions, (\textit{as-	extsuperscript{s}a	extsuperscript{h}ābah}). The formalization of Muslim Law (\textit{Fiqh}) was therefore contemporaneous with the Traditions systematization processes: some of the most renowned legal experts, as well as Ibn Hanbal or al-Malik, were themselves Traditionists and specialists in \textit{hadith}. Initiated during the 8\textsuperscript{th} and 9\textsuperscript{th} centuries, four schools of jurisprudence (\textit{madhhab}) became eminent in the Sunni world, bearing bear the names of the master who elaborated their principles respectively (Maliki, Shafi’i, Hanbali and Hanafi). Additionally, a school developed on Twelver Shi’ism, respectively the Jafari school (from Ja’far al-Sadiq, the Sixth Imam), as well as the norms specific to the Zaydi branch of Islam (in Yemen) and the Ibadi (in Oman) - intimate to the Hanafi\textsuperscript{2} - were added. During the medieval period, the Zahiri School was of major influence and importance both in Umayyad Spain and in the Abbasid Caliphate; however it soon faded with exceptions of small communities in Pakistan and Morocco.

The traditional Muslim jurisprudence attempted to systemize the most exhaustive assembly of norms and decisional principles which would create what was envisioned as a model of conduct for an authentic Muslim society. It was aspired that the fundaments of this law would be extracted from the letter and the spirit of the Quranic revelation by virtue of instituting in the terrestrial realm a normativity most proximate to the divine directives. However, to the extent to which the Quranic text offered limited resources as to elaborate a complex jurisprudence incorporating solutions to the intricate real life situations, the scholars accessed other criteria. The corpus of traditions (\textit{hadith}) extensively served as the second source of inspiration and authority in this process; it had become most utilized due to the narrations which exemplify the specific real life solutions and attitudes adopted by the Prophet and the eminent characters from

\textsuperscript{1} Jonathan A. C. Brown, \textit{Hadith: Muhammad’s Legacy in the Medieval and Modern World}, Oneworld Publications, 2009

\textsuperscript{2} Christopher Melchert, \textit{The Formation of the Sunni Schools of Law, 9th-10th centuries C.E.}, Brill, 1997
the beginning of Islam. Certainly, when any of these sources were not sufficiently clear or did not offer responses, further criteria were taken into consideration: community consensus (\textit{ijma} – denoting in fact the consensus of jurisprudence specialists), judging though analogy (\textit{qiyas}), the ‘preference’ (\textit{istihsan}) – choosing between what is considered rightful or useful from the Islamic viewpoint, the custom (\textit{urf} – criteria employed mostly by the Maliki School, greatly inspired from the Medinese tradition) and the personal judgement (\textit{ra’y} – rejected by all schools with the exception of Hanafis). The difference between the four Sunni schools are perceptible in the particular manners in which they establish different rules in assuming general norms of jurisprudence, religious or social conducts, or in the judge’s (\textit{qadi}) flexibility to present personal solutions in accordance to the particular circumstances. Hanafi school has been and still persists as the most liberal and has been throughout centuries the official rite of the Ottoman Empire; today it pervades in Turkey, Syria, Jordan, Iraq, the Palestinian territories, Caucasus and Central Asia, Pakistan, India and a part of Egypt. Hanbali remains the more conservative and rigid school; it only accepts the Quran, the \textit{hadith}, and exceptionally \textit{ijma} as sources of jurisprudence. The school had a great influence at the beginning of the Abbaside époque especially in Iraq; however it has lost its importance during time, its norms being resuscitated by theologians such as Ibn Taymiyya (1263-1328) and his disciples yet with no real impact. During the 18\textsuperscript{th} century, the Hanbali school of thought has restored its visibility along with the Wahhabi movement in the Arabian Peninsula where it persisted to the present as the doctrine on which the Saudi juridical and socio-political system is founded on. Correspondingly, Maliki is a conservative rite, however it offers place to the assimilation and Islamisation of local traditions – this characteristic facilitated its permeation within the North Africa Berber population - which is integrally under the authority of the school at present (Maliki enclaves could be found only in Persian Gulf area: Kuwait, Saudi Arabia and the United Arab Emirates). Lastly, the Shaf\‘i school has emerged during the époque as an endeavor to synthesize the principles of the other schools of jurisprudence; after the 10\textsuperscript{th} century, it becomes the official rite of the Abbasid caliphate. During the forthcoming centuries, within the Middle East, the school was gradually substituted by Hanafi;

however the Shafi'i school predominates nowadays in South East Asia, Eastern Africa, Yemen, a part of Iraq and Egypt and the Kurdish regions.

The Muslim schools of jurisprudence originate in their founders' teachings and the principles and it was during the classical period of Islam when their systems were elaborated; the necessity to compile a canonical corpus of norms and rules has legitimated that what was named *ijtihad* - translated as the effort to interpret the holy traditions fathered by the Muslim scholars. It must however be re-emphasized that the elaboration of these systems were a conscious process of preservation in the letter and the spirit of both the divine precepts of the Quran and the example of the Prophet; more exact this can be understood through the desiderate of ‘imitation’ (*taqlid*) exposed by Ibn Hanbal – ‘we are people of imitation, not of innovation’. One of the most recurrent themes within the religious history of Islam is the aversion towards ‘innovation’ (*bid’a*), respectively towards any arbitrary intrusion of the human element in the core system of norms and values which postulates and formalizes the divine principles from the Quran and on second note, from the *hadith*. This theme is presently largely resuscitated by the Islamic conservative movements' discourses, specifically within Salafism - repulsive and anxious towards everything regarded as exogenic to the authentic Muslim tradition. The tendency to mimetically follow an authoritarian tradition validated on the eminent personalities who had elaborated the Islamic jurisprudence codes, has justified, once with 11th century, a gradual discontinuation of the innovative reflection within the Muslim law of the Sunni world. This introversive attitude was named ‘closing of the gate of ijtihad’: the formalization of Muslim juridical corpus was regarded as definitive and therefore, the Muslim jurists and scholars have concurred that they must apply it strictly in the forms established by each school. Likewise in the Ash’arite school which represents the official philosophical basis of the Sunni theology, the ‘freezing’ of the innovative thought and the obsession for the mimetic loyalty towards the traditional authoritarian sources (*usul*) within the Sunni juridical systems, have blocked, for centuries, the processes of modernization and adaptation of the Muslim normative values to the new historical, socio-political or cultural contexts. Once with the 19th century, a part of the modernist Muslim elites begin to become aware of the negative results of this type of conservative and repetitive traditionalism, acknowledged as impermeable towards the new intellectual approaches and identified with one of the major causes of the Muslim world’s political, cultural and techno-scientific decline.
What is Shari’a?

Shari’a generally designates the entire ensemble of the religious principles, individual and collective conducts and of definite juridical norms encapsulating all array of human experiences. Etymologically, Shari’a is defined as ‘path’; however it is recurrently employed under the nomenclature of ‘Law’. It integrates Fiqh, with which often is confounded and it also assimilates aspects with respect to the cult and to some particular norms of conduct or of religion which do not effectively represent the object of Muslim jurisprudence. The Muslims essentially believes that Shari’a is a terrestrial expression of a normative originated from God – therefore, situated in opposition with any system of norms and of values resultant of human fabrication. This ‘sacred’ dimension conferred to Shari’a must not shadow the consideration that, it was largely the product of centuries of scholarly theoretical reflections, which assimilated and conferred an Islamic dimension to the most diverse cultural and juridical traditions, such as the Arabic, Byzantine, Persian, or the Judaic one. What generally characterizes Shari’a is the tendency to doctrinally formalise in most excessive manner, the field of private, familial, social, juridical, economical and even military aspects of life. This phenomenology of aspects of the human life is differentiated in five categories: what is obligatory (fard – firstly, the ritualistic obligations of Muslim cult), what is recommended (makruh), neutral (muhab), not recommended (makruh) and what is forbidden (haram); each of the maddhab, whether Sunni or Shi’ite, it has its own specificities. The most essential aspect is that the Muslim individual, is taught to know and respect that which is ‘allowed’ and ‘forbidden’ even since birth and through the influence exercised by the family, the social medium or education. The manner how the Muslim undertakes and applies these norms and rules, yet at different levels according to the piety and responsibility of each believer, contributes to the formative process of Muslim conduct and to the perpetuation of the Islamic principles in both family as in society.

According to another classification, Shari’a incorporates two main categories of norms and obligations: those which regard the cult (ibadāt) and those which establish

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the human condition within society (muʿāmalāt). The cult obligations, denominated with the term of ‘pillars’ of Islam (arkān), make reference to the observance of the five obligations through which a believer certifies his condition as a Muslim, in respect to God as well as to his consciousness and to the community of believers.

The first ‘pillar’ is the ‘declaration of faith’ (Shahāda), a ritualistic formula, which synthesizes the Islamic faith in God’s oneness and in the prophetic mission of Muhammad: ‘There is no God but God and Muhammad is the messenger of God’ (lāʾilāhaʾillāh wa muḥammad rasūluʾillāh); the Shi’ite version is supplemented with ‘and Ali is the friend of God’ (waʿalīyyun waliyyuʾllāh). Shahāda has a large utilization both in liturgical or personal prayers and during different the life occurrences the believer experiences. The formula through which a person adheres to Islam, becomes a convert is the recitation and internalization of Shahāda, accompanied prerequisite of Muslim status.

The second ‘pillar’ of Islam is the ‘ritualistic prayer’ (salāt); it represents the expression par excellence through which the Muslim believer assumes his condition in a real manner. Disregarding this obligation is taken as a sign of apostasy from the Hanbali perspective, while the other schools consider that a Muslim who does not respect his daily prayer is culpable of great sins. We may speak of two categories of ritualistic prayer: the personal and the collective. The first is performed by the believer five times a day, at distinct but precise moments of the day – from morning until night, after dusk (announced by the muezzin from the mosque’s minaret), whereas the collective one takes place Fridays at noon, at the mosque. Regardless of the location, the prayer follows a precise procession; it is preceded by ritualistic ablutions (wudu) which have the role of transposing the Muslim believer, mentally and physically, into the state of sacredness necessary when meeting with God. This imperative of purity (taharah) is plainly stated in the Shari‘a codes and it represents one of the most specific characteristics of Islam; it marks not only the practice of prayer but also a great part of the believer’s conduct (food, clothing, sexuality, human relations). Among the contemporary interpretations, specifically in the Salafi movements, purity becomes almost an obsession and this often leads to radical segregations within the immigration social environment which are regarded as impure and illegitimate from the Islamic point of view. The ritualistic prayer is composed of a precise assembly of units (rak‘ah) which comprise of gestures and enunciations effectuated by the believer, with face towards Mecca. Each of the Sunni
schools as well as the other forms of Islam (Twelver Shi’a, Isma’ili, Ibadites, etc.) have some particularities in performing prayer, which allows a clear identification of the status of the believer, respectively of his adherence to one of the juridical and theological divisions. The Friday collective prayer gathers the believers at one place; it is both the concrete and symbolic expression of the unity and solidarity which must characterize the Muslim community. Its importance was so great that, during the classical period of Islam, whether Caliph or political sovereign would have neglected its sacredness, than it would have become a form of apostasy which could empower the community with the legitimacy to contest their authority. The Friday prayer implies the existence of a leader of prayer (Imam) who stands in front of the believers as model of accomplishment during the ritualistic unison. The role of the Imam can be assumed by any Muslim (especially in the contemporary times, the role became institutionalized and an important number of Imams are designated and paid by the ministries for religious affairs); further it is a purely instrumental role, one of leading the prayer and ulterior, of preaching (khutba).

As a sacred space designed for the collective recitation of prayers and different commemorations and celebrations, the mosque (masjid) focalizes the religious life of the Muslim community and, in the same manner, it organizes around it much of its the social, educative, charitable and economical activities. During the centuries, the artistic and the architectural forms of the mosques have displayed an extraordinary diversity, drawing inspiration from the local traditions of different spaces within Islam and also sublimating what is most refined and specific in Islamic art, as style, decoration and calligraphy. The strictly cultural role of the mosque has doubled during time, since it acquired a function of support and of spiritual stimulant for the believer who passes in the sacred area; the harmony and perfection of the interior decorations, the silence and the peace that they infuse the believer with, the mystical emotions induced by the recitations from the holy Book and by the sentiment of being in the vicinity with God, all these elements create an anticipative image of the celestial Paradise captured in the inner space of the mosque. That is why, when entering a mosque one is required a dress code (renouncing footwear, head cover for the women) and occasionally the access for

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non-Muslims is denied. Beyond all this artistic and architectonic diversity, each mosque is endowed with obligatory elements: **mihrab** (the empty richly ornamented niche, which indicates **qibla**, or the direction towards Mecca, where the prayer is directed; its empty structure symbolizes the absolute transcendence of God and the impossibility to represent Him in any figurative form), **minbar** (the pulpit from where preaching is held at the end of Friday prayer; it is fashioned from richly ornamented wood or stone), the main prayer room (**musallah**) - where women occupy a separate place, concealed from men’s view, and the space dedicated to ritualistic ablutions. Furthermore each mosque has one or many minarets from where the muezzin (nowadays replaced more and more often by diffusers) makes the calling for prayer (**adhan**) at precise moments during the day.

The third ‘pillar’ is the ritualistic contribution (**zakāt**): it regards the obligation to give away a part of the personal income to the benefit of community. Traditionally, it was established that this religious tax would represent 2.5% from a Muslim’s income, with the condition that he would have the minimal capacity (**nisab**) to afford such outstanding payment. Etymologically, the term denominates ‘that which purifies’ and its function is to legitimate the wealth of a believer by purifying it. In the same manner, it has a spiritual function: by giving away a part of personal income, the Muslim could easier fight against its ego and become aware that nothing is in his real possession since all comes from God. Therefore, we may speak of a manner of Islamization of the act of possessing. Unlike Christianity, Islam is not repulsive towards the concept of wealth but it conditions it through the necessity to faithfully distribute it towards those in need. In regards to the latter, eight specific categories (**asnaf**) were established (the poor, those with special needs, travelers, those who fight for Islam cause, etc.)\(^1\). The practical ways through which these taxes were collected were very diverse and usually they were given directly to the mosque or other specialized establishments\(^2\). Nowadays, some Muslim countries have instituted modern formulas of collecting taxes but this generally remains a free act of the believer’s conscience and decision. However, we may find particular situations: in Saudi Arabia, Pakistan, Malaysia, **zakat** is obligatory and collected by the state whereas in other locations from the Gulf, Jordan, Lebanon, the state preserves its

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\(^1\) Amy Singer, *Charity in Islamic Societies*, Cambridge University Press, 2008  
\(^2\) Yaacov Lev, *Charity, Endowment, and Charitable Institutions in Medieval Islam*, University Press of Florida, 2005
role to collect and valorize the taxes without it being imposed upon in an obligatory mode. In the Twelver Shi’ism there is a specific tax (*khums*) which consists in the donation of the fifth part of the income to *marja’* (great ayatollah – the absolute source of authority for a Shi’a believer).

The fasting (*Sawm*) during the entire month of Ramadan is another ritualistic obligation; it has the role to determine the Muslim to become aware of the importance of this month, in which it is considered that Muhammad begun to receive, for the first time, the revelations from God. The fasting implies the abstinence from food, liquids, sexual relations, immoral acts and thoughts from the morning time until the evening. Celebration of self-control, of the battle against self-mental and physical conditioning and also of the spiritual joy and of community solidarity, the Ramadan fast is one of the most emotionally embedded religious and cultural events. It represents the interval of an intense socialization, of charity, of becoming aware of the Muslim values and of the collective identity which characterizes the believers from the entire Muslim world regardless of their sectarian, social, economic condition. It ends with celebration of ‘the breaking of the fast’ (*Eid al-Fitr*) when, as during the nights of the fast, tradition animates to the consumption of sweets.

Lastly, the pilgrimage (*hajj*) to the holy places of the Islam (Mecca and secondarily Medina) represents the final ritualistic obligation that Islam considers any believer should accomplish at least once in lifetime with the precondition that a good health and pecuniary conditions are favorable. The pilgrimage takes place each year, between the eighth and the twelfth of the month *Dhu al-Hijjah* and imposes a series of rules and a pre-established circuit to be respected by the believers while approaching the holy places. It culminates with the ritual of encircling the temple Ka’ba seven times (*tawaf*). Each of these stages and acts have their own religious signification, however, some of them are appropriated from the anterior Arab and Judeo-Christian traditions to which were transferred since the time of the Prophet, an Islamic dimension. This aspect can be observed through the fact that Ka’ba is attributed in the Quran text to Abraham; likewise, the celebration that concludes the pilgrimage, ‘Festival of the sacrifice’ (*Eid al-Adha*), commemorates the sacrifice of Ismael (and not Isaac as in Judaism) by Abraham (Ibrahim). The one who had accomplished the pilgrimage (*al-hadj*) is conferred a great social prestige and to any Muslim it represents one of most intense religious

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experiences, especially due to the collective emotions conferred by the proximity with
the holy places where the Prophet had lived and where from Islam sprang. During the
last decades, the Saudi authorities have reconstructed a few times the mosque from
Mecca and that from Medina, to which annexes and facilities were built along the
pilgrims' pathway as to manage the most efficient way the presence of over two million
people participating at the event\(^1\).

Whether in what *ibadāt* is concerned, there is unanimous approval that the codes
are intangible, obligatory and resultant of an indubitable divine normativity, in regards
of the *mu‘āmalāt* these are regarded as a product of scholarly reflections founded on the
Quran and the *hadith*. *Mu‘āmalāt* are a corpus of norms and codes of conduct that refer
to the social condition and obligations of the Muslim: marriage, divorce, commerce,
penalties and punishment, therefore comprising the family, civil, penal and commercial
law. All these mentioned above represent more than a code of laws; they are the
fundament of a social ethic, of an individual and collective ethos as according to Islamic
principles.

An essential role, amongst them, is conveyed by the aspects regarding the
personal status (marriage, divorce, separation, the status of woman) – those aspects
which are at present within a powerful dynamic of contestation both from within the
Islamic liberal milieu and as well as from the outside of Islamic world. Islam, as a
religion which theologically valorizes the mundane condition of man, essentially
emphasizes on the institution of marriage which is regarded not as a mere social rite but
also as a framework which permits the believer’s human attainment and the
preservation of Muslim values. Out of this aspect the obsession in regards to the purity
of woman comes into light, to her dressing codes, to the imperative of loyalty in the
couple: it’s not just an ethics of morals but especially a respect towards the norms
regulated by the God. The Quran largely insists on the condition of woman and marriage
deciding the general principles of axiological and juridical norms that will subsequently
be formalized in detail within *Fiqh*. If it is recognized, according to the custom of the
époque, secondary ontological condition in comparison to that of man, however, the
rules regarding marriage (*nikah*) and of the life of a couple, confer women an important

\(^1\) Venetia Porter (ed.), *Hajj: Journey to the Heart of Islam*, Harvard University Press, 2012
Statute and privileges, in a certain advance compared to the pre-Islamic era\(^1\). In Twelver Shi’ism we find a variation largely criticised by the Sunni, respectively that of ‘temporary marriage’ (nikah mut’ah) which persists to nowadays in Iran, Iraq or Lebanon. In the same manner, the divorce (talaq) is amply regulated by the Muslim juridical codes; even though, de facto, we may perceive repudiation from the man’s part, the traditional Islam instituted a series of norms which protect the woman from abuse and offers her important privileges regarding the inheritance. However in regards with all these aspects, each of the four Sunni rites, as well as of the different Islamic sects, have their own particular manners, some more liberal, some more rigid, of regulating and penalizing the disrespect of the ethical principles within a couple. Yet, in the same time, the theological and juridical official normative in regards to the status of woman and marriage had to conciliate with different local traditions and especially with the intrinsic complexity of human nature and couple relationships. Due to the absolutely special sensitivity related to the Muslim woman’s status and the couple, the aspects of personal status have proved to be most impermeable to the modernist and liberal changes emerged in the twentieth century in the Muslim world. Even among the states which gradually accommodated a secularization and which promoted gender equality, such as in Tunisia, the new family codes had to preserve references found in the old codes of Shari’a\(^2\). We assist nowadays to a dynamic most visible and voluntarily promoted by both the official politics of some Muslim states which attempt a strategy for an Islamic revival and by the conservative and Islamist movements (Salafism, Muslim Brotherhood, Tabligh, etc.) – they advance the idea of remodeling the conduct condition and social status of woman conform to what is considered to be an authentic Muslim orthopraxy. The situations complicate more when we approach the immigration (Europe, United States) and minority (India, Russia, etc.) Muslim communities which are marked by escalating incompatibilities or conflicts in regards to the national and secular legislations, and to the tendency of some Muslim leaders or segments of Islamic population to impose norms over marriage (specifically polygamy), divorce or inheritance according to Shari’a\(^3\).

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\(^2\) Jamal Ahmad Nasir, *The status of women under Islamic law and modern Islamic legislation*, Brill, 2009

Religious Authority in Islam

Islam lacks the clerical structure, respectively the priestly class that would manage the sacraments and would mediate between God and the human. Therefore in Islam there exists no intermediary between the believer and Allah, prayer being just the medium through which the Muslim in his wholeness attains God with no need of any intercessor. This lack of an ecclesiastic authority, of an institutional and dogmatic magisterium which would be the representative or defender of an ‘orthodoxy’, has a number of important consequences in the way that it facilitated, and still is, the plurality of the doctrinal interpretations and the apparition of different schisms or schools established around personalities that consider themselves as genuine sources of authority\(^1\). Even since the first years of Islam, it has been represented and managed, at juridical and theological level, by a specialized class of scholars (‘ulama); recruited among them were those with abilities in Islamic jurisprudence (fuqaha) who were designated or appointed to become judges (qadi). The ‘ulama attribute was not an ecclesiastic one, but as the term designates, it denominated the specialists in religious doctrine and practice – in essence it explains the ‘scientific’ and didactic function of how the Law is understood and how its implementation and respectability are guarded. The role and the importance of ‘ulama grew since the political powers have gradually recognized their authority to manage the juridical and the social fields and to ensure compliance with Muslim norms and laws. Likewise, the educational system in the Muslim states and societies have been under ‘ulama’s authority, beginning with the stage of the Quranic schools (maktab) – the first degree of educational initiation of a young man, up until the academic institutions (madrasa) out of which some such as al-Zitouna in Tunis (8\(^{th}\) century), al-Qarawīyīn from Fez (9\(^{th}\) century), al-Nizamiyya from Bagdad (11\(^{th}\) century) and especially al-Azhar from Cairo (initially founded by the Fatimids as an Isma’ili theological centre and which became, after the 12\(^{th}\) century, the most influential Sunni theological university), were focal centers of religious, juridical, intellectual education, to the whole Muslim world.

Again we may emphasize that the situation becomes differential in respect to the Shi’ite movements. Regarding the Twelver Shi’ism we may observe, after the 18\(^{th}\)

\(^1\) Kramer Gudrun, Sabine Schmidtke (eds.), Speaking for Islam: religious authorities in Muslim societies, Brill, 2006
century, a process of structuralization of a clerical class which accumulates more and more theological, social, economic and even political authority within Shi’a societies. Therefore, based on the theological prestige, a ranking is instituted (hujjat al-Islam, ayatollah, great ayatollah); among them, few supreme ‘sources’ (marja’-e taqlid) stand in the forefront, whose influence of their followers (“those who imitate” - muqalid) is quasi-absolute. Once with the Ayatollah Khomeyni’s interpretation, on which the Islamic Republic of Islam is based on, it is considered that the theologians must regulate the political system from the Islamic point of view: is the theme of velayat-e faqih (“guardianship of the jurist”)\(^1\). Finally, within the different factions in which Isma’ilis divided ever since the medieval time, the model of an infallible religious authority, of the Imam (regarded as terrestrial representative of the true Imam, the celestial one) was preserved; in regards to Nizari Isma’ilism, the supreme ruler is, beginning with 19\(^{th}\) century, designated under the name of Aga Khan. In Zaydi Imamate from North Yemen, the religious Imam had also the function of political ruler up until the 1962 revolution which ended a dynasty which had endured hundreds of years. In regards to the heterodox movements (Druzes, Alawites), the religious elites have a status that goes further than the Sunni tradition: not only they are the rulers of the community but also depositary of the secret knowledge of the sect and are those who exercise a theological and normative control over the consciousness of the adepts.

On another note, it is necessary to evoke the spiritual, and very often the social and even political authority of the leaders from the Sufi orders (tariqa). These masters (sheikh, pir) are recognized as endowed with spiritual, charismatic, hermeneutic or thaumaturgic qualities, through which they guide the disciples, the networks of adepts (sometimes at the scale of transnational territories) and the masses who find, in their person, an expression of a concrete and living religiosity, much closer to human needs\(^2\). This popular devotion dedicated to the masters and to the charismatic characters has led, in Maghreb and Sub-Saharan Africa, to the emergence of a real cult of the saints; their tombs (marabut) are the object of pieties and pilgrimages since it is considered that they continue to preserve the miraculous virtues (baraka) that those buried here displayed while alive. This popular Islam which appropriates pre-Islamic elements and

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1 Said Amir Arjomand, *Authority and Political Culture in Shi’ism*, State University of New-York, 1988
Islamises the local traditions, often stirred the reticence and the critiques of 'ulama; they have seen in here a ferment of heresy and a distance from what they considered to be an authentic Islam which exists in conformity to the Shari’a.

Another special category, specific to the Muslim religious sociology, is Sadah (sing. sayyid); they are those who assume a lineage from the Prophet family, through its two nephews Hassan and Hussain. More than tens of millions of adepts nowadays reside in Iraq, Iran and especially in the South Asia (India, Pakistan). Their prestige is firstly one symbolic and social; from amongst them, in the history of Islam, many of the Muslim theologians and the spiritual scholars were recruited proceeding from this eminent genealogical filiation. In the present times a particular example is illustrated by the two sayyids dynasties: the Alaouite in Morocco and the Hashemite in Jordan. The ruler’s prestige and legitimacy are associated here not only with the political sphere (and the tribal one in Jordan) but also with the religious one; in Morocco, the king is endowed with the title of amir al-mu’minin, the spiritual leader of all believers in the kingdom, therefore not Muslims only but also Christians and Jews.

The large juridical, educational and cultural authority of theologians over the Muslim communities, begun to slowly decrease since the 19th century and especially during the 20th century, once with the formation of the national states and with the initiation of processes of modernization, secularization, nationalization of the public institutions — gradually disengaged from the control of the traditional religious authorities. From now on forward, within the majority of Muslim countries, it is the state which assumes the educational, juridical and social role had, in the previous period, by the theological-juridical Muslim instances. The influence of the latter is delimited only to the religious aspects, as to diffuse the Muslim values within society in the manner that they should be regarded as foundation for a collective identity which can guarantee the social peace and solidarity. As consequence, we assist nowadays to a double process: on one side a nationalization of the religious authorities (this designates a role of the national representative — mufti, as well as the Imams who are appointed with the organization of the cult of the mosque), correlative with an institutionalization of the religious system (the creation of a Ministry of Religious Affairs with authority over

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1 Kazuo Morimoto (ed.), Sayyids and Sharifs in Muslim Societies: the Living Links to the Prophet, Routledge, 2012

2 Meir Hatina, Guardians of Faith in Modern Times: ‘Ulama’ in the Middle East, Brill, 2009
the mosques, the imams, the organization of the cult, the Islamic educational or charitable institutions). State control over the official religious actors sometimes affects their independence and makes them agents of (often autocratic and even in break with Muslim values) political order. For this specific reason, a more and more visible process had unfolded during the last decades, one of the emergence of authorities which speak in the name of Islam without being resultants of the theological educational institutions; many among them emerged from the ‘secular’ domains (technical, medicine, law) and are self-educated in respect to the theological problematic of Islam. But they consider themselves as having the aptitudes to interpret and represent Islam: we may illustrate here the ideologists and the militants of the new radical and politicized movements which are to be found in different Muslim states and in the immigration communities in Europe and United States. The excesses - from the level of discourse and of ideas to those which explicitly promote violence, generated by the phenomena of multiplication of the doctrinarian interpretations and of the actors which self-legitimize in order to speak in the name of Islam, represent one of the most visible and negative facets of the Muslim world and they perturb in essence, the genuine vision of a religion which is established on the foundation of human solidarity and its loyalty towards God.

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Islamic Feminism(s): A Very Short Introduction

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Abstract: Contemporary Islamic feminisms, already quite diverse, deconstruct preceding Islamic interpretations, proposing more egalitarian re-readings and reconceptualizations of Islamic tradition while preserving the centrality of classical textual sources (Qur’an and Sunnah) as fundamental references, the valoric hierarchies being reorganized according to the principles of Islamic ethics. The integration of social, economic, and political analysis that explain power dynamics, alienation, marginalization, and the liberation of women is another defining dimension of Islamic feminisms. Some Muslim feminists plead for the preservation and the innovative exploitations of traditional jurisprudence’s categories and purposes, while others propose a radical reform of the fundamentals of Islamic disciplines. Another category of Muslim feminists prefers to adopt and integrate the discourses, approaches, and terminologies of Western feminists; some translate these in the referential Islamic system, others import them and use them as such, sometimes even from a secular perspective. In the following article I will very briefly outline some of the main determinations of this complex contemporary phenomenon – Islamic feminism(s).

Key words: Islamic feminism • reform • Muslim women • Qur’an • Islam

Introduction
Islamic feminisms propose a series of more or less courageous reforms are disputed in the traditionalist and neo-traditionalist Islamic world. However, these feminisms, constructed within a general Islamic paradigm, are continuously developing new methods and interpretations, and their diversity allows them to be classified according to various criteria. Margot Badran and Miriam Cooke identify three critical periods of feminism in the Arab world: (1) the period of invisible feminism, based on a critique of social gender roles, which take place from the beginning of the 1860s until the middle of the 1920s, especially in Egypt, where middle and upper class women expressed their ideas through literature and poetry; (2) the period of social activism, between the 1920s
and 1960s (in Egypt – 1920-1950; Lebanon, Iraq, Syria – 1930-1940; Sudan – 1950), marking a development of the organized, public feminist movements focused on recovering the rights of Muslim women; (3) the period of resurgent feminism, starting in the 1970s until present day. Through the distinction between visible and invisible feminism, Badran manages to steer clear of reducing feminism to an explicitly, exclusively public phenomenon, and manages to use it as an analytical framework inside of which diverse historical feminist experiences can be located and explained. Women’s claims, specific to all these three types of feminism, were universal, focusing on the right to education, the right to work, to vote, to participate in elections, to be socially and politically involved, to travel freely, to eliminate gender segregation, as well as focusing on expansions of rights inside of the family, marriage, or, in case of divorce, mother’s right to child custody.¹

The “Islamic feminism” phrase became visible and was used more and more insistently in the 90s by the Iranian feminists involved in Zanan magazine, the Turkish Göle Nilüfer, Yesim Arat, Feride Acar, as well as the Saudi Mai Yamani², in her collection of feminist articles from 1996, that offered the following definition: Islamic feminism represents the ideology which describes the discourse and the actions of those who protect women’s rights within the context of authentic or well-understood Islam³. At the same time, critique of the Islamic feminism terminology emerged, from a double perspective: modern-secular – being denounced as an oxymoron – or Islamic-critical – meaning the actual status of Muslim women does not reflect the Quranic or prophetic tradition normative prescriptions, therefore the criticism belongs to the legitimate perspective of justice restoration (‘adl), but does not belong to feminism as an ideology that is meant to serve the presumptions of a paradigm epistemologically different from the Tawhidic / Islamic one.

Regarding Islamic feminism, Moghissi Haideh does not contest, from a modern-secular perspective, the compatibility between the two ideologies, feminism being sufficiently varied and flexible to include the Islamic position. She does, however, contest Islamic feminism as the only culturally suitable solution for Muslim societies, as

² Margot Badran, Feminism in Islam. Secular and Religious Convergences. (Oxford: Oneworld, 2009), 243-245
Muslim women being again reduced (as in the clearly disavowed orientalist scheme) to their “Islamic” identity, their regional, ethnical, religious, cultural, and class differences being ignored. Moreover, the political and discursive influence of Islamic fundamentalism is visible in the elitism of this approach and in the impairment of the secular, liberal, or socialist intellectuals’ agenda. Even though feminists from countries with fundamentalist, theocratic political regimes (Iran) have found inventive ways of rejecting official projects, their analyses, focused exclusively and functionally on the Islamic perspective indirectly legitimize the official discourse and ignore its negative consequences on women, religious minorities, ethnical minority groups, secular nationalists, and socialist intellectuals. Islamic feminism has its limits which need to be explored through a complicated and delicate process, not apologetically maintained; Islamic orthodoxy and orthopraxis do not always support the theses of Islamic feminism. Equally essential and difficult is the articulation of a particular and complex specific feminist language, in a way that it would not allow it to be assimilated by the dominating discourse and subordinated by opposing tendencies. Moghissi concludes that this project is only possible through the creation of a space in which women and other socially excluded groups can create opposing interpretations, counter-discourses and heterogeneous policies, but theocratic regimes are always authoritarian.¹

Unfortunately, contemporary debates regarding feminism inside Islam or Islamic societies still have remained, at least in certain cultural spaces, strongly ideological, mainly because of the history of political conflicts and past disagreements between the West and the so-called Oriental space. The pressure created by the orientalist hegemonic discourse of oppression has limited the representation of women from Islamic cultures at the level of two intercorrelated experiences: the colonialist experience imposed by the hostile, insolent and anti-Islamic imperialist forces, and that of nationalist belligerents confined to a populist discourse, exclusively (therefore reactively) apologetic. The coercive force of the conceptual framework imposed by this major debate has consecrated Islamic gender issues to the intersection of the analyses about modernity and Islam; women have become the central subject of cultural loyalty policies, their interests and voice being ignored in the process. The artificially-created

¹ Haideh Moghissi, Feminism and Islamic Fundamentalism. The Limits of Postmodern Analysis. (London & New York: Zed Books, 1999), 125-147
political and historical centrality of this gender theme, far from being flattering, paradoxically represents the monopolization of research in an analytic framework conditioned by the allogen conceptual framework (of the secular perspective) or by the opportunistic and defensive neo-traditional Islamic one (of the Islamic revival nationalist movements). The nationalist and colonialist discourses, although anachronistic, continue to be contested, deconstructed and reiterated in a contemporary styling. Neglecting them leads to an inadequate comprehension of the generating causes of this superficial oscillation between two artificially constructed and supported ideological extremes, and, implicitly, of the redefinition and clarification of the gender debate in the current context. Summarizing very well the belligerent dynamics of this type of dialogue, Sa’diyya Shaikh underlines that the reactions of some Muslim scholars to the offensive orientalist discourses that, by presenting Islam as a fundamentally sexist religion, intended to undermine Islam itself, were unfortunately dominated by the same reductionism, detrimental to objective analysis, that generated the romanticization of the traditionalist Islamic perspective on Muslim women, exclusively presented as one responsible for the magnificent elevation of their status.¹

Excessively apologetic tendencies of the traditionalists, neo-traditionalists and Salafis who rely on an opportunistic and selective perspective upon Islamic tradition are doubled by a vehement denunciation of Islamic feminist endeavors. Azza Karam considers feminist ideology as perceived through a narrow scheme of stereotypes in Arabic-Muslim post-colonialist societies. Feminism becomes associated with the enmity between men and women, with the immorality and promiscuity of women, with the colonialist strategy to undermine local religious and social culture. As such, feminism is attached to all these negative and condemnable aspects from the Western society, regardless of their cause and source.² A recent example of this type of attitude was the Muslim Brotherhood official reaction (Egypt, March 2013) to the CEDAW proposal, the discourse following the justification of refusing to adopt the egalitarian principles promoted by the organization eloquently evoking most of the rebarbative clichés presented above. The “deceptive” and “destructive” rights ensured by CEDAW were perceived as a threat to the family institution, Islamic community and as an equivalent

² Azza M. Karam, Women, Islamisms and the State. (New York: St. Martin’s Press, 1998), 5-6
to a return to the period of ignorance (the pre-Islamic period), a violation of Shariah. Muslim women were hysterically urged not to abandon Islamic morality and principles.¹

Therefore, one of the widely-spread, reactive Muslim preconceptions is that feminism, be it even Islamic, represents a subversive manifestation of imperialism and neo-imperialism meant to destabilize local societies and destroy cultural identity, undermining the religious basis of family and society through its anti-Islamic, anti-nationalist, and elitist character. These accusations could be understood if we take into account the characteristics of the societies from where these Muslims hostile to feminism come, regardless of whether they are part of the religious elite or not: societies with a high rate of illiteracy, dominated by misogynist religious perspectives, hard to deconstruct in the context of the decisive impact religion has in defining identity and in regulating daily life. Muslim feminists need to face both these discursive attacks that sometimes develop into physical aggressions, assassination attempts (once the feminists are accused of apostasy), as well as the inheritance of past centuries’ colonialism and current cultural imperialism², recently manifested into the process of globalization, supported by neo-colonialist power structures which influence and direct not only the development of economy and politics, but of the sociology and fields related to the production of knowledge as well.³

Following this line of thought, Margot Badran identifies the mechanisms that allowed the discreditation of Muslim feminists and their association with agents of Western colonialism, comparable to the strategies of the nineteenth century colonialists who used the feminist discourse and missionary activities in order to justify political attacks against Islam and occupation. However, the author insists to underline that the above mentioned explanations are irrelevant in the context of contemporary debates, especially when taking into consideration the instruments and will of present day Muslim feminists.⁴

The way in which Islam is perceived, understood, assumed, and experimented is mediated by diverse nationalist, ethnic, economic, and cultural aspects, as there is no

² Gwendolyn Zoharah Simmons, "Are We Up to the Challenge? The Need for a Radical Re-ordering of the Islamic Discourse on Women". In Progressive Muslims: On Justice, Gender and Pluralism, ed. Omid Safi (Oxford: Oneworld, 2003), 143
monolithic Islamic identity, but a set of essential components of the belief, shared by the entire Muslim world. Maysam Faruqi considers the source of the Muslim female identity as conferred by the status of being a Muslim, which involves a choice dependent on a series of theological, spiritual and religious beliefs, unlike the other secondary dimensions of identity which are inevitable and given, like gender or race. Moreover, the author asserts, “(...) to discover the spirit of equality in Islam is not a feminist project, but the correct Islamic one. The status of women in Muslim communities is not given by Islam itself, but by the Islamic interpretations and the application of Islamic laws.”

Kecia Ali adds another nuance to the debate and criticizes the phrase “the status of women in Islam”, pointing out that the status of Muslim women is so diverse depending on class, ethnicity, age, geographical area, marital status, and education, that the generalization becomes nonsensical, regardless if it takes into account the actual experiences of women or the suppositions regarding an idealized uniform tradition, which grossly contradicts the complexity and the heterogeneity of real textual inherited interpretations. The fact that often this phrase is used to suggest the idea of an existing necessary correlation between Islam and certain specific injustices that would unrelentingly determine the life of all Muslim women should not be neglected.

Contemporary Islamic feminisms, already quite diverse, deconstruct the previous Islamic interpretations, proposing more egalitarian re-readings and reconceptualizations of the tradition while preserving the centrality of classical textual sources (Qur’an and Sunnah) as fundamental references, the valoric hierarchies being reorganized according to the principles of Islamic ethics. The integration of social, economic, political analysis that can explain power dynamics, alienation, marginalization, and the liberation of women is another defining dimension of Islamic feminisms. Some Muslim women feminists plead for the preservation and the innovative exploitations of traditional jurisprudence’s categories and purposes, while others propose a radical reform of the fundaments of Islamic disciplines. Another category of Muslim women feminists prefers to adopt and integrate the discourses, approaches and terminologies of Western feminists; some translate them in the referential Islamic

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1 Maysam Al Faruqi, "Women's Self-Identity in the Quran and Islamic Law". In Windows of Faith: Muslim Women Scholar Activists in North America, ed. Gisela Webb (New York: Syracuse University Press, 2000), 74-76; 100
system, others import them and use them as such, sometimes even from a secular perspective.

Together with feminists from other third world countries and by exploiting the facilities created by poststructuralism, postmodernism, during the last decades, Muslim women have contributed to redefining feminism by constructing multiple feminist epistemologies and by articulating alternative conceptualizations of women that include authentic self-representations of heterogeneous groups of women. Emphasizing the multiple identities of Muslim women and the major role played by the plurality of specific contexts in which they exist clarifies the complex and sophisticated aspects that determine gender analyses in the Muslim space. A defining premise of the feminist perspective is constituted by the presence of some simultaneous social identities of the gendered social subject, dynamic identities that inextricably overlap and are interconnected. According to Sa’diyya Shaikh, this fluid and dynamic understanding of feminism allows the integration of Islamic feminisms. It represents a classification that is beneficial to Muslim women who can integrate their practice in a global political environment through the formation of fruitful alliances and the creation of mutually advantageous exchanges and cultural interactions, regardless of whether they concern the feminist praxis in the sense of implementing the projects of the activists, or if they aim for the articulation of a common language and the knowledge of varied instruments of theoretical analysis. The author considers that according to this extended definition, the term “feminist” is “a description of Muslim women’s activities that are aimed at transforming masculinist social structures”. Islamic feminisms, organically rooted in the Islamic belief following their emergence as an answer to the fundamental Qur’anic call to ensure justice, promote a critical analysis of both sexist readings of Islam and their patriarchal manifestations within some specific religious communities, as well as of the neocolonialist feminist discourses regarding Islamic religion.¹

Currently, gender studies focused on the analysis of the Islamic thought systems have strategically, theoretically, and empirically accepted an inter-disciplinary, trans-historical, and trans-national approach. We can conclude that Islamic feminisms materialize in various modalities the contemporary projects of proposing reforms compatible with Islamic idioms and perspectives and consequently they have to face the

¹ Shaikh, _Transforming Feminism_, 154-156
same criticism, obstacles and rigors as the extended reforms in which they take shape as a specific application from a gender perspective.

**Bibliography:**


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Feminist Hermeneutics of The Quran and Epistemic Justice

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Abstract: In this article I present religion and especially the position of women in religion as a narrative product. This means that, like other realities, it is made of speeches with validity and authority generated by the influence of power mechanisms favor the authority of patriarchy in its preparation. I describe, from a personal perspective, the two dominant discourses about Muslim women, both products of an orthodoxy: the idealization, sustained by religious patriarchy of Islam, and demonization, which corresponds to a Western vision universalizing their own particular way of seeing reality through the interaction of privileges and representations of otherness. Since neither of these discourses gives voice to Muslim women, I argue that the feminist hermeneutics in Islam is an effort to establish a discourse of gender justice from Muslim women’s voices. Feminist hermeneutics of Islam is a discursive deconstruction in favor of epistemic justice, namely a proposal to establish Muslim women as the authoritative voice in matters that concern them. Keywords: • Muslim women • epistemic justice • Quran • Hermeneutics • Feminism

Women in Religion are a Story

The reflection on the role of women in Islam is not new. I dare say that from the beginning there has been a "Theology of Women", ie, "a theological anthropology where she is the specific object." (Dermience, 2000: 492). The Quran itself gives rise to this by devoting a chapter to women and name them in different verses throughout the recitation. Tradition, meanwhile, recorded multiple Hadith (sayings and experiences of Prophet Muhammad) on women and in modern times, there is an abundant literature on the position and role of women in Islam.

Woman in religion is a story. This means that all that is said about women from religions, as well as from social and natural sciences, institutions and the media, are stories, stories that are the product of the interaction of mechanisms of power, authority of enunciation plus historical accumulation by performative actions. If gender is a
discourse with cultural significance, then the feminine and the category "women" in the religious field are too. The impact of these speeches and patriarchal structures have functioned historically, until now, as mechanisms of control discipline and punishment. Riffat Hassan argues that

"In all the obvious causes (sociological, historical, economic) of the weak status of women, there is a cause that has theological roots" (Hassan: 1989, 10).

The stories of the monotheistic traditions about the creation of women that play a key role in the establishment of attitudes and representations of women in their societies, are not dogmas, but history.

As Reza Aslan (Aslan, 2009: xvii) says:

*Religion is the story of faith. It is an institutionalized system of symbols and metaphors (read rituals and myths) that provides a common language with which a community of faith can share with each other their numinous encounters with the Divine Presence.*

If, following Aslan, religion is a story, then what is said about women in religion is a tale, and its representation an hermeneutical product, the result of an interpretation of the reality. The mainstream narrative about women is restrictive and disciplinary resulting in "an identity derived from traditional roles, without paying attention to our contributions in other areas without considering the specific situation of women in the world" (Dermience, 2000: 493). This gives space for the development of a "Biopolitics of Faith" that roots its authority holding discourses and practices of external control over the body, identity, and representations of women and the feminine.

**Hegemonic Narratives on Muslim Women**

In my perspective, when we are addressing the situation of women in Islam, this is done nowadays from two opposite and dominant discourses that I call the "idealization of Inequality" and "Demonization". I would like to describe each of them in their general aspects, knowing that they deserve a deeper analysis.

The "idealization of inequality," argues that the Quran elevated the position of women from a terrible condition of object in the pre-Islamic Arab society, also called the age of ignorance or *Jahiliyya*, where they were killed at birth, to a state full equality and recognition of rights.

This statement: ‘The idea that the Quran changed the condition of women’, implying a “before and after” from a situation of total oppression to a status of total liberation, has
facets and can not be taken as absolute. Nabia Abbott, for example, in his "Pre-Islamic
Arab Queens" (1941) indicates that there are records of about 25 queens who were also
priestesses of local gods. Jane Smith (1885) stressed the role of women in pre-Islamic
Arabia in military activities. This particular author denies that female infanticide has
been a standard practice in the Arab tribal society before Islam. According to her
perspective women engaged in an active social participation, before and after Islam.

However, it is undeniable that the Quranic revelation represents a socio-political
revolution that broke the mold of Arab tribal societies of the time regarding the role of
women in at least three aspects. Firstly, to demonstrate their equality through a
sociological cosmogony that did not emphasize sex or gender: the Quranic message is
addressed to the *aiuha an-nas* (humanity) and woman is not categorized as the original
source of any sin. Secondly, naming women in a specific way in the sacred texts (Quran
33: 35, 16:97, 3: 195). And thirdly, establishing a codex of women's rights that Western
societies had not achieved, mainly, until the twentieth century.

The advocates of this perspective are mostly male preachers who follow an orthodox
view of Islam, no matter which branch they assign themselves. However, those better
known as Yusuf al Qaradawi, Bilal Phillips, Zakir Nair, or Abu Eesa Niamatullah
represent the Salafi-Saudi Wahhabism understanding. This latter, (Abu Eesa
Niamatullah), Professor of Al-Maghrib Institute in UK, for example, has declared
feminism has no place in Islam; nothing should be changed, that no new hermeneutics
must be allowed since the only differences between men and women stem from biology:
women can conceive, men have more disposition for physical force. This does not mean
that some are inferior because, under the "cosmological equality" established by the
revelation, the lives of women and men are equal before Allah.

Niamatullah, who was embroiled in a controversy in March 2014 for joking on
Twitter about disciplinary rape and domestic violence on International Women's Day,
said he was "absolutely convinced that feminists are enemies of Islamic orthodoxy and
[to]fight them is rewarded" (Niamatullah: March 10, 2014).

According to Riffat Hassan this tendency to idealization is explained, in part, by the
fact that

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1 Some of the rights recognized explicitly in the Quran to women are: Right to equality before the law (2:
228). Right to work and property (4:32). Right to be consulted and to express their opinions (42: 36-38).
Right to maintenance upon divorce (2: 241)
"the Islamic tradition has inherited the anti-feminist prejudice that is on one side in the Jewish and Christian traditions, and secondly in the Hellenistic Greek traditions, and pagan Arab cultural biases against women in all this forms a mixture as well" (Hassan, 1989: 2).

Beyond the controversy, the "idealization of inequality" represents a hegemonic discourse that lacks a strong and coherent response to the prevalence of discriminatory practices against Muslim women based on differences beyond their biological nature, such as the prohibition to enter or speak in some mosques, forbidding women to hold positions of spiritual and administrative leadership, enforcing worship-segregated spaces and separate entrances; none of these are related to equality stated by the Quran. Neither does the "idealization of inequality" provide any concrete answers to the issues affecting Muslim women as institutional violence, racism, stereotypes, and the sexist burden of their own narratives.

The "Demonization", on the other hand, argues that with respect to religions it is not possible to speak of liberation of women, so all kind of activism or feminist initiative seeking a background in religion is operating an oxymoron; according to this, there would not be a Catholic Muslim or Mormon feminism or the possibility to develop a feminist hermeneutics that can be taken seriously, since, as Teresa Maldonado says "the exercise of adjectives of feminism is at least debatable" (Maldonado, 2009: 2). This means that there is only one real and universal feminism, valid for all women, all cultures and all contexts that can lead women to liberation.

An important feature of demonization is the assumption as an axiom of a difference between East and West, pitting the rationality of "we" against the irrationality of "them" and "our" development against "its" underdevelopment, which reaffirms the western identity as superior. And here lies the shortcoming of this feature: it relies on a judge and jury dynamic in regard to the description of the oppression of women who are perceived as "other": first, place them in otherness, and then define the causes of discrimination from which their societies suffer. Finally, grant the messianic ability to "save" those women.

1 "I shall not lose sight of the labor of any of you who labors in My way, be it man or woman; each of you is equal to the other (Quran 3:195)"
Djaouida Moualhi in her article “Mujeres Musulmanas: Estereotipos occidentales versus realidad social”¹ where she refutes stereotypical images of discrimination against Arab-Muslim from Maghrebi origin women which are widespread in the West, argues that:

“When the West speaks about the alleged discrimination of women in the West Maghreb it is assumed that their religion is the source of their ills instead to seek the causes in the policy of the States concerned and the patriarchal sociocultural inheritance of their societies. To understand that perception is important to place it in the general framework of the stereotypes about the Muslim world, probing its origin in historical and political background. Finally After all, the currently displayed hostility and xenophobia towards Muslims are part of their food stale clichés about Islam”²(Moualhi, 2000: 292).

For the "Demonization" approach, religions in general, and Islam in particular, are responsible for the oppression of women, as the Quran is a book of female oppression; therefore, the only way to end it is calling women to abandon their faith.

Regarding feminism in particular, this narrative does not explain how a woman can leave her religion and embrace the "European model of free woman" without internalizing colonization;this view is also neglectful and unaware of the intersectionality of gender exclusion, in which religion may or may not be a relevant factor but can be explained by a multiplicity of interacting elements. It does not provide indisputable reasons about why European Enlightenment notions about freedom should continue to be universal.

In a more negative aspect "demonization" is manifested in racism when not recognizing the condition, agency or capacity of women who do not identify with an Eurocentric universalist-colonial perspective, but instead relegating them to abjection and otherness, because, as spivak stated: “In the construction of the difference between the two worlds (East and West) gender has played a key role, as it has tended to represent East as a whole cultures or civilizations especially cruel and oppressive towards their women in the exercise of male social dominance (Spivak, G. 1988 in Garcia, Vives, Exposito y otros, 2012: 286).

¹ The article is written in Spanish. A translation in English of the title of Moualhi work would be: “Muslim Women: Western stereotypes versus social reality”.
² This translation is mine.
There is no Epistemic Justice

Neither "idealization" nor "demonization" are perspectives that consider Muslim women as capable of developing a discourse outside the religious or secular mainstream to explain themselves. In both narratives about the status and rights of women in Islam, the representation of Muslim women is used to strengthen the privileges of reporting their embodiment, spiritual experiences, and rightful places as Other. This privilege of speech is expressed in mechanisms of control and discipline over women, whether they come from religious elites or the political-cultural colonialism, as if speaking from the "idealization" or the "demonization" respectively.

The problem with these views is in its episteme, which I understand as a place of talking and the beliefs and ideas that legitimate such place as valid. They set out from a hegemonic power based in religious androcentrism or the European-white world, with historical privileges to define the Self and define their own truths as universals. Both epistemes speak as source of authority over the world’s knowledge, including women, and from this platform they have colonized spaces, corporalities, speeches, and performances based on the idea of Muslim women as inferior and voiceless.

In the stories constructed about Muslim women both from idealization and demonization there is no epistemic justice, since women are deprived of the right to speak for themselves and define their declarative places on two fronts: from the idealization, lack of epistemic justice is denying to women the ability to re-interpret and critically reflect on the narratives about them built by the religious androcentrism; and from the demonization, this lacking is given thought reinforcing of the epistemic racism:

"in the form of epistemic Islamophobia that is a foundational and constitutive logic of the modern / colonial and legitimate forms of knowledge production. European humanists and scholars have argued that Islamic knowledge (and thus the knowledge coming from Muslim women) is lower than western one" (Grosfoguel, 2011: 346).

Hegemonic narratives of women in Islam require Muslim women to choose between the sexism of "idealization" or the racism of the "demonization". Perpetuating misconceptions about Muslim women and Islam has, according Homa Hoodfar, severe

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1 I understand episteme as a place of privileged and knowledge about the self and others from which narratives are built. In this sense it relates to the statement made about it by Foucault, who defines it as the framework to know according to the particular “truth” imposed from a power.
consequences not only for Muslim women but also for non-Muslim women. The author, in an article on the implications of the Islamic headscarf in Canadian society, says that:

“The mostly man-made images of oriental Muslim women continue to be a mechanism by which western dominant culture re-create and perpetuate beliefs about their superiority (...) Moreover, the negative images of Muslim women are continuously presented as a reminder to European and North American women of their relative good fortune and an implied warning to curb their excessive demands for equality with men...” (Hoodfar; 1997: 5-6).

Over the past 25 years there have been scholars and activists assigned the task of reviewing the mainstream narrative about Islam and the role of women, leading to a process of hermeneutical deconstruction in the theological, political and cultural, that laid the foundation for the development of a third way and response to these narratives Muslim women made for themselves.

**Feminist Hermeneutics of the Quran**

Hermeneutics has a narrative function. It is the explanation of sacred stories so that people of a certain context, space, and time understand the messages that they believe are divine. According to Jesus Vila:

"*The fundamental aim of hermeneutics is to provide the means to achieve understanding of the object or writing is interpreted, dodging the obstacles arising from the complexity of language or distance separating the interpreter of the investigated object*" (Villa, 2006; 1).

The aim of hermeneutic as a explanatory exercise would be meaningless if the interpretations did not serve a given context. Hermeneutics, being a story, is not timeless or ahistorical; in fact, what gives authority to Villa's conclusions is the relationship between who plays, interpretation and historical context for which it was conducted, as:

"*our understanding of the Quran’s teachings is contingent on how we have, or have not, read it; on the sorts of questions we have asked of it; and the voices we have preferred to hear in response to our questions*" (Barlas, 2002: 10).

The aim of hermeneutics is to facilitate the understanding and "implementation" of the sacred texts; therefore, the more cognizant it is of the context, the more validity it has. At a time when the debate over the rights of women and the struggle for social
justice is present in all societies, hermeneutics of sacred texts must account for this and allow new stories; if its purpose is to stimulate the revealed books to give answers to the contingencies and dilemmas facing for believers in space-time, the text should be open to new speaking subjects and new dimensions of historicity, to deliver the need to suit reality and not vice versa.

The central mission of feminist hermeneutics is to develop a reading of liberation or, put it in another way, explain the scripture and tradition in order to construct a narrative in favor of social and gender justice.

Feminist hermeneutics poses a critique of religious misogyny and androcentrism of its traditions, in order to "decolonize the divine" through the questioning and deconstruction of the epistemological frameworks of religious discourses to "rid ourselves of the false names of God modeled by patriarchal alienation" (Radford, 1983: 128) and thereby the socio-political dynamics of submission to which these give rise.

It is possible to find background for a feminist hermeneutics of the Quran from prospects developed in the twentieth century by intellectuals like Mohammed Taha who, without talking from a feminist framework advocated for a hermeneutics for gender justice and raised the need to challenge patriarchal interpretations of the Quran because of the abuses that were committed against women and other groups in the name of religion.

According to Balkis Badri in her work “Feminismo musulmán en Sudán: un repaso”1 Mohammed Taha was a Sudanese intellectual who in his book “The Second Message of Islam” proposed a radical view on the interpretation of the Quran. Taha holds that Islam has two main messages: The first is valid for all Muslims of all ages and consists of the verses revealed in Mecca. The second message is specific to the people of Medina, where the Prophet was a political leader and head of state. These verses of the Quran would have been revealed to guide him in his position as governor and, although they may provide guidance for the community, they should not be applied literally, since the time of the prophet is unique and can not be repeated. According to this argument, all the verses related to gender relations and the issues that affect women in particular are from the Medina period. Consequently, they are not completely closed and new interpretations and laws can be dragged from them.

While Taha’s position was not popular in Sudan and in the Islamic World:

1 In English, the name of this essay would be: Muslim feminism in Sudan: An overview.
"It is useful for feminists, because it provides the easiest and accessible means for the Emancipation of Women in Islam. The most radical secular Muslim feminists can make laws that maintain gender equality, while retaining the Islamic principle of equality between men and women" (Badri, 2008: 102; proved how this is useful for feminism).

Efforts to develop a feminist methodology for an antiandrocentrist, decolonial and for discursive justice hermeneutics within Islam, are traced back to the late 80s and early 90s.

Feminist hermeneutics of the Quran is a critical proposal that aims to break with androcentrism as a guiding principle of "Truth" in the interpretation of the text and systematize a critical genealogy of the coloniality of patriarchal religious discourse on women as a category and being subjected to a biopolitics encouraged from religious discourses that reinforce epistemic injustice.

As criticism of androcentrism, Islamic feminist hermeneutics was born with the intention of rescuing the review, analysis and experiences of Muslim women in Islam that are hidden under patriarchy, thus vindicating – as Riffat Hassan says- the original meaning of the revelation:

"Islam tried to free them, and the Quran, if properly interpreted, is a very human document: but the intent of the Quran was diverted due to the existence of all inherited traditions and the fact that Muslims don’t know not even separate what Islam is from what is pre-Islamic" (Hassan, 1989: 2).

Following Asma Barlas, when we speak of a hermeneutical criticism, some of the questions that appear before us are:

“Does the Quran advocate gender differentiation, dualisms, or inequality on the basis of sexual (biological) differences between women and men? In other words, does it privilege men over women in their biological capacity as males, or treat man as the Self (normative) and woman as the Other, or view women and men as binary opposites, as modern patriarchal theories of sexual differentiation and inequality do?” (Barlas, 2002: 2).

When we wonder if the Quran supports a reading of liberation, we wonder if his teachings about God, of human creation, ontology, sexuality and relationships challenge gender inequality and patriarchy; the Quran: Are we allowed to theorize social justice, as the context requires, women and men?

Hermeneutics of the Qur’an with a gender perspective proposes a theology and critical practice of liberation that are not based on the specificities of women as such,
but in its historical experiences of suffering, mental and sexual oppression, structural insignificance derived from sexism prevalent in the religious structure of Islam and their societies.

In its decolonial approach, proposes the development of a genealogy of colonialism from the religious field, i.e., a historical analysis of the predominant discursive paradigms, to contextualize and deconstruct them based on questions such as: Which factors influence or influenced certain readings or interpretations of the Quran? Why some have criteria of truth and others don’t? How it came to establishing the authority of tradition and its interpretations? How influential was western colonialism in shaping the mainstream Islam that comes up today?

So, this hermeneutics becomes a rebellious discourse and a symbolic matrix from which it is possible to develop new discourses from which it is possible to develop new discourses aimed at allowing a declarative justice for fairer realities, which raises a conflict of meanings around the "Truth" as something fixed exclusively from androcentrism and hegemonies to allow the uprising of new theological subjects - women, in this case, to enable "... a broader framework of reflection, as well as instances of reviews from non-mainstream particularities and pluralize further the emergence of other theological subjects" (Panotto, 2014: 5).

The conclusions of the feminist hermeneutics of the Quran from a feminist perspective, through the work of Amina Wadud, Asma Barlas and Ziba Mir Hosseini, among other authors, state that there is, in the fundamentals of Islam, unquestionable reasons for the existence of patriarchy, gender discrimination or segregation and subordination of women in the name of religion. Asma Barlas said that "The history of Western civilization in terms of women’s oppression, is proof that there is nothing innately Islamic misogyny, inequality or patriarchy. However, these often justified by states and Muslim clerics in the name of Islam. According to Asma Barlas:

“This association serves as the strongest argument for inequality and discrimination among Muslims since many people either have not read the Quran or accept its patriarchal exegesis unquestioningly. However, as numerous scholars have pointed out, inequality and discrimination derive not from the teachings of the Qur’ân but from the secondary religious texts, the Tafseer (Quranic exegesis) and the Ahâdith (s. hadîth) (narratives purportedly detailing the life and praxis of the ProphetMuhammad)” (Barlas, 2002: 3).
These scholars argue that the Quran is essentially a feminist book; a revelation that provides sufficient evidence to provide a basis for a system of interpretation in favor of greater social justice for women, which originates in women and the appropriation of the message because

"... women should know that there are other possibilities and that the word and the will of God can be interpreted in different ways. They must also know that this interpretation is not owned by anyone, more so because Islam does not have centralized church" (Hassan, 2002: 3).

Gender inequality and discrimination are not exclusive products of misogynistic readings of the Quran. The status of women in Muslim societies under patriarchal structures and gender relations are the result of multiple factors, in which religion is one more.

Foundations for an Epistemic Justice

This feminist hermeneutics is to show and bring to the forefront a number of ethical principles and cosmological present across the board in the Quran (Prado, 2012: 40) such as:

*Tawheed* (oneness of all creation in terms of complementarity as opposed to the stratification of creatures based on their qualities or attributes)\(^1\)

*Tawqaf* translated as piety or consciousness of God\(^2\) that is the only thing that distinguishes one human from another. According to Abdennur Prado:

“If we apply this principle to gender relations, it seems clear that it eliminates any possibility that men are superior to women, simply by virtue of biological consideration that is not in the text”.

*Adl* or Justice (as cosmological and ethical concept based on a balance between the complementary attributes) as Prado states:

“between active and passive, heaven and earth, expansion and contraction, change and permanence, male and female, and so on. Here comes the idea of Islam as a religion of moderation that searches for the harmony between the price and the object, between reason and instinct, between corporal and spiritual needs, or between the individual and the collective…”

\(^1\) Quran 7: 59; 16:36; 51:56; 72:13; 10:31; and, of course, Surat 112

\(^2\) Quran 49: 13
Caliphate (individual responsibility towards God and creation. Those are Caliphs of Allah on earth, that is, are their representatives vice-regents and responsible for the evolution of creation. Its mission is to develop fully a spiritual level and intellectual to help improve it)¹

Wilayat or mutual collaboration (the Quran says that men and women are protectors and accomplices of each other)²

Shura or consensus (the Quran says that believers, men and women are consulting each other to make decisions by consensus, which excludes obedience of women to men).³

To the list provided for Abdennur Prado I would add:

Zulm or principle of non-Oppression (by which Allah does not oppress or endorse oppression). About this, Asma Barlas (2002: 14) states in her work that:

“by teaching the precept of the inherent inferiority of women, which breeds misogyny, and by justifying women’s subordination to men, patriarchies violate women’s rights by denying them agency and dignity, principles that the Quran says are intrinsic to human nature itself”.

Ijtihad or intellectual effort: The Quran in many verses calling believers to meditate on his words and defines itself as a book to "the people who reason".⁴ It is the right and duty to reflect the tool from which interpretations and stories that feed the religious discourse are generated.

The classification of a system of belief as patriarchal starts in the conception of God from which that system develop. In this regard, Asma Barlas emphasizes the rejection of the Quran to the idea of God as a Father⁵. Tawheed, the unity of Allah, not only means that there is one God for all mankind; also, this Divinity has no equivalent, no companions, can not be associated with any human characteristic like gender or sex, or can be divided into manifestations as Father, Son and Holy Spirit (Barlas, 2002: 95- 96).

If we define patriarchy, broadly speaking, as a social model and a symbolic paradigm governed by androcentrism, based on the division and sexual hierarchy, which grants

¹ Quran 2:30 y 38:26.
² Quran 9:71
³ Quran, Sura 42 y 2:233
⁴ Quran 7:179, 67:10, 45:13
⁵ Quran Surat 112; 4: 171, 4: 172, 9: 30
privileges to men while subjects women, the Quran does not cover such a concept or system.

In its analysis of the creation story in the Quran, Amina Wadud argues that Allah does not create woman from the rib of man, but creates all humanity, with equal rights and duties from the same essence or *nafs*. The Quran describes man and woman as Zauj (partner) of each other.

None of the thirty passages or more than describing the creation of humanity - called generic terms such as *An-nas, al-Insan* and *Bashar* there any statement that could be interpreted as that man was created before woman or vice versa. While recognizing the biological difference between men and women, God does not give or attribute to these specific hierarchies according to gender (Wadud 1992: 17-20).

Riffat Hassan adds that the scope of the word Adam or Adam, which for most people means a person, "Man" or the first man. For Hassan, this is a mistake since "Adam" is a Hebrew word that has been induced into Arabic and is a common name that means "humankind":

"Adam means more specifically" land "and comes from the word" adama ". So this word is intended to mean the human race. If we analyze the different passages of the Quran where "Adam" appears every sense of the reading changes" (Hassan, 2002: 4).

To Wadud, the perception people have about women influences the interpretation of the Quran (Wadud, 1992: 2)

"No method of Quranic exegesis is fully objective. Each exegete makes some subjective choices. Some details of their interpretations reflect their subjective choices and not necessarily the intent of the text. Yet, often, no distinction is made between text and interpretation".

Aisha Bewley, meanwhile, says that

"the place of human beings in Islam is to become a fully alive human being who worships the Creator connected to the wonders revealed in existence; a person seeking to establish social and political justice in an environment through fulfillment of the Message of Allah. The Abd / Rabb dichotomy: Servant and Lord, is more important than the dichotomy Men / Women" (Bewley, 2002: 1).
Contributions of Hermeneutics

You can not get epistemic justice without challenging those that prevent it. To do this, feminist hermeneutics of the Quran has focused on deconstructing patriarchal interpretations of the holy book that give to men authority over women and extensively, authorizing phallocentrism for establishing itself as ruler of the lives of women in the bodily, spiritual and symbolic enabling it to develop narratives about gender roles and status without having to count on women participation for it.

An important and fundamental exercise of feminist hermeneutics that has been done in relation to verse 4:34 that would establish, in different shades, the authority of men over women, according to translations:

Sahih International:

Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth....

Muhsin Khan:

Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means.

Yusuf Ali:

Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means.

Dr. Gali:

Men are the ever upright (managers) (of the affairs) of women for what Allah has graced some of them over (some) others and for what they have expended of their riches

Muhammad Tahir-ul-Qadri:

Men are in charge of women, because Allah has made the one of them to excel the other, and because they spend of their property (for the support of women)

The word that set the authority of men over women here through different expressions like "in charge", "managers", "one to excel the other" is Qawwamun. This is a plural form of a word which is generally translated as "lord", "teacher", "leader", "ruler", "director". Once established that the man is the leader, it is evident that women are followers. So you've established a hierarchical relationship.
For scholars, the most appropriate translation of *Qawwamun* is not “authority”, but “responsible for the maintenance of the family” and is a term that refers to economic matters related to an specific time and situation and not moral issues nor to all the contexts. For feminist hermeneutics, this verse talks about the division of labor: While women are responsible for “carrying in her womb” to the children, and during the period in which they fulfill this function, men would have an obligation to be responsible for the costs of family, and therefore men should play that role of maintainers during that period.

Yaratullah Monturiol expanded the hermeneutics of *Qawwamun* and confirms the interpretative deviation of *authority* from the root word in Arabic. This author says that the word *Qawammun* comes from the verb *qâma-yaqûmu* from the same semantic family of *Qiyama* (resurrection, uprising), *Iqama* (getting ready for salat) *Qayyum* (to stand), *Istiqama* (righteousness), *qaum* (people, nation), *maqâm* (place), *Mustaqim* (like in Sirat al- musta’qim: Straight path):

“It seems that in this verse the Quran was saying the man: Qum! (Wake up! ); awakens to a situation, awakens to an attitude, an action. The dynamic and cyclical nature of the one who, in a given moment is in a position of *Qa’im* (literally <<he who stands up>>), contrasts with any kind of static and definitive definition such as <<preeminence or superiority>> as reflected in many translations of the Quran. Being *Qa’im* is not a situation of law, but a matter of context” (Monturiol, 2009: 40).

For feminist hermeneutics, the authority of men over women is not a Quranic principle but a legal product of an interpretative construction of Muslim scholars throughout history. Challenging the authority and power from which unfair narratives about Muslim women, and the consequent actions justified by them are established, it is relevant because:

“Most problems for women stem from the fact that Muslims on the whole buy into an ideology of male supremacy – an epistemic place - that manifests itself in a variety of forms. These range from misogynistic attitudes towards women, to laws that discriminate against them, to outright violence against them in the shape of domestic abuse and, most egregiously, the heinous <<honor killings>>” (Barlas, 2006: 1).

7.- Final Comments

Although hermeneutics alone can not end the patriarchal practices and authoritarian governments it is crucial, as Asma Barlas points:
First, because there is an inescapable connection between the existential questions it tries to answer the religion and the interpretation of the sources from which their responses are made. There is a relationship between what we believe God says about women, the way we represent, the way we view ourselves and the way how we are treated. This has been a driving idea in the work of theologians and feminist scholars of religion.

Second, the reinterpretation of the scriptures is particularly important because the Quran provide role models for men and women, regulating social and interpersonal relationships. Whereas different readings give rise to different ways of understanding Islam, it is essential to review the scriptures and that Muslims can develop a theory of equality and social justice based on the Quran.

Third, if we want to ensure and respect the rights of Muslim women, we need to challenge not only the readings of the Quran that justify their abuse and degradation, but we must also recognize and legitimize the liberating, emancipating and alternative readings.

Feminist hermeneutics of the Quran is an activity in progress, posing questions to different partners. Through the revision of the doctrine and interpretations canonized by history, it raises questions about what it means to be a Muslim today: if it means taking a stand against those who insist on unfair practices and sanctify tradition above all without subjecting it to reflect or taking an active and conscious commitment on behalf of the fundamental cosmological principles.

For secular voices, whether progressive or feminists, Muslim feminist scholars in Islam have something to offer: looking back critically to their own troubled relationship with religion and revisiting their dogmas and concepts about what is religion, what is Islam and what are the representations on Muslim women they have.

In all situations what feminist hermeneutics of the Quran calls and demands is justice for women: the ethic of justice given by God in the Quran through their cosmological principles on behalf of which the women’s soul is not lesser than men’s soul\(^1\); declarative justice, as the Quran gives to women equality and dignity and thus the ability to define and decide by themselves on their lives; socio-political justice regarding the participation with equal rights in all kind of affairs that affect their lives as members of a community.

\(^1\) 33:35; in Yusuf Ali, The Holy Qur’an, 1116-17
According to the belief that this dynamic renewal of narratives is necessary because the Divine “every day manifests itself in a new and wonderful way”\(^1\) is not possible to achieve changes in society or in religious communities if there is not a change in the narrative and speaking subjects. For gender justice, epistemic justice is the key. Feminist hermeneutics in Islam is the possibility of developing that epistemic justice for Muslim women from releasing new stories from themselves that enable us to overcome:

“The apparent impasse between the threat by those who want to impose patriarchal interpretations of the sacred texts of Islam and the” panacea ”of those who fight for a neo-colonialist hegemonic global project on behalf of human rights and feminism” (Mir Hosseini, 2011: 3).

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“Reverence the wombs that bore you”: On Unearthing a Female Legacy Transgressive to the Patriarchal Social Order

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Abstract: Perceptions of women’s power and authority in Islam range from Orientalist discourses that present the Muslim woman as an exotic, victimized, and elusive figure in need of reform, to patriarchal scholarships that confine her to a secondary, consequential role under male regulation, to Islamic feminist exegeses that seek to liberate her, and itself, from either of these assessments. This study explores the flaws in contemporary patriarchal male scholarship, referred to herein as “patriarchal scholarship” or simply “male scholarship,” and defined as the line of scholarship that claims traditional precedent and mainstream consensus, that necessitate Islamic feminism. I build on Asma Barlas’s observation that while male scholarship professes egalitarianism in Islam by upholding Qur’anic values of equality at a theoretical, spiritual level, this profession is duplicitous, as patriarchal scholarship simultaneously fails to apply its Islamic theory of egalitarianism to Islamic practice, which should be challenged as a detrimental lapse in logic. My argument consists of three elements: I assert that inconsistencies between Islamic belief and Islamic practice as promoted by patriarchal scholarship prevail at even the interpretational level, that this male legacy of interpretative authority is afforded a continuity that female scholarship is denied, and that the formations of Islamic feminist exegeses predate European colonial influences in the Middle East. It is this third point that renders disingenuous the characterization of Islamic feminism as non-traditional compared to patriarchal scholarship, and subsequently an insufficient reason to dismiss feminist scholarship, though it is one commonly employed and further facilitated by the harmful dynamics of Orientalist discourse that seek to “free” the Muslim woman over her agency.

Keywords: Islamic feminism • Quran 4:34 • Unseen • male scholarship • women’s agency
Summary

This study investigates the logical inconsistencies in patriarchal male scholarship, defined as the line of scholarship that claims traditional precedent and mainstream consensus, in regards to classical Islamic rulings on women's behaviors, dress, and spiritual location relative to men's spiritual location, by exploring the implications of exemplary Quranic verses that have been problematized by Islamic feminist scholarship. Through the use of the Qur’an itself as its own reference, patriarchal interpretations of these verses are interrogated for soundness. The notion that feminist scholarship is contemporary rather than classical is challenged as both incorrect and harmful to the cause of women's rights in the practical sense, because it denies Muslim women a rich history of liberation and precedent on which to found arguments of contemporary resistance. With both the availability and veracity of feminist interpretations of the Qur’an, the logical lapse in the patriarchal claim that men and women are spiritual equals but not practical equals is exposed.

Qur’anic verse 4:34, which states that righteous women guard the Unseen as God has ordered them to guard, has been interpreted by patriarchal scholarship as referring to women's bodies, an interpretation this study argues is disingenuous due to the philosophical significance of the word "Unseen" in the Qur’an. Patriarchal scholarship de-emphasizes or otherwise ignores passages in the Qur’an that position the feminine identity as closer to God, such as Qur’anic verse 4:1 which draws the womb into the same circle as God, and instead imposes hierarchies of masculinity-as-superior where such hierarchies do not exist, such as Qur’anic verse 4:34, which male scholarship has misconstrued to order women to obey their husbands rather than God, and such as Qur’anic verse 33:33, which has been translated by male scholarship to order women to stay in their homes rather than behave with dignity in their homes.

Accordingly, I make the case for unearthing classically transgressive interpretations of the Qur’an that have been discarded by the male-dominated ulema since shortly after the Prophet’s death, and identifying these interpretations as feminist as to establish a legacy denied to contemporary feminist scholars, who have no recognized foremothers to whom they may anchor a legacy. Through these means the perception of the Muslim woman through the savior complex of the Western lens as a degraded, cloistered figure, is subverted, by restoring to her a history of liberation legitimated by tradition, and so is subverted the popular tendency of patriarchal
scholarship to refer to corruption by Western colonialist ideals as reason to dissuade female liberation. Essentially, in recognizing her interpretative power, to differ from—and not merely to replicate—male scholarship, the agency of the Muslim woman is restored.

Cosmological equality of the sexes in Islam transcends the realm of belief. Islamic beliefs must manifest in the realm of practice, as described in the Qur'an with the opening verse of surah 4, which commands Muslims to “Reverence God, who created you from a single Self; created, of similar nature, its mate, and dispersed wherefrom countless men and women. Reverence God, through Whom you demand your mutual rights” (Q4:1). Islamic feminists including Asma Barlas, whose poetic rendition of Yusuf Ali’s translation is used roughly here, cite this verse establishing intrinsic equality, and note that the verse continues to recognize the womb as encircled in the same realm as God (“And Reverence the Wombs that bore you”). Patriarchal male scholarship, frequently without mention of Q4:1, utilizes an approach similar to “different but equal” in which men and women are cosmological equals but women are demonstrably relegated to a separate sphere of privacy, seclusion, and domesticity.¹ This particular application of (in)equality in the practical, non-cosmological realm is inconsistent with the Qur'an, which makes no distinction between cosmological equality and practical equality. That is to say there should be no dissimilarity between the theoretical spiritual equality of sexes and the manifestation of this equality in practice.² Furthermore the command of Q4:1 is not only to recognize God, but to reverence Her with a practice: the practice of mandating rights that are not “different” but are “mutual.”

Varied readings of a Qur’anic verse are possible: one reading of Q4:1 is that the verse presents “mutual rights” as an incentive to reverence God; another reading suggests that God is reverenced independent of incentive and that the verse of “mutual rights” functions only to introduce the theme of roles in the subsequent verses. The reading I propose here, that the awareness and implementation of “mutual rights” is

more than a reason to reverence God but a way to reverence Her, operates on two
variables: (1) the recognition of the verb “to demand [mutual rights]” as an action, or a
practice, as opposed to the mere existence of “mutual rights” such as, for example, the
mere existence of “Signs” and (2) the Islamic philosophy that every action described in
the Qur’an as originating from God is an act of worship and consequently an act of belief.
This reading is consistent with the indicative language of the Qur’an that fastens practice
with belief; for example, “God will show you Her Signs, and you will recognize them.”
(Q27:93) Here, it is the recognition of these Signs, and not the mere existence of them,
that engage Muslims to believe. But to recognize is an action and a practice of the
corresponding belief, which illustrates the Qur’anic theme of collapsing belief with
practice: if the mutuality of rights, like the recognition of Signs, is not practiced, then the
religion is not believed. A Muslim who does not recognize the Signs of God shirks the
definition; the demand (not the existence) of “mutual rights” is equally fundamental to
belief. It is not sufficient, therefore, to merely acknowledge “mutual”—not “different”—
rights if these rights are not implemented into Islamic practice.

Contextually, the mutual nature of the equality described in verse 4:1 of the
Qur’an refers to all circumstances, as its practical application is not in any way confined
to the financial, legal, domestic, social, martial, or marital areas, among others, specified
in the Qur’an. Nor is it ascribed to a context unique to the 7th century. Patriarchal male
scholarship fails to apply universal verses comprehensively, whilst affecting specialized
verses to all Islamic practices. Consider, for example, Qur’anic verse 2:282, which
describes the mitigation of a financial dispute by requesting the presence of two male
witnesses or otherwise one male and two female witnesses. From this verse, male
scholarship concludes that a single man’s testimony is equal to that of two women’s,
regardless of whether the dispute in question is the ratification of a contract between a
loaner and a debtor as specified in the Qur’an.¹ The Qur’an makes no qualitative
equivalence between a male witness and two female witnesses. Furthermore, Q2:282
itself can be read to designate only one of the women as a witness, and the other as a
guarantor to “remind” her should she err or become intimidated in the male-dominated
jurisdiction of financial transactions, but the second woman is read by male scholarship
as a witness nonetheless, and not merely as a supporter, creating an opportunity to read

women’s testimony as less accurate or less valuable. This is the popular reading despite the fact that the verse continues to caution, “Let no scribe be harmed, nor any witness. For if you do so, indeed, it is grave disobedience [of God] in you” (Q2:282), which clarifies that the supporting woman’s purpose is to ensure that the female witness is not threatened by the domineering party breaching the contract, and not necessarily that of an official witness. In the context of the Qur’an, if the first woman “forgets” or “errs” it is in the face of potential harm. Additionally, it has been noted by Islamic feminists that the Arabic word for “she errs” or “she forgets” used in the Qur’an is *tadilla* from the word *dalal*, (as opposed to *nisyan*, which is literally forgetfulness); *tadilla* describes forgetfulness or error of a particular nature: forgetting the right way (of God) when confronted by an external interest, in this case a threat.

Specified in the Qur’an for only financial contracts concerning debt, this male to female ratio has been applied to all contracts, including those pertaining to marriage. However, several configurations of court are described in the Qur’an in which no designation is made for the sexes (Q4:15, 5:106, 65:2) and in the case in which a woman is accused of adultery, her witness to her own innocence is not only equivalent to a man’s but effectively eliminates his testimony, as in Q24:9. In the case of adultery, the Qur’an privileges the accused woman’s witness over the testimony of the male accuser. If the gender dynamics of verse 2:282, which are specified in the Qur’an as relevant only to financial contracts involving loans, are applied in practice to all courts, then why not argue that the dynamics of verse 24:9, in which a man’s testimony is rendered ineffective by a woman’s, should set the legal standard for all courts?

Instead, male scholarship erroneously overlooks the Qur’an’s parameters for verse 2:282 that confine the gender ratio to only the litigation of debt, yet it appropriately restricts Qur’anic verses such as 24:9, in which a woman’s witness is privileged over a man’s, to the designated case of adultery. Additionally, patriarchal scholarship devises parameters such as “different but equal” that have no foundation in the Qur’an but rely on politically motivated and culturally situated values to universal

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1 Shaykh Taha Jabir Al-Alwani, *Issues in Contemporary Islamic Thought* (London: Biddles Limited), 169. al-Razi writes in the 7th century that, “The nature of women is dominated by forgetfulness owing to a predominance of cold and wetness in their physical constitution. The joining of two women in forgetting is less likely than the occurrence of forgetting in just one woman. That is why two women are to take the place of only one man.” This debunked assertion purports that a woman’s witness should always equal half that of a man’s, regardless of circumstance, because the fault lies inherently with her and not in the uneven powers of the field.
verses such as Q4:1. In fact, not only is the privileging of a woman's testimony over her male accuser's in Q24:9 restricted only to the verse to which it is designated in theory, but the invalidation of man's testimony against an allegedly adulterous woman is one that is abandoned entirely in practice.

Vulnerable with faulty, disproven, and sensationalist science, the unsupported conjectures of patriarchal analysis depend on irrelevancies to survive: in order to justify the projected equivalence between one male witness and two female witnesses, patriarchal jurists often cite that "men are the maintainers and protectors of justice [qawwamuna] for women, for God bestows a bounty of advantages on some over others." (Q4:43) I've deciphered the Arabic words qawwamuna here, which are often translated as "maintainers" or "protectors", to "maintainers and protectors of justice." Islamic feminist Kecia Ali, whenever referring to this verse, leaves the word qawwamuna untranslated in her scholarship and proceeds to explore its potential definitions instead, because no English translation exists without the imposition of some interpretation. However, to specify that Q4:34 is referring to matters of equity and justice, the word can be examined in another Qur'anic verse in which the function of the word is clear, "Those who've attained faith! Be ever steadfast in upholding equity and securing justice [qawwameena], bearing witness to the truth for the sake of God even though it be against yourselves, or your parents and kinsmen, whether the individual be rich or poor; God stands closest to either." (Q4:135) It is for the interest of continuity that Q4:34 should be interpreted in a similar fashion to Q4:135, in which the word signifies a person expected to act justly, but the bias of patriarchal scholarship distorts the interpretation of qawwamuna when the subject matter refers specifically to women to describe men as the "maintainers" of them. This is an imposition of a patriarchal framework onto the content of the Qur'an; independent of it, men are in fact warned in Q4:34 to not abuse their power and control women but to maintain justice in regards to them. Note the use of "some" and "others" rather than "men" and "women," authenticating a reading of social privilege due to constructed gender roles rather than due to biological sex.

Supporting this concept, consider that Q4:135, which once again is concerned with the subject of bearing witness, outlines two parties: those in power, who bear the power of witness, and those for or against whom that witness is bore. The verse summons the faithful toward truthfulness, because regardless of "whether the individual
be rich or poor, God stands closest to either,” implying that the interest of justice is to serve the latter party who is affected by witness and not to indulge the first who delivers it. What follows then is that Q4:34, which describes men as the “maintainers and protectors of justice and equity”—qawwamuna—for women, warns men not to abuse their power over women, and observes that the power exists—“for a bounty of advantages are bestowed on one over the other”—in the society to which the Qur’an is revealed, without Divinely sanctioning this power. To justify the disqualification of women from positions of power and prominence,¹ patriarchal scholarship has adopted the inversion: men are maintainers and protectors over women, and that this position of power is permitted by God.

I concede that, like everything, the privileges men hold in society “are permitted” by God. But I challenge why this is meaningful or significant. Poverty, violence, starvation, the ills of society are all “permitted” by God, in that nothing can exist without Her, but are not necessarily the way of God. This is a concept that is not unfamiliar to the religiously inclined. Why, then, has male scholarship interpreted Q4:34, “because God has given one advantage over the other,” as an endorsement of this power, when the same would not apply the identical logic to violence or poverty as an endorsement of the violent or the wealthy? Unlike Q4:1, which calls the Muslim to demand “mutual rights” that come through God, the power described in Q4:34 that assigns some of one gender the responsibility of equity and justice for the Other gender is not a power that is linked with an action or practice of worship: that is to say, it is instead a mere observation—there is no scriptural evidence that the privileges of men, unlike the demand of “mutual rights,” are Divinely Sanctioned and must be implemented into the conscience of the believer.

Rather, there is scriptural evidence that God makes an observation of male privilege², and that this observation liberates women by charging men to uphold equity and secure justice, as unearning privileges cannot be challenged if they are not identified.

² Hadia Mubarak, “Breaking the Interpretative Monopoly: A Re-Examination of Verse 4:34,” Hawwa Journal of Women of the Middle East and the Islamic World, Vol. 2, No 3 (2004): 261-89. She provides in a footnote that, “A more ‘progressive’ definition of qiwama [in this verse] would be ‘guardianship’, whereas a more traditional definition would be ‘male supremacy’” (p.263). I adhere to the traditional definition. If male supremacy is identified here by God, it can be dismantled by Her Order (Q4:1).
Additionally, the most frequent use of the word *faddala* or “bestowed” in the Qur’an is to signify wealth: the privilege or “bounty” suggested in Q4:34 is specifically a financial one acknowledging that some men earn more than some women in the society to which the Qur’an is revealed. After warning men that they are “protectors” of justice, the verse alludes to the responsibility of advantaged women, stating that “righteous women are devoutly loyal to God and guard the Unseen that God has ordained to be guarded.” (Q4:34) Although patriarchal scholarship operates on the assumption that the guarded object is sexuality, this assumption is an interesting one at the very least, because it deliberately ignores the word *lil-ghaybi* or “the Unseen” which is a word of extraordinary philosophical weight in the Qur’an. It appears in various forms, no less than sixty times, and nearly always refers to a mystical realm of which only God has knowledge. Specifically, the “Unseen” refers to hidden knowledge, to the sins and virtues that are private to the individual and sometimes even unbeknownst to her. There is an intrinsic parallel in the structure of Q4:34 as it transitions between men and women, indicating that righteous women are enlisted as guardians of their moral compass in the realm of the Unseen in the same way that men are warned of God’s awareness of their privileges. Likewise, true to the role of *qiwama* in the Qur’an, women in Q4:34 are guardians (*hafizatun*) of social welfare and securers of justice, and their private affairs—or the Unseen ways, honest or dishonest, with which they deal in their wealth—cannot be hidden from God, who knows the Unseen. The use of “Unseen” in the Qur’an is too significant to be reduced to “sexuality” and is done so only for women, effectively cheating them of agency and authority.

Utilizing the Qur’an as its own dictionary easily renders the most striking incidents of the use of *Unseen* as knowledge that only God harbors. A basic example of

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2 Thomas Irving et al., *The Qur’an: Basic Teachings: An Anthology of Selected Passages from the Qur’an, Translated into Contemporary English with an Introduction to the Message of the Qur’an* (Markfield, Leicester, UK: Islamic Foundation, 1992), 207. He refers politely to a “husband’s rights” over her. The sexual implication, with its problematic wording, is clear to Muslims well versed in their own communities.
3 Consider, for example, Q6:59, “And with God are the keys of the Unseen; none knows them except Her. And She knows what is on the land and in the sea. Not a leaf falls but that She knows it. And no grain is there within the darknases of the earth and no moist or dry [thing] but that it is [written] in a clear record.” Consider also, Q62:8, “Indeed, the death from which you flee - indeed, it will meet you. Then you will be returned to the Knower of the unseen and the witnessed, and He will inform you about what you used to do.” In the Qur’an, the “Unseen” refers to the dimensions of magic, death, and, as relevant to Q4:34, personal moral conduct hidden from the social realm of spectators.
this is Q2:33, in which God teaches Adam various names, “She said, ‘O Adam, inform [the angels] of their names.’ And when Adam had informed them of their names, She said, ‘Did I not tell you that I know the Unseen aspects of the heavens and the earth? And I know what you reveal and what you have concealed,’” as well as Q72:26, which reads, “God is the All-Knower of the Unseen, and She does not disclose Her Knowledge of the Unseen to anyone.” Pertinent to Q4:34, whose context warns men to maintain and secure justice situated beside women as guardians of the Unseen, is Q12:81, in which the eldest brother of Yusuf despairs, “Return unto your father and say: O our father! Your son [Benyamin] has stolen. We testify only to that which we know; we are not guardians of the Unseen.” Here, the word for guardians is haafidh or “protectors,” in the same way that God is a Protector; in verse Q4:34 qawwamuna, maintainers or guardians, is used for men but not for women. For women, Q4:34 employs hafizatun, the feminine plural of the same word Yusuf’s eldest brother uses to deny knowledge of the Unseen, of which She alone has knowledge. It is reasonable to conclude, then, that in Q4:34 while men are warned to maintain justice and assigned the duty to guard it, women are enlisted as protectors of the Unseen.1 A hafiz, in common use, is a memorizer, or keeper/protector, of the Qur’an itself, and so are women guardians of the moral sphere: they hold the aforementioned men in the verse accountable for the Unseen infringements of patriarchy and “guard in the Unseen that which God has ordered them to guard” (hafizatun lil-ghaybi bima hafiz al-lahu.) Instead of interpreting the verse this way, however, male scholarship has reduced the meaning of lil-ghaybi to women’s bodies, and some translations, including Sahih International and Yusuf Ali, even go so preposterously far as to insert “in her husband’s absence” into the text.2 Undoubtedly, counterarguments may accuse me of shirk (idolatry or disbelief) in acknowledging that the Qur’an draws women nearer to God, but I challenge the men who simultaneously misconstrue this very verse of the Qur’an as commanding women to obey both God and their husbands in the same breadth, as to why the suggestion of this command isn’t shirk.

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1 Note also that although male privilege is recognized without the permissive vehicle of a verb as described earlier, women righteous women are described, with a verb, as those who are commanded by God to guard.

2 Muhammad Muhsin Khan’s translation of the Qur’an reads, “Therefore the righteous women are devoutly obedient (to Allah and to their husbands), and guard in the husband’s absence what Allah orders them to guard (e.g. their chastity, their husband’s property, etc.),” when the Arabic text of the verse neither commands women to obey their husbands nor enlists women to protect the Unseen in their husband’s absence.
Restoration of female authority is a primary concern for Islamic feminists, but female authority is swiftly suppressed by male scholarship at any opportunity. As demonstrated in Q4:1, in which Muslims are commanded to “Reverence the Wombs that bore you” in the same verse they are commanded to Reverence God, it is not at all unusual for the Qur’an to position women in proximity to God.¹ This ethereal phenomenon goes unnoticed, and occurs again in Q4:34 when women are enlisted as guardians of the Unseen. In Q4:1, the Self from which men and women are created is in fact linguistically feminine whilst its “mate” is masculine.² This is starkly contradictory to the “God to man to woman”³ hierarchy imposed by patriarchal scholarship. The patriarchal reading of Q4:34 in which women are guardians not of justice or the Unseen but of their own sexuality is a symptomatic of a politically motivated, culturally situated, and economically invested state-of-mind with which male scholars approach interpretation.

Contemporary patriarchal scholarship is deliberate in its incorporation of sexism, as even the strongest cases for feminist interpretation are dismissed over the appeal of misogynistic ones. An example of this is Q33:33, which has been translated by a number of male translators, including Yusuf Ali, as ordering women to “stay quietly in [their] homes,” while a far more accurate translation is “behave with dignity in your homes.”⁴ Although the notion that classical and contemporary patriarchal scholarship is biased is a radical one to the Muslim community, I am not the first to suggest it. Nazira Zain el-Din, a pioneer of Islamic feminism in the early 1920s, confronted Shaykh al Ghalayini by saying, “Do you not know that women’s freedom and independence are rights? When you wrote about women’s inferiority you claimed that men’s strength was the reason for their greater reason and acumen. What’s the connection between reason and physical strength? […] Men claim superiority because of their strength, but they can only do so by

¹ Barlas, Believing Women, 197.
² However, this, too, is ignored by patriarchal scholarship as a merely linguistic occurrence necessitated by the Arabic language. Contradictorily, male scholars interpret the story of creation as a masculine Adam in the primary role, based solely on the masculine and feminine pronouns, which somehow in this case are not merely necessitated by the Arabic language. Were “scientific” explanations imposed on interpreting the Qur’an as they are by male scholars, it can be argued that Eve is the primary character, as embryos are initially female.
³ wadud’s, Men in Charge?.
⁴ Carolyn Baugh, “Part 1: What a Difference a Kasrah Makes.” AltMuslimah, April 2, 2012, accessed June 6, 2015.  http://www.altmuslimah.com/2012/04/part_1_what_a_difference_a_kasrah_makes/. Carolyn Baugh explains in her altMuslimah.net article, “What a Difference a Kasra Makes,” (April 2, 2012) that, “The root [in Q33:33] is from qarr, (to remain, to be sedentary, to settle). Even if the root word were qarr, al-Farrā’ shows us what the command form would look like: aqrarna, not garna. In other words, if you want to use the root verb which means to remain sedentary, it takes a lot of dodgy grammatical wiggling to get it to match the consonantal outline found in the early Qur’āns.”
making sure that women stay weak.”¹ In fact, in the early 1800s, prior to French displacement of the Ottomans in the Arab Peninsula and European pressures in the region, Butrus al-Bustani founded a pro-women’s rights newspaper that circulated widely in Syria, Iraq, and Egypt with a considerable female readership. The history of female resistance in the Middle East and South Asia is a lively and vigorous one, stunted only by the threat of European powers, not enabled by them. In a critique of the framework of Ayesha Chaudhry’s excellent book², Shehnaz Haqqani notes, “Since alternative interpretations of 4:34 start emerging after colonialism, Chaudhry finds the demarcation of colonialism a rational choice, one that works well given her research and finding. Nonetheless, readers might struggle to appreciate the implication that colonialism deserves the credit for prompting an egalitarian conscience in Muslims, almost as though were it not for colonialism, the emergency of egalitarian scholarship would never have occurred, despite the fact that western ideology also hadn’t developed a feminist conscience yet.”³ Indeed, the perception that improvements in women’s acknowledged rights prior to the coinage of the term “feminism” cannot be considered feminist is a hindrance to establishing a crucial legacy of female scholarship, because the notion that women’s efforts prior to the coinage of the term are not “feminist” relies on the dishonest validation of white Western women as pioneers of female liberty from whom Muslim women merely borrow⁴, when in fact, Muslim women enjoyed even rights as standard as the vote prior to women in the United States and Europe. While I understand from a historical standpoint the reluctance to characterize female advancement as “feminist” prior to the coinage of the term, I question how useful and how honest upholding this principle can prove when it enables male scholarship to invalidate the radical exegesis of contemporary female scholars by severing female scholarship from a feminist legacy, and furthermore, when we fail to apply the same principle to contemporary male scholarship that differs from classical interpretation and is yet considered an extension of the same male legacy. For this reason, I will be

⁴ Uma Narayan, Dislocating Cultures: Identities, Traditions, and Third World Feminisms (New York: Routledge, 1997), 32. Uma Narayan writes, “Third-World feminists need to challenge the notion that access to ‘Westernized educations,’ or our espousal of feminist perspectives, positions us ‘outside’ of our national and cultural contexts.”
employing the term “classical feminist scholarship” to refer to classical scholarship dismissed as incorrect or transgressive.

Illustrating the essentiality of female legacy, a few years after the Prophet’s death a woman was forbidden by the order of Caliph Umar from ever marrying any free man, due to her transgressive interpretation of the Qur’an. After the woman had disclosed to him that she had taken one of her young male slaves to bed with her (outside of a marriage), the Caliph, incredulous, sought to punish her. When he had demanded to know her rationalization, she’d responded, “I believe that ownership by the right hand made lawful to me what it makes lawful to men.”\(^1\) *Milk al-yamin*, as Kecia Ali explains, or “property of the right hand” appears in multiple Qur’anic verses that describe the lawfulness of enslaved sexual partners. It is typically interpreted by both classical and contemporary scholars (or the few contemporary scholars willing to discuss its existence) as pertaining to the female slaves of only male slaveowners and their conduct. The Qur’an, however, makes no assignment of gender, and in Q24:31, describes *milk al-yamin* under the female hand as well.\(^2\) Kecia Ali remarks that Umar was stunned and distressed by the woman’s actions and her assertion to have God’s authorization for it. When Umar brought the incident to the Companions, they responded that, “She [the woman] has applied to the Qur’an an interpretation that is not its interpretation.”

Hierarchizations of traditions should be examined for prejudices. In another incident, which Aisha Geissinger discusses, Fatima bint Qays recounted that when she had been irrevocably divorced, the Prophet, after ruling that she was not pregnant, had determined that she needn’t stay in her ex-husband’s home for the three months prescribed in the Qur’an for women who receive a revocable divorce. The Prophet instructed her instead to spend her waiting period in the home of another man. When Fatima bint Qays recounted this incident to a messenger sent by the governor of Medina, it was dismissed on the grounds that, “We do not hear this account from anyone except a woman. So we will adhere to the practice of restraining any divorced woman from departing.”\(^3\) Even though the Qur’an itself supported her, since verse 65:1 specifies that

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the three-month waiting period applies only to a woman whose divorce is revocable, Fatima bint Qays was overruled, though she had argued that her hadith is supported by the Qur’an. Consequently, the right of an ex-husband’s family over a woman who receives a revocable divorce from him is upheld against the Qur’an, in favor of maintaining the patriarchal social order.

Assertions that misogynistic interpretations of Qur’anic verses do not originate with the most classical scholars, and that misogynist interpretations are deviations from original egalitarian analyses, are not necessary ones with which I disagree. But I accept these assertions on the ground that it is self-defeating to claim that misogynistic interpretations have no foundation in Islam, even though these interpretations might have a precedent, and simultaneously accept and discard potential female scholarship that is vital to the assertion of egalitarianism: the “adulterous” woman who bedded her male slave, who was of the Prophet’s time (practicing Islam only a few years after his death), spoke the Prophet’s Arabic, understood the culture in which she lived and in which the Prophet had lived, arrived at an egalitarian interpretation of the Qur’anic euphemism that was understood by male Companions to apply only to themselves as men. The woman herself and her interpretation were denied validation by the male authority of the Companions. She is not, up until this contemporary time, considered a scholar, but only her conclusion, viewed as incorrect, deprives her of the title. Her methodology, comprising the linguistic and cultural insight of the people who lived during the Prophet’s time, can not be brought into question by most contemporary Islamic scholars, who often claim that the Islamic rulings should be considering according to their time as justification to silence an opposition who isn’t learned in the early Islamic era, since this woman was a woman of her time.

Muslim feminists have a propensity to claim that misogynist readings do not originate from classical scholarship and instead evolved over time, but in order to do this we should be forced to expand the constructed parameters of that scholarship, because to substantiate this claim, our understanding of “classical scholarship” must include women whose agencies and authorities were not and are not recognized by classical and contemporary male scholars. In order to insist that misogynist readings do not originate from classical scholarship, we must admit that feminist classical scholarship involves the identification of women who were denied authority by existing classical scholars. And we are forced to recognize them if we want to make this claim of
origins, because male classical scholarship was in fact demonstrably misogynistic, as in this case. This, of course, involves structural rearranging, and raises a number of questions.

But denial of classical feminist authority means that for contemporary women, there is no scholarly lineage, because it has been deliberately obstructed by classical male scholarship. Lineage is relevant on a structural level: when potential male scholars are born into a legacy that their forefathers have established for them, their scholarly ventures are anchored by this legacy and their interactions with it. Any potential female scholarship, denied the stability of an acknowledged legacy, is either lagan or a spectacle—a lone ranger, detached.

Manifestations of this phenomenon are not only limited to the well-recognized phenomenon in the Muslim community that entails praising women such as Ayesha, the Prophet’s wife, yet criticizing those contemporary women who resemble Ayesha and other exemplary figures in their defiance. This disconnect extends to become evident nearly every conversation pertaining to any kind of feminist interpretation of the Qur'an. When describing to a man the problems in the interpretations of 5:38, which most scholars identify as permitting the removal of the hands of thieves, I was confronted by the man’s adamant refusal to accept my methodology, which consisted of peeling away at the layers of the word itself and in its grammatical context. He insisted that because I lacked male-approved credentials—my “credentials” came into question often during this conversation—I must have had no right to speak on the matter, although he believed it was appropriate to interrogate me regardless. But what was most astounding about this conversation is that another male contributor to the discussion referenced an article by Hadia Mubarak, in which Mubarak destabilizes and ultimately discredits misogynist interpretations of 4:341, the verse believed to permit domestic violence against women, an article which I’d already read long ago. Hadia Mubarak uses the same methodology I’d applied, but because her credentials were approved by the male audience and her scholarship was not perceived as independently noteworthy, our methodologies could not be linked.

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1 Mubarak, “Breaking the Interpretive Monopoly,” 261-89.
Likewise, in a discussion during which Shehnaz Haqqani\(^1\) voiced her distress about the number of women the Prophet married, she was told by a man to “be more like Kecia Ali” in the disposition of her argument, although I doubt Kecia Ali would have found any issue with her expression of dissatisfaction. When commenters rushed to criticize a woman lamenting the disconnect she felt within her Muslim community due to her attire, amina wadud was cited by misogynists as a woman whose scholarship was valid because “even she” dressed “properly” (and not in short skirts). I could have assured these men that, based on her scholarship, amina wadud would have found this laughable. Furthermore, women are denied interactivity with the text. While the male Companions of the Prophet demanded\(^2\) that Qur’anic verses that were transgressive to their patriarchal social order be changed, their interactivity with the text was viewed as acceptable, and was negotiated. While women, such as Umm Salaama, directly changed the Revelation of the Qur’an, women are not viewed as authorities in negotiating with God, and thus cannot accept or reject points of this negotiation between Muslims and God regarding the practice of Islam.

Feminist critics, whom I distinguish here from feminist scholars, are disjointed from feminist scholarship because female scholarship in itself has been denied lineage. Because the recognition of female authority by Muslim men in the community is too frequently based not on the insightful, groundbreaking work of these scholars or what they are contributing to Islamic discourse, but on how they are presenting their conclusions (Kecia Ali) or on how they dress (amina wadud), their arguments and scholarly voices are fallaciously pivoted on whether their attire or tones appeal to a male audience, regardless of the atrocity the scholars themselves would find in this. That atrocity, and the vocalization of it, are silenced by the assumption that it does not exist, and by male insistence on refocusing the conversation amina wadud’s choice of dress rather than her words or Kecia Ali’s scholarly detached tone instead of the implications of her provocative questions. When the arguments themselves are denied validity, male members of the community become incapable of identifying in female inquirers congruity with these scholars except on superficial terms, and they are able to fashion

\(^1\) I thank Shehnaz Haqqani, PhD student of Islamic Studies at the University of Texas in Austin, for patiently listening as I delineated my thoughts regarding this study to her.

feminist scholarship to suit their patriarchal contentions instead of conceding to the scholarly argument-based lineage from which male scholarship benefits.

Having bedded her male slave, the woman who interpreted Qur’anic verses referring to “property of the right hand” as applicable to herself, which at least once in the Qur’an (Q24:31) it explicitly is, as it is to any free man, was prevented from marrying, but the grounds on which her interpretation was deemed “incorrect” without justification—her femaleness—is evidence of a thread of bias in classical scholarship. The impact of this bias, and the patriarchal order that was established from it, serves as a perpetual blockade to female scholarship by rendering the quality of femaleness as unlawfully exceptional to Qur’anic commands and authorizations and of female behavior as regulated by male expectations. In order to imagine what contemporary Islamic discourse may sound like had classical feminist scholars achieved recognition as such, we can only pull verses from the Qur’an which, interpreted in the “feminine voice,” convey starkly different attitudes than in the presumed default masculine voice. Consider Q24:31, which reads, “And say to the believing women that they should lower their gazes and guard themselves, and not display their adornment except what is obvious (apparent, necessary) save to their husbands, or fathers, or father-in-laws, or sons, or brothers, or nephews, or children, or their women, or what their right hands possess, or those who have no desire of women.” The list of exceptions (husbands, sons, etc.) may sound restrictive, but compared to the verse it follows, Q24:30, which reads simply, “Tell the believing men to lower their gazes and guard themselves. That is purer for them,” we can note a number of things. First, men are told to lower their gazes before women are told to lower their gazes. Second, men have no exceptions. The larger context of these two verses involves entering a household, and men must lower their gazes to everyone in the household. It is reasonable, then, to come to the understanding that this verse is a regulation of male arrogance, that when a man, in context, enters someone else’s home and is commanded to “lower the gaze,” it is commentary on the entire culture of masculinity. Men are commanded to lower their gazes—or reduce their arrogance—not only in the presence of a woman, but in respect to her entire household.

Artificially separating feminist scholars from unrecognized predecessors and potential successors is problematic to intellectual honesty, because it privileges a male lineage of scholarship as fundamental tradition. A male lineage is the very definition of patriarchy, and that in itself is an ideological bias; I argue, therefore, that female
scholarship should be retroactively identified and restored. The attention to precedent and legacy, although discouraged in the Qur’an, for example, when disbelievers respond to Prophet Ibrahim that they will insist on the ways of their fathers, has tremendous impact on the anchoring of a Qur’anic exegesis to legitimacy. The solution to Islam’s patriarchy crisis I propose is not merely to produce more female scholars who carry on the patriarchal tradition: it is to unearth the classical feminist scholarship that has been discarded by patriarchs because their scholarship was transgressive. It is not merely an imitation, a regurgitation, of male scholarship propagated from a female form. Were we accustomed to an ulema in which the majority of exegetes were women from the beginning of Revelation, that ulema arriving at this interpretation would not sound to us as though they were performing logical acrobatics in their arguments, especially not considering the inconsistencies present in the interpretations of an ulema composed entirely of men.

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1 Barlas, “Believing Women.” 116


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Les dispositions coraniques en matière de mariage. Courte analyse des versets qui donnent les dispositions générales et qui formulent les interdictions.

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Le Coran a défini de manière assez claire toutes les dispositions en matière de mariage, en réglementant le nombre d’épouses, la polygamie, les rapports entre les conjoints, les obligations de chacun, les relations avec les esclaves, etc. Pourtant, on pourrait soulever que, d’emblée, le Coran, par la voix de Mohammed, encourage le mariage et exhorte au respect et à l’égalité entre les croyants. Le Coran perçoit le mariage comme un acte essentiel, qui n’est pas seulement le privilège des personnes libres : la Sourate XXIV. 32 recommande le mariage des esclaves : «Mariez les célibataires parmi vous, ainsi que ceux de vos esclaves, hommes et femmes, qui sont honnêtes ! » Théoriquement, dans une famille musulmane, tous les membres doivent être égaux devant Dieu et entre eux. Les partisans de la théorie de l’égale absolue entre les hommes et les femmes invoquent le texte du Coran XXXIII. 35:

Les soumis et les Soumises [Allah] (musulmans), les croyants et les croyantes, les orants et les orantes, ceux et celles qui sont véridiques, ceux et celles qui sont constants, ceux et celle qui redoutent [Allah], ceux et celles qui aumônent, ceux et celles qui jeûnent, ceux et celles qui sont chastes, ceux et celles qui invoquent beaucoup Allah, pour ceux-là Allah a préparé un pardon et une rétribution immense.

Cependant, comme nous dit Jacques Jomier, dans la vie quotidienne, le rôle du responsable de la famille « reste assigné à l’homme, celui qui doit fournir les fonds nécessaires à la vie des siens. »1 Mais la société a changé. De nos jours, on pourrait souligner le fait que l’indépendance sociale de la femme musulmane est très visible, à l’exception de certains pays qui ne reconnaissent que la charia comme loi fondamentale2.

2 Voir par l’exemple l’Arabie Saoudite, où fonctionne le système wahhabite, l’Iran, le Pakistan depuis 1988.
Par la suite, on va analyser trois versets coraniques représentant des dispositions générales en matière de mariage.

**Sourate IV. 25 :**

> Quiconque, parmi vous, ne peut, par ses moyens, épouser des muhsana croyantes, [qu'il prenne femme] parmi celles de vos esclaves que vous détenez – Allah connaît bien votre foi. – Vous participez d'une même communauté. Épousez-les donc avec la permission de leurs détenteurs ! Donnez-leur leurs douaires selon la manière reconnue [convenable], comme [à] des muhsana et non comme [à] des fornicatrices, ni à des femmes prenant des amants.

Le verset fait partie de la Sourate IV (An-Nisa – Les femmes), qui comporte en principal des passages traitant des droits des femmes et des questions relatives généralement à la famille, notamment les lois sur l'héritage, sur les empêchements au mariage, sur le mariage avec des esclaves, etc.

Les commentateurs considèrent que ce verset est adressé aux hommes pauvres qui n'ont pas les moyens d'épouser les femmes libres. Les gens sans argent n'avaient pratiquement pas la possibilité de se marier. Comme le douaire (*mahr*) était la condition essentielle à la conclusion du mariage, c'était plus facile pour les pauvres d'épouser une femme esclave qui n'avait besoin que des choses strictement nécessités et qui n'appartenait à aucune tribu ou famille qui aurait pu discuter avec le mari au sujet de la dot.

Toutefois, le terme *tawlan*, (traduit ici : *par ses moyens*) comporte selon d'autres traducteurs, une signification plus large, dans le sens où il s'applique à toute sorte de circonstances (matérielles, personnelles ou sociales). C'est pour cela peut-être que d'autres traductions en français préfèrent l'expression *de par sa situation*. Pour certains, le terme dénote la tentative. Plus exactement, il s'agissait des hommes qui, à cause de leur désir passionnel pour une esclave, ne pouvaient faire autrement que de l'épouser en renonçant de ce fait à se marier à une femme libre. Cette acception plus large se trouve chez Tabari, celui qui nous offre une interprétation très particulière. Pour lui, le terme dénote, au contraire, la richesse, la situation aisée, l'abondance de biens, car dit-t-il « s'il est une chose que Dieu a bien interdite, c'est qu'un homme épouse...

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une esclave alors qu’il a les moyens pour épouser une femme libre, et cela ne lui est pas moins interdit dans le cas où il ressent une passion violente pour une esclave. »


Ensuite, sont énumérées les conditions de régularité d’une telle union. Les hommes sont exhortés à épouser les esclaves avec la permission de leurs détenteurs en leur donnant leur douaire (mahr), et en suivant toutes les règles spécifiques en matière de mariage. Ainsi, par mariage, les esclaves deviennent des muhsana (terme qui sera analysé dans le verset suivant), et non des « fornicatrices (músâfihât) et des femmes prenant des amants ». Certainement, ces deux appellations, font référence à la polyandrie préislamique, quand les femmes se livraient publiquement aux hommes contre une rétribution.

**Sourate V. 5 :**

[lícites sont pour vous] les muhsana [du nombre] des Croyantes et les muhsana [du nombre] de ceux à qui l’Écriture a été donnée avant vous, quand vous aurez donné leurs douaires à [ces muhsana], en hommes conculant mariage avec une muhsana, non en fornicateurs ni en preneurs de courtisanes. Quiconque rejette la foi voit devenir vaines ses actions et, dans la [Vie] Dernière, il sera parmi les Perdants.

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3. Cf. Sourate IV. 1- Hommes ! Soyez pieux envers votre Seigneur qui vous a créés à partir d’un seul être...
Dans l’ordre chronologique, la Sourate V dont notre verset fait partie, constitue l’une des dernières sections du Coran. Ainsi, notre verset reprend les dispositions déjà données par les Sourates IV et I. Les musulmans sont informés du type de femme qu’ils peuvent épouser.

Les femmes “éligibles” sont nommées *muhsana*, terme rencontré aussi dans le verset précédemment analysé. Etymologiquement, le terme désigne la femme de condition libre qui accepte la proposition de mariage uniquement après la remise d’un douaire. Ulteriorément, dans le langage juridique, le même terme va désigner toute personne libre, responsable, croyante, majeure, saine d’esprit, qui a eu des rapports sexuels en état de mariage, cette qualité subsistant si le mariage a été rompu. At-Tabari conclura qu’il s’agit de toutes les femmes respectables grâce à leur condition libre parmi les juives et chrétiennes (qui font partie du peuple auquel le Livre a été donné auparavant – *Ahl al-Kitab*), quelle que soit leur situation à l’égard des musulmans, qui sont licites pour contracter une union avec elles à condition, précise-t-il, que le musulman voulant contracter une telle union soit sûr qu’il n’y a aucun risque que son enfant soit un jour contraint d’abandonner l’islam. On sait bien que l’union avec celles-ci est autorisée par l’islam et Mohammed lui-même a épousé une femme juive, Safiyyah, et une autre, Raihanah, comme concubine, sans les obliger à renoncer à leur propre religion. Pourtant, cette tolérance accordée aux hommes ne joue pas pour les femmes. Elles ne peuvent épouser que des musulmans. De fait, il s’agit de la même pratique que pour les Juifs, pour lesquels le mariage avec les non-juifs est absolument interdit.

Donc, d’après le texte coranique, les femmes qui n’appartiennent ni à l’islam, ni au judaïsme ni au christianisme sont illicites pour l’homme musulman car elles sont considérées comme des polythéistes. A l’intérieur du sunnisme, seulement les Hanafites et les Hanbalites autorisent le mariage avec celles qui ne font pas partie des trois grandes religions monothéistes. Toutefois, même si ce type d’union est permis, les théologiens préfèrent que le musulman n’épouse une non-musulmane qu’en cas de nécessité. L’argument donné couramment est que, en épousant une juive ou une

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1 At-Tabari, *Commentaire du Coran*, Tome IV, p. 38.
2 Dans le Livre d’Esdras il est mentionné : « Et maintenant, ne donnez pas vos filles à leurs fils, ne prenez pas leurs filles pour vos fils. » (9. 12).
chrétienne, il risque de prendre à la légère les principes de l'islam et de négliger sa religion à cause de sa femme\(^1\).

La deuxième partie du verset apporte un plus de précision. La possibilité d'épouser les *muhsana* est conditionnée par le reçu du douaire (*mahr*) de mariage de leurs époux. Autrement dit, le mariage doit se faire de manière juste : avec le versement du douaire et l'engagement public. Sont visés ici les hommes (fornicateurs, libertins et preneurs de courtisanes – *musâfihîna*) qui désiraient des unions libres, quelles qu'en soit la forme : le concubinage, le mariage putatif, les relations avec des prostituées (pratiques récurrentes dans l'Arabie préislamique). Ainsi, le mariage islamique institué par le Coran ne peut avoir pour objet de satisfaire un instinct pervers et réduire la femme à une sorte d'esclavage sexuel\(^2\).

**Sourate XXIV. 32:**

« *Mariez les célibataires parmi vous, ainsi que ceux de vos esclaves, hommes et femmes, qui sont honnêtes ! S'ils sont besogneux, Dieu les fera se suffire, par Sa faveur. Dieu est large et omniscient.* »

Ce verset est adressé aux *ayyim* (terme qui signifie une personne quelconque qui n’a pas de conjoint indépendamment du fait qu’elle n’a jamais été mariée ou est divorcée ou veuve\(^3\)) pour contracter des mariages, même avec des esclaves. Le fait d’exhorter les célibataires au mariage est intimement lié à la conception musulmane de la sexualité, qui est vue justement comme une nécessité naturelle et une partie intégrante de la nature de l’homme. Annemarie Schimmel affirme en ce sens que « *l’islam est conscient du fait que la vie ne pourrait exister sans la polarité de l’homme et de la femme [...] chacun est l’alter ego de l’autre.* »\(^4\) La seule condition imposée par l’islam est la pratique de cette sexualité dans le cadre d’une union légale – le mariage. La pratique sexuelle en dehors de cette institution est considérée comme une menace pour la société parce qu’elle attaque la famille, sa cellule de base.

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\(^1\) *Ibidem*, p. 71.


C'est pour cela que dans l'islam le célibat est réprouvé. Toutefois, comme il faut s'attendre, on trouve dans l'ascétisme musulman une préférence pour le célibat. La plupart des ascètes ont choisi de vivre en dehors du mariage et certains soufis considéraient le mariage comme « un avant-goût de l'enfer ou alors comme un succédant des châtiments auxquelles il fallait s'attendre en ces lieux. »

On pourrait dire que l'éthique musulmane ne condamne pas les relations sexuelles et ne fait pas du célibat et de la virginité un idéal supérieur comme c'est le cas du christianisme, mais il exige que les relations soient à l'intérieur de l'institution du mariage. En revanche, toutes les autres formes de réalisation du désir sexuel sont condamnées très fortement par l'islam car elles « vont purement et simplement à l'entre de l'harmonie antithétique des sexes ; elles violent l'harmonie de la vie; elles plongent l'homme dans l'ambiguïté ; elles violent l'architectonique cosmique elle-même. »

En matière de mariage, le texte coranique formule certaines interdictions, parmi lesquelles on peut rappeler le mariage avec les polythéistes et l'inceste.

**Sourate II. 221 :**

*N'épousez point les associatrices avant qu'elles ne croient ! Certes, une esclave croyante est meilleure qu'une associatrice, même si celle-ci vous plaît. Ne donnez point [vos filles] en mariage aux associateurs avant qu'ils ne croient ! Certes, un esclave croyant est meilleur qu'un associateur, même si celui-ci vous plaît.*

La sourate II (Al-Baqarah – La Vache) est la plus longue du Coran et selon la tradition unanime, la première révélée à Médine. *Al-Baqarah* offre une pluralité de thèmes, y compris le mariage et le divorce (les versets 221-241).

En principal, la problématique soulevée par ce verset a déjà été discutée dans l'analyse des premiers deux versets mais il convient d'ajouter quelques remarques importantes. Tout d'abord, on doit noter que les traductions françaises concordent sur ce verset. Le grand théologien musulman, At-Tabari, celui qui analyse le texte coranique verset par verset, nous explique tout le débat qui existe autour de ce verset. Selon les commentateurs plus radicaux, le verset entraîne l’interdiction de mariage du musulman avec n’importe quelle associatrice (*muchrika*) quel que soit le culte associateur qu’elle

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1 *Ibidem*, p. 86.
pratique (même les juifs et les chrétiens). Selon ceux qui partagent cet avis, l’interdiction du mariage avec les femmes juives et chrétiennes a été abrogée par la suite par le Sourate V, verset 5. D’après d’autres, l’énoncé du verset ne concerne que les associatrices arabes, c’est-à-dire les femmes d’origine arabe qui ont refusé l’islam et qui continuent le culte idolâtre. Mais il y a quelques exégètes, y compris Tabari, qui pensent qu’il s’agit ici exclusivement des femmes qui ne sont pas issues des Gens du Livre (kitâbiyyâ). Le mariage avec celles-ci est licite parce que c’est l’union avec les femmes croyantes, mais au contraire, les musulmanes ne sont pas autorisées à épouser ni des polythéistes, ni des chrétiens, ni des juifs. Dans ce dernier cas, il n’existe pas d’exceptions ou de dérogations. La seule solution possible pour un non-musulman d’épouser une musulmane est la conversion.

Quoi qu’il en soit, l’interdiction d’épouser une femme ou une autre (dans notre verset, les associatrices) a une explication religieuse profonde. Pour les musulmans, une conviction religieuse différente pourrait constituer un empêchement pour la conclusion du mariage. Cette chose a déterminé Marie Thérèse Urvoy à dire, en utilisant comme argument notre verset, que « l’idée d’affection n’est pas toujours favorablement connotée dans le Coran, où il est en particulier déconseillé d’avoir de l’affection pour les infidèles, les devoirs religieux primant même sur les liens amoureux. ” D’ailleurs, d’ici vient la tradition selon laquelle un homme doit épouser une femme pour sa foi et sa vertu, et non pour sa beauté, sa richesse ou son origine.

**Sourate IV. 22 :**

« N’épousez point celles des femmes qu’ont épousées vos pères – sauf celles épousées dans le passé. C’est là turpitude abominable et combien détestable chemin ! »

Ce verset a été révélé pour cesser la pratique assez fréquente avant l’islam, selon laquelle un fils épousait sa belle-mère après la mort de son père. Cette union avec la femme du père et en plus avec deux sœurs en même temps avait été pratiquée jusqu’à l’époque du Prophète. Les contemporains de celui-ci désignaient par un terme péjoratif celui qui se livrait à cette pratique, en l’appelant dayzan, c’est-à-dire celui que est dur

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1 Dans la mesure où ils associent la divinité à des êtres créés. Par exemple : Jésus Christ.
envers son père, car il ne se contentait pas d’hériter ses biens, mais il mettait aussi la main sur son épouse. Le mot qui caractérise ce type de mariage est en arabe fanishah. En fait, il semble que ce terme arabe ne s’applique pas spécifiquement aux relations adultérin(e)s, mais à toutes les pratiques qui existaient auparavant et qui maintenant sont considérées comme inadmissibles et méprisables. C’est pour cela que Tabari considère que le passage doit être compris ainsi : « N’épousez pas les femmes suivant la façon d’épouser (nikah) de vos pères, mais ce qui est fait a été accompli dans la jahiliyya et c’était là une turpitude. » Pour renforcer son argument, Tabari amène quelques éclaircissements sémantiques. Ainsi, dit-t-il, le pronom mâ (dans le passage ma nakaha âbâ’u_kum) ne s’emploie pas pour désigner les personnes humaines, mais il indique tous les modes de mariage pratiqués dans l’état d’ignorance par “les pères”, c’est-à-dire par les ancêtres associateurs des croyants. En conclusion, la sentence prohíbe non seulement le mariage incestueux, mais les relations semblables avec des arabes païens. Toutefois, en Islam, ce qui est arrivé dans le passé, ou avant que toute autre interdiction soit fixée, sera pardonné par Dieu. Le Coran le souligne constamment et montre que ses lois ne s’appliquent jamais rétroactivement.

La loi juive condamne cette pratique sous peine de mort : « Quand un homme couche avec une femme de son père, il découvre la nudité de son père; ils seront mis à mort tous les deux, leur sang retombe sur eux » (Lévitique XX. 11). Egalement, à Corinthe, Saint Paul dut réprimer sévèrement ce cas d’inceste : « On entend dire partout qu’il y a chez vous un cas d’inconduite, et d’inconduite telle qu’on ne le trouve même pas chez les païens : l’un de vous vit avec la femme de son père » (1 Co. 5. 1).

Sourate IV. 23 :

Illicites [comme épouses] sont pour vous vos mères, vos filles, vos sœurs, vos tantes paternelles et maternelles, vos nièces du côté du frère et vos nièces du côté de la sœur, vos

2 Il est traduit en français par turpitude (Blachère), ignominie (Bouhakeur) ou débordement (Bonnet-Eymar).
5 Ibidem, p. 313.
6 La Sourate V. 93 explique : « Ceux qui croient et qui font le bien ne seront pas tenus pour coupables d’avoir antérieurement consommé des choses défendus pourvu qu’ils croient et soient pénétrés de la crainte de Dieu. Qu’ils pratiquent le bien et craignent Dieu encore et encore ! Dieu aime les justes ! » Donc, ce verset insiste sur la supériorité, même la primauté de la foi et de la crainte de Dieu.
mères et vos sœurs de lait, les mères de vos femmes, les belles-filles qui sont dans votre giron et nées de vos femmes avec qui vous avez consommé le mariage ; toutefois, si vous n’avez pas consommé le mariage avec [ces épouses], nul grief à vous faire [si vous épousez ces belles filles. Illicite est de prendre] les épouses de vos fils nés de vos reins, d’épouser ensemble les deux-sœurs- sauf celles épousées dans le passé. Dieu est absoluteur et miséricordieux.

Comme il fallait s’y attendre, le texte coranique continue et développe le discours sur les interdictions en matière de mariage. Ainsi, le verset 23 montre tous les degrés de parenté qui empêchent l’union et les rapports entre deux personnes. A la lumière de cette énumération, on peut bien comprendre les différences entre les coutumes sociales et morales de la vieille société arabe et la nouveauté exceptionnelle apportée par le Coran. Ainsi, l’islam interdit d’une manière catégorique les unions incestueuses, en montrant jusqu’où le degré de consanguinité rend le mariage impossible.

En ce qui concerne les différences de traduction dans les langues occidentales, celles-ci concordent à l’exception de quelques détails. Par exemple, Boubakeur adopte une vision plus large dans le sens où il considère illicite non seulement le mariage, mais tout rapport sexuel avec les catégories mentionnées ci-dessus1. En fait, la traduction strictement littérale du passage est celle-ci : Vous sont interdites vos mères…2, (hurrimt ‘alay kum), ce qui signifie que Blachère traduit « comme épouse » par déduction.

Dans ce contexte, on pourrait faire deux précisions. Premièrement, en dépit de toutes ces restrictions, la précision textuelle « nés de vos reins » (min açlâbi_kum) signale selon Tabari, qu’il s’agit ici des épouses de leurs fils de sang et non des épouses des leurs fils adoptifs3, ce qui signifie que le Coran ne condamne pas le mariage avec la femme d’un fils adoptif. Deuxièmement, la sentence ne prohibe pas le mariage avec les cousins germains. Saïd Bellakhdar explique cette pratique d’union et d’alliance par la nécessité de maintenir le patrimoine (terres et troupeaux) dans la tribu et dans la famille, « le mariage privilégié avec la cousine germaine évite ainsi l’éparpillement des biens chichement prodigués par la nature. »4

2 Forme de traduction adoptée aussi par Muhammad Asad (anglais) : Forbidden are to you your mothers...
3 At-Tabari, op. cit., Tome III, p. 314.
Les interdictions énoncées ici sont aussi soutenues par les lois de la nature. Plus exactement, il s’agit des lois que Dieu avait déjà fixées dans les religions antérieures et les gens respectent ces lois sans s’en rendre compte de cela. Le fait tout à fait remarquable est que la science démontre de nos jours les lois fixées par Dieu dans le Coran. Autrement dit, la science nous aide à mieux comprendre beaucoup des choses qui se trouvent à la base des règles instituées par Dieu. Par exemple, la science a découvert que dans le processus de reproduction du chaque type d’organisme, qu’il soit végétal, animal ou humain, si les deux partenaires (dans notre cas homme et femme) ne sont pas étroitement liés, leurs enfants seront plus forts et moins susceptibles de souffrir de maladies héréditaires. Mais les enfants dont les parents sont étroitement liés (le père et la mère appartenant à la même famille), sont plus susceptibles d’avoir des maladies génétiques.

Sourate IV. 24-

[Illicite pour vous d’épouser], parmi les femmes, les muhsana, excepté celles détenues par vous. Prescription de Dieu pour vous ! Licite est pour vous de rechercher [des épouses] en dehors de celles qui ont été énumérées, en usant de vos biens, en hommes concluant mariage avec une muhsana, non en fornicateurs. Celles des femmes dont vous avez tiré jouissance, donnez-leur leurs douaires comme imposition (farida) ! Nul grief à vous faire à l’égard de ce sur quoi vous avez pris consentement mutuel, après [versement de] l’imposition. Dieu est omniscient et sage.

Ce verset constitue, pour les musulmans chiites, le fondement pour la mut’a, terme employé dans le droit islamique pour désigner le mariage temporaire ou le mariage de jouissance mais aussi pour l’indemnisation payée à une épouse répudiée quand aucun montant n’a été stipulé dans le contrat de mariage.

La première partie du verset comporte, comme les versets précédents, des recommandations concernant les femmes avec lesquelles le mariage est interdit. Blachère choisit, comme d’habitude, de ne pas traduire le mot muhsana, terme qu’on a déjà discuté, mais qui reçoit ici de la part de Tabari un commentaire très exhaustif, en

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montrant que, dans ce contexte, le muhsana récapitule tous les types de femmes dont il ne faut pas s'approcher1.

Les traducteurs modernes2 considèrent qu'on a affaire plus exactement avec les femmes musulmanes déjà mariées. Cette logique est tout à fait juste parce qu’en islam les relations sexuelles hors mariage sont interdites, donc un homme ne peut épouser ni de facto ni de jure une femme musulmane déjà mariée. En plus, il ne faut pas oublier que l’idéal de celle-ci est toujours le mariage ; la femme mariée est vue comme ayant une qualité rare, une foi forte et une fidélité remarquable à l’égard de son mari. Corrélant toutes ces choses, on conclut que moralement, mais aussi juridiquement, il serait impossible pour un musulman d’épouser une telle femme.

Par la suite, le texte coranique introduit une situation particulière qui pourrait survenir. Cela est représenté par les termes mâ malakat aymânû_kum. Tabari explique cette expression, qui signifie littéralement « ce que possède votre main droite », est une désignation, par métaphore, des esclaves3. Blachère traduit par “[les femmes] détenue par vous”, ce qui peut signifier par intuition, presque la même chose, et Boubakeur par captives. En fait, il s’agissait des femmes mariées dans une autre religion qui devenaient captives de guerre et implicitement des esclaves4. Par exemple, une femme mariée appartenant à une tribu non-musulmane, en guerre avec les musulmans, aurait pu devenir une captive de ces derniers. En tant que captive, son mariage non-musulman n’est plus valide même si son mari est encore vivant, et dès maintenant, la femme appartiendra à la société musulmane. Comme l’affirmait aussi Gunawan Adnan, « elle se trouve dans une région islamique et prise dans le champ de bataille et par conséquent devient une esclave. »5

La sentence « prescription de Dieu pour vous » (kitâba Llahi ‘alay_kum) sépare les deux parties du verset et montre que jusqu’à ce point (et à partir du verset 22), Dieu a prescrit les interdictions en matière de mariage, et que désormais seront présentées les situations licites. Ainsi, dans cette deuxième partie, le Coran nous dit que sont considérées comme étant des épouses légales toutes les femmes, « en dehors de celles qui

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1 At-Tabari, op. cit., Vol. III, p. 316.
2 Boubakeur rend le muhsana par femmes mariées (Tome I, p. 168) / Asad par married women (p. 123). Toutefois, ce dernier, montre que le terme pourrait exercer trois sens : 1. La femme mariée ; 2. La femme chaste ; 3. La femme libre, mais dans notre contexte, le sens le plus probable, c’est le premier. Note 26, p. 123.
4 En islam, les femmes capturées faisaient partie du butin.
5 Gunawan Adnan, op. cit., p. 103.
ont énumérées», mais «en usant de vos biens en hommes concluant mariage avec une muhsana non en fornicateurs» c'est-à-dire à condition de fixer puis verser comme il se doit le douaire qui s'impose dans chaque cas\(^1\). La traduction de D. Masson ne se réfère pas forcément au mariage, en traduisant la phrase par «il vous est permis de satisfaire vos désirs», qui pourrait signifier seulement la relation sexuelle. L'expression «non en fornicateurs» «ghayra musâfihin», ou débauchés (Boubakeur), se réfère certainement aux hommes qui cherchaient à continuer les pratiques antéislamiques, en commettant l'adultère.

La deuxième partie du verset constitue pour certains musulmans le fondement coranique pour le mariage temporaire ou de jouissance. Ce type d'union était déjà connu chez les anciens arabes et constituait dans l'islam une méthode par laquelle les hommes pouvaient avoir des rapports sexuels avec les femmes non mariées en dehors du mariage ordinaire. Pourtant, il y a des critiques qui considèrent la mut'a comme étant semblable à la prostitution, mais dans la prostitution la femme n'est pas considérée comme une épouse, et les enfants nés d'une telle union n'ont pas de droits légaux auprès du père biologique\(^2\).

Au niveau de l’exégèse, il y a une divergence très forte entre les commentateurs en ce qui concerne ce passage et plus particulièrement sur l'expression “istamta ‘tum”, traduite par Blachère et Boubakeur par «tirer jouissance», tandis que Bonnet-Eymard préfère la formule «vous avez ensemencées»\(^3\). Certains d'entre eux pensent qu'ici il s'agit sans doute du mariage temporaire parce que l'affirmation parle d'acquittement de dot seulement après la jouissance, contrairement à la dot dans le mariage ordinaire qui se verse toujours avant la consommation de l’union. En revanche, d'autres exégètes disent que le verset parle uniquement du mariage habituel et que le Coran ne parle nulle part de ce type d’union, mais c'est le Prophète qui l’a autorisé, et cela pendant une période temporaire. Le propos d’Ibn Abbâs rapporté par Tabari dit : «lorsqu’un homme parmi vous a épousé une femme, à partir du moment où il a consommé le mariage, il est tenu de remettre à la femme son douaire de sincérité en totalité. La jouissance (istimtâ’) dont il est

\(^1\) Pour posséder de droit une de ces femmes avec qui l’union est permise, il faut que l’union soit obtenue régulièrement grâce aux biens que l’on possède.


\(^3\) Expression qui fait référence à l'acte sexuel dans la Sourate II. 236.
question ici est la consommation du mariage (nikah). »
Cette deuxième interprétation constitue pour la théologie musulmane du premier siècle l’explication orthodoxe.

De toute façon, en tant que pratique sociale, mut’a représente jusqu’à nos jours un point de divergence sensible entre les sunnites et les chiites. Les chiites acceptent et pratiquent ce mariage, et sollicitent même que cette forme d’union soit légalisée dans tout le monde musulman. Cette pratique était rencontrée en Iran au début de ce siècle, ainsi qu’en Inde avant et après son intégration à l’Empire britannique.

Cependant, il y a des voix parmi les sunnites qui expliquent que l’autorisation de ce mariage a eu pour but la lutte contre la prostitution et contre la dépravation des mœurs chez les jeunes et chez les hommes qui ne peuvent pas fonder une famille permanente, comme les soldats, les étudiants, les voyageurs, etc. Mais la plupart des théologiens et des spécialistes en droit sunnite restent fermes dans le sens où ils ne sont pas du tout d’accord avec ce mariage, même s’ils acceptent le fait que la pratique de mut’a était autorisée au premier siècle de l’Hégire.

Conclusion

La législation coranique a apporté un ensemble invariable des normes pour tous les musulmans, ensemble soutenu par l’autorité divine, appliqué par la nouvelle communauté, et qui constitue un changement important à bien des égards. Ainsi, les pratiques coutumières qui étaient incompatibles avec les normes coraniques ont été interdites. De cette manière, les femmes et les esclaves ont obtenu des droits qu’elles n’avaient pas auparavant.

Quant aux interdictions, les changements sont loin d’être négligeables. Ainsi, en suivant les règles juives et chrétiennes, Mohammed interdit les pratiques antéislamiques où l’homme épousait souvent la femme de son père ou des femmes ayant un lien proche de parenté : mère, fille, sœur, tantes, nièce, belle-fille, belle-mère. Egalement, les femmes païennes sont aussi interdites au mariage avec des musulmans tandis que celles qui appartenaient aux Gens du Livre deviennent licites pour mariage, ainsi qu’il en est mentionné dans le texte de l’une des dernières sourates révélées. En ce qui concerne les

1 At-Tabari, op. cit., Tome III, p. 321.
3 Ghasan Ascha - op. cit., p. 127.
esclaves, celles-ci obtiennent le statut d'individu, c'est-à-dire qu'elles reçoivent personnellement un douaire payé par l'époux lors du mariage.

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Stereotypes regarding Muslim men and Muslim women on the Romanian Internet: a qualitative comparative analysis for 2004-2009 and 2010-2015

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Abstract: In the first part of this article I provide a presentation and an analysis of some demographic aspects of the Muslim community in Romania, classifying it according to various criteria. To this end I employ the data provided by the 2002 and 2011 censuses. The data is analyzed in order to obtain a clearer picture of the demographic characteristics of the Muslim community, which in turn is necessary for the qualitative analysis of stereotypes regarding Muslim men and women on the Romanian internet, which is the subject of the second part of the paper. These stereotypes have been aggravated by the January 2015 events in Paris and by the incessant politically-originating conflicts in the Middle East. The purpose is to assess whether we can identify Islamophobic attitudes on the Romanian Internet. The main concern is the gender dimension of Islamophobia, which will be called here Hijabophobia. The relevance of this subject is given by the possibility that these attitudes (should they exist) become more widespread and eventually ingrained through an institutionalization process. The data analysis is based on a comparative assessment of the stereotypes prevalent in two periods, 2004-2009, respectively 2010-2015. Finally, this paper provides a series of recommendations that aim to improve the perception of the Muslim community in the eyes of the majority population and at a better integration of the Muslim population on the labor market.

Key words Hijabophobia • Integration; • Islamophobia • Stereotypes

Introduction

The Muslim community has been living on the territory of today’s Romania for over 800 years old. Throughout this period, the Muslims have established good relations with the majority of the population, the latter usually perceiving the Muslim religious minority positively, which also constitutes today a national minority (the ethnical-
religious Turkish-Tatar national minority). This minority represents the bulk of the Muslim community in Romania, though the latter is more encompassing.

**Methodology**

In the first part of the paper, I employ a deductive and reflexive comparative analysis of the demographic data provided by the 2002 and 2011 censuses. A brief commentary follows the data analyses.

In the second part of the paper, I offer a theoretical analysis of the concepts of Islamophobia and Hijabophobia. This is followed by a qualitative analysis of the stereotypes associated to Muslim women and men on the Romanian internet. These stereotypes cover two periods, 2004-2009 and 2010-2015. The data has been gathered by using the search engines Google and Yahoo. Several key words have been used in order to gather the data, such as: „femeia musulmană”, „bărbațul musulman”, „femeia în Islam”, „bărbațul în Islam”, „musulmance”, „musulmani” [„Muslim woman”, „Muslim man”, „woman in Islam”, „man in Islam”, and two equivalent forms in Romanian for Muslim woman and Muslim man]. The data has been collected from online forums, websites, blogs (with politically extremist, xenophobic or anti-semitic content). The data has been ordered according to some working categories and subsequently analysed in order to understand the magnitude of the phenomena described and in order to identify measures of improving the perception of the Muslim community in the eyes of the majority population.

**The demographic context of the research – Romania**

*Statistical data regarding the number of Muslims in Romania*

The data gathered from the 2011 Census (official name: Recensământul populației și al locuințelor din România 2011) provides a comprehensive account of the Muslim minority, in relation to the majority population, but also to other formally recognized religions and cults, or according to ethnical, gender, marital status or age criteria. The data is compared in what follows with similar data obtained from the 2002 Census.
Romania has a population of 21,698,181 people, 67,566 of these being Muslims according to the 2002 census. There has been a steady decrease of the total population, the 2011 census giving 20,121,641 inhabitants, whilst the Muslims’ number has also decreased to 64,337 (National Institute of Statistics, 2011).

Ethnically, the structure of the Muslim population looks as follows (the first number refers to the 2011 data and the one between parantheses to the 2002 data): 6281 Romanians (3310), 86 Hungarians (56), 3356 Roma (805), 10 Ukrainians (33), 25 Germans (26), 21 Russian-Lipovenians (9), 26903 Turks (31118), 20060 Tatars (23641), 24 Serbs (37), 3 Slovaks (22), 6 Bulgarians (4), 0 Croats (57), 10 Greeks (6), 58 Jews (107), 3 Poles (19), 3 Italians (5), 10 Chinese (14), 3 Armenians (41), 141 Csangos (1), 16 Macedonians (0), 6906 other ethnicity (7705), 417 persons refusing to declare their ethnicity (241) (see Table 1).

Table 1. Ethnical classification of the Muslim community in Romania

<table>
<thead>
<tr>
<th>Ethnic groups</th>
<th>2002</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>67,566</td>
<td>64,337</td>
</tr>
<tr>
<td>Romanians</td>
<td>3,310</td>
<td>6,281</td>
</tr>
<tr>
<td>Hungarians</td>
<td>56</td>
<td>86</td>
</tr>
<tr>
<td>Roma</td>
<td>805</td>
<td>3,356</td>
</tr>
<tr>
<td>Ukrainians</td>
<td>33</td>
<td>10</td>
</tr>
<tr>
<td>Germans</td>
<td>26</td>
<td>25</td>
</tr>
<tr>
<td>Russian-Lipovenians</td>
<td>9</td>
<td>21</td>
</tr>
<tr>
<td>Turks</td>
<td>31,118</td>
<td>26,903</td>
</tr>
<tr>
<td>Tatars</td>
<td>23,641</td>
<td>20,060</td>
</tr>
<tr>
<td>Serbs</td>
<td>37</td>
<td>24</td>
</tr>
<tr>
<td>Slovaks</td>
<td>22</td>
<td>under 3 persons</td>
</tr>
<tr>
<td>Bulgarians</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Croats</td>
<td>57</td>
<td>0</td>
</tr>
<tr>
<td>Greeks</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td>Jewish</td>
<td>107</td>
<td>58</td>
</tr>
</tbody>
</table>

In Table 2 I continue with the demographic data regarding the Muslim community. Here I provide an outlook of the marital status, gender distribution and rural/urban distribution for the years 2002 and 2011.

Table 2. Distribution of the Muslim community in terms of gender, marital status and rural/urban residence

<table>
<thead>
<tr>
<th>Gender and marital status</th>
<th>Not married</th>
<th>Married</th>
<th>Divorced</th>
<th>Widowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Muslim men living in an urban environment, 2002</td>
<td>28,772</td>
<td>15,835</td>
<td>11,566</td>
<td>825</td>
</tr>
<tr>
<td>Number of Muslim men living in an urban environment, 2011</td>
<td>27,021</td>
<td>13,611</td>
<td>12,329</td>
<td>560</td>
</tr>
<tr>
<td>Number of Muslim men living in a rural environment, 2002</td>
<td>7,343</td>
<td>4,336</td>
<td>2,637</td>
<td>173</td>
</tr>
<tr>
<td>Number of Muslim men living in a rural environment, 2011</td>
<td>7,664</td>
<td>4,027</td>
<td>3,313</td>
<td>146</td>
</tr>
<tr>
<td>Number of Muslim women living in an urban environment, 2002</td>
<td>24,178</td>
<td>11,355</td>
<td>9,487</td>
<td>836</td>
</tr>
<tr>
<td>Number of Muslim women living in an urban environment, 2011</td>
<td>22,774</td>
<td>9,917</td>
<td>9,5</td>
<td>752</td>
</tr>
<tr>
<td>Number of Muslim women living in a rural environment, 2002</td>
<td>6,964</td>
<td>3,322</td>
<td>2,52</td>
<td>149</td>
</tr>
<tr>
<td>Number of Muslim women living in a rural environment, 2011</td>
<td>6,878</td>
<td>2,932</td>
<td>2,84</td>
<td>148</td>
</tr>
</tbody>
</table>

It can be noticed that, statistically, women live longer than men, a conclusion that can be reached by looking at the number of widows (3563) and widowers (699) (2011)

Census data). Likewise, there are fluctuations in regard to the division of population by age-groups and gender. Thus, for the age group 0-19 years old, there are 300 more men than women. For 20-24 years old, there are 1000 men more than women and for 50-54 years old there are 2495 and 1854 women. However, for 60-64 years old there are 1285 men and 1400 women, and from 64 onwards the number of women is significantly higher than the number of men. This is not something peculiar to the Muslim community, but is tied in the general population trends in Romania, where women live longer than men (National Institute of Statistics, 2011).  

I will look next at the education level of the Muslim community, comparing it to the education level of the majority, Orthodox, population. To this end I will analyze the extremes, i.e. the rate of illiteracy and the number of M.A. and PhD graduates.  

The rate of illiteracy is higher for the Muslim community than for the majority population: 7.47% in comparison to 1.36%. What is worrying about this percentage is that social and economic exclusion has disproportionately affected the Muslim population, concentrated in poor regions such as Dobrogea. Another aspect that has to be factored in is the small number of schools that teach pupils in their mother tongue (for the most part, as the aforementioned statistics show, this refers to schools that teach in Turkish). Communists have been cutting down on such schools because of their assimilation policy of what they called „coinhabiting nationalities”. This policy led to two distinct phenomena: on the one hand, there has been an exodus of the Turkish-speaking population; on the other hand, there has been an educational exclusion of Turkish-speaking children, whose families had to send them to low quality schools (and, more importantly, not-Turkish-teaching schools). Lacking educational opportunities, many children have not had a better faith during transition, since their distinct needs have not

been accounted for by the educational policies. Today, 6.61% of the Muslims living in the urban environment are illiterate (4.75% of them being men and 8.84% women), whereas the situation is much worse for the rural environment, where the rate of illiteracy is 10.51% (8.03% of the men and 13.3% of the women living in rural areas do not possess basic educational skills).

Switching to the other end, 1.97% of the majority population holds an M.A. degree or a PhD, in comparison to 1.98% of the Muslim population (1.93% men and 2.04% women). However, in the rural areas only 0.49% of the Muslim residents hold MA degrees or PhDs 0.50% male and 0.45% female). A noticeable aspect is the fact that far more Muslim women hold B.A. degrees or PhDs in comparison to Muslim men. One key of interpretation would be that Muslim women are capable of educational progress if they are provided with the means necessary to develop themselves in this respect. Furthermore, the phenomenon of illiteracy is not attributable to religion but is influenced to a certain degree by social and economic exclusion of parts of the minority Muslim community.

The next part of this section is dedicated to the Muslim women over 15 years old and on the natality rate among Muslim women, in comparison with similar data for the majority Orthodox population.¹

For the population of women over 15 years old and older (8.781.729 of the total population of Romania), there were 1.510.0 children born alive for 1000 women of 15 years and older.  The majoritarian orthodox christian female population has a ratio of 1.505,4 children, while the muslim women (23.201 persons) has a 1.551,7 ratio of children born alive. Therefore the ratio between these categories is relatively similar, but significantly different when compared with other religious denominations – for Pentecostal women there are 2.568,6 children for 1.000 women of 15 years and older, for the Evangelical Christians the ratio is 2.294,1, for the Old Rite Christians there are 1.866,4 children, for the 7th Day Adventists the ratio is 1.808,5, for the Jehovah’s Witnesses is 1.721,2, 1.769 for the Evangelical Church, and 1.617,9 for the Roman-Catholics.

The natality rate for the Muslim community is similar to the natality rate of the majority population, in spite of the „concern” of extremist, xenophobic Romanian groups, which most of the times emphasize a purported exaggerated rate of natural increase among Muslims, which would supposedly lead to an „Islamization of Romania”.

To the official number of Muslims there should be added the number of Muslim refugees on the Romanian territory. These refugees do not have permanent residency, but are officially recognized as refugees. Although they are not citizens of Romania, their rights are respected and they obey the Romanian laws. Another group to include here is the individuals who converted to Islam and are wary to declare their religious identity, as well as those individuals who converted after the 2011 Census. It is believed that there are almost 120,000 Muslims in Romania, although no official sources can substantiate this claim (Mohamed-Salih, 2013, p.7). In the last 4-5 years the Middle East conflicts have led to an increase of the number of Muslims in Romania, because of the population exodus that these have sparked and continue to this day to ignite.

1.2 Differences between the members of the Muslim community in Romania

The Muslim community should not be regarded as a homogenous group. Between the members of the Muslim and of the wider Islamic community prevail ethnical, cultural, social, economical and political differences, both at the individual and at the group level. These differences between the members of the Islamic community entail that legislative measures are distinct.

In Romania, the Muslim community comprises several minorities, each of these benefiting from specific rights, as follows:

- national minorities: Turks and Tatars, who benefit from a series of special rights for minorities: they have a representative in the Romanian Parliament, they have a guaranteed right to education in their maternal language, they have their own television shows, they can print journals and magazines in their own language. Furthermore, they have the Muftiate as an institution that can represent their interests on the Romanian territory. The Muftiate has authority over all the mosques on Romanian territories, as well as over the clerk. The funding of the clerical personnel, including the Mufti and the auxiliary personnel
is ensured from the state budget, though donations represent a secondary financing source.

- **Ethnical minorities**: Arabs (Syrians, Jordanians, Egyptians, Palestinians, and others), Pakistani, Indians, Moroccans, Algerians, Filipinos, Indonesians, etc. They benefit from the usual national and international rights for ethnical minorities.

- **Religious minorities**: here are included Romanian citizens converted to Islam, but also any of the aforementioned categories. Important to note is the fact that this category does not benefit from special rights, but only from national and international rights specific to religious minorities (Mohamed-Salih, 2013, pp.23-24).

Taking into account these socio-demographic aspects of the Muslim community in Romania, there can be identified and analyzed at a micro level some aspects regarding the stereotypical image of the Muslim religious minority, as it is perceived by a xenophobic and simultaneously anti-semitic part of the majority. The analysis will be confined to the Romanian Internet. This analysis will also cover aspects regarding the increasing magnitude of the Islamophobia phenomenon (including here Hijabophobia), after the January 2015 Paris events and in the context of the Middle East conflicts. These latter dimensions are going to be presented in the second part of the paper.

II. Stereotypes associated to Muslims on the Romanian Internet

2.1. Origins of the stereotypical image of Muslims

Edward Said (1978) considers that Islamophobia has its origins in Orientalism.¹ Ellis Cashmore (2004, p. 215) endorses this argument and provides further details: „[…] aspects of orientalism have been reworked and reinvested with a new meaning at different historical moments, as well as for different functional reasons. Although there are historical continuities with anti-Muslim feelings, Islamophobia is not just an extension of previous forms”.

I consider Islamophobia to be a complex phobia, defined as the fear and aversion to Muslims and to the Islamic religion, a form of social pathology that affects many

members of contemporary society. It springs from a vilification of Islam and of Muslim believers and has at its core negative experiences such as colonialism, decolonization, immigration, racism. Lately, it has embraced a modern form of latent, elitist, secularising and cultural racism. The fight for power and control on resources is one of the causes of anti-Muslim and anti-Islam discrimination.

A gender dimension of Islamophobia is Hijabophobia. Unlike Muslim men and boys, Muslim girls and women can be easily recognized in the public sphere due to their specific garments and to the veil covering their heads. Although not all Muslim women embrace the Islamic „dress code”, a significant part of them choose to cover their heads. Muslim clothing can vary from one country to another, according to specific ethno-cultural conditions. For Muslims who choose to adopt the Islamic „dress code”, especially the hijab or the veil, this becomes a source of oppression and discrimination in the public sphere. Muslim girls and women represent a „melange”¹ (Grünberg, 2007, p.10) of „multiple identities […] based on race, ethnicity, religion, gender”(Zine, 2006, pp.239-240) and this makes them susceptible to diverse forms of oppression such as racism, sexism or xenophobia. Zine Jasmin (2006, p.240) considers that the nature of gendered Islamophobia works at a social and political level, through public discourses and through leading to effective material disadvantages for Muslim women. An example of this recurrent phenomenon is the penetration of gendered Islamophobia, together with a fear of religious fundamentalism, in what are thought to be secular institutions.

Muslim girls and women are more vulnerable than Muslim boys and men because of their clothing, and they have to bear direct or indirect consequences of this in their personal and public lives. Thus, they are the object and not the subject of debates regarding their rights, such as the right of access to resources or the right of access to power. This vulnerability, specific to gender discrimination, is worsened by other dimensions of their identity: religion, culture, ethnicity, social position, skin color, eyes shape, physical condition and so on.

Sometimes Hijabophobia might result in the death of its victims. Such an extreme example of what Helen Cobban (2009) calls „mortal Hijabophobia” or what The Guardian

(2009) considered to be a case of „veil martyrdom” is the tragedy of Marwei-Sherbini, a young pharmacist who was fatally stabbed in 2009.¹

The disadvantages accruing to Muslim women are translated into a poor quality of their lives. A main reason for this is their social exclusion from a series of public life spheres: economic, social, political, educational, social services, labor. Albeit their lives are affected by stereotypes, direct or indirect multiple discriminations, Islamophobia, Hijabophobia, Muslim women have made a series of attempts to integrate and even to survive in such patriarchal societies. In their private lives, because of financial instability, some Muslim women become dependent on their life partners or on other members of their families, and even if they are encouraged by these to make efforts to enter the public space, they will never succeed unless the society is more willing to accept them as contributors, alongside the majority population, to the social and national projects.

2.2 Qualitative data analysis on gender stereotypes on the Romanian internet in 2004-2009. A comparison with the evolution of these stereotypes between 2010-2015

The internet can represent a space where Islamophobic messages are disseminated, but it cannot be ascertained whether the percentage of Islamophobic messages is higher than those of neutral messages. Such an indeterminacy is unavoidable in the absence of more advanced technology and in the presence of a certain inadequacy of research methods (in the sense of not keeping up with the technological advances).

Using the method of grounded theory, I sought Muslim-related stereotypes on the Romanian Internet through qualitative data analysis. I identified several different categories of stereotypes:

- Stereotypes on the Muslim minority: „the Muslims’ stigma is their religion”, „they are bigots in regard to clothing and accessories”², „they are more bigot than our bigots”, „the negative parts of Muslims’ lives are attributed to

¹ The way the aggressor wanted to exercise his control on Marwei, perceived as an inferior woman, is „sexism in its patriarchal form”, a concept explored in Miroiu (1996, p. 174; 1997, p. 94) and Grünberg (1997, pp.95-96).

² Author’s note: this is a reference to traditional accessories such as turbans, shawls, caps, scarfs
their religion”, “they are slaves”, “the Muslim husband has absolute power”, “they are protected by politicians and lawyers”;

➢ Stereotypes on the Muslim women: “she is mentally challenged”, “her knowledge is false”, “she is extremely conservative”, “she is narrow minded”, “inferior”, “secluded”, “obsolete”, “they are obedient”, “slaves”, “I am tired of Muslim women”,”they walk the streets with their popped, black eyes”, “her world is limited to her kerchief”, “she is like an unsolved riddle”, “she is looking for a master”, “she is not keeping the pace with the real world”, “she is vulnerable to male oppression and dominance”, regarding her “rights”- “the right to be stoned”, “the right to dress like a mummy”, “the right to be beaten if Mustafa comes home angry from the mosque”, she is considered to be „poor”, „uneducated”, „slave”, „rude”, „she is of Muhammad’s faith”, „her stigma is her religion”;

➢ Positive stereotypes on Muslim men: „they are wealthy and resourceful”, „Muslim men respect women”, „whatever woman they might see, they treat her well and respect her”;

➢ Stereotypes on Muslim women in the public sphere and reproduced by them on the internet: “that we have no freedom of choice”, “that we have no rights”, “that we are not allowed to leave our houses”, “that our husbands are our masters”, “that we are made to do things we do not want to do”, “that wearing a veil is made compulsory by our jealous husbands”, “that we are terrorists”, “that our husbands have absolute power”, “that we are obedient”, “that we must stand behind our men at all times” (Mohamed-Salih, 2013, pp.40-43).

What we can infer from this analysis is that the Muslim men are less susceptible to stereotypes than Muslim women. Most of the stereotypes concern religion, although commonplace are also cultural racism or gender. The Muslim woman is the favorite target of those willing to attach labels. The most affected are those women who choose to express their religious identity, by wearing a hijab for instance. The Muslim men are frequently stereotyped on cultural racist grounds. Other criteria employed in stereotyping Muslims are gender or religious-related. The number of stereotypes regarding Muslim women is superior on each criterion in comparison with the number of stereotypes associated with Muslim men. Ethnical stereotypes could not be identified.
This can be explained as follows: a) a consequence of the fact that the Turkish-Tatar national minority in Romania is historically and ethno-culturally entrenched, having resided on what today is the Romanian state for over 800 years and also having contributed to the edification of the Romanian state (hence the privilege of being a national minority); this minority benefits from special rights and measures, as well as from a good cohabitation with the other ethnical groups in Romania; b) the most stereotyped Muslims are those that can be classified as ethnical minorities, *i.e.* considered to be outsiders. This leads to the multitude of cultural racist or religious stereotypes; c) gender stereotypes are frequent, these being commonplace in a patriarchal society (Mohamed-Salih, 2013, pp. 77-78).

Next I will offer an overview of the evolution of these stereotypes during the first half of this decade (2010-2015), employing a gender perspective on the image of the Muslim men and women on the Romanian internet:

- **Stereotypes regarding Muslim men:** “it is a men’s World, and men can do whatever they want”, “men have all the rights”, “men respect women”, “Muslim men will treat you as if you were princesses until they get what they want” (in regard to women); “only the ultra-conservative tradition is to blame for the way Muslim men act”, “it is about despise”, “self-abandonment”, “indoctrination since birth”, “if you are in their country they have the right to kill you”, [but] if you are in Romania and Europe they act meek as a lamb;  

- **Stereotypes regarding Muslim women:** “the wife does not have the right to comment”, “if he breaks up with her she does not get the children”, “pushovers”, “Muslim women have no rights”, “the lack their freedom even if they do not realize this”, “they know no other way of living”, “this is why they yield in to the treatment they receive”, “they are not allowed to know too much”, “their countries are men’s worlds”, “their women are fooled”, “they are savage”, “they lack social skills”, “they are not talkative”, “they act as if they had lived isolated all their lives”, “this is a strategy” – “stay at home”, - “you don’t have to work”, “wash”, “iron”, “clean up”, “raise the kids”, “you are like a slave with contract (the marital contract)”, “there is not one of them that is not her husband’s slave”, “too few of them are willing to work because this is how they have been educated”, “she can live her home under no circumstances”, “if she suffers an accident, who finds her must ask for her husband’s permission in order to take
her to the hospital”, „she is a second class citizen”, „she has to be modest”, „she has to give birth to lots of children”, „she has to respond to her husband’s interests”, „this is her purpose”, „she has to shut up and to take care of the household”, „I believe that those women who willingly embrace Islam are masochists”, „Muslim women, as women, hate us, European women and they are trying to mimic us”, „most of them, though not all”, „are filled with hatred”, „this is how they are born”, „mischievous”, „wicked”, „rumbustious”, „many of them finish 2-3 colleges”, „whether they work or not is their husbands’ choice”.

This analysis shows us that the number of stereotypes regarding Muslim men has been increasing since 2004-2009. A constant from that period is the fact that most of these stereotypes have as a criterion religion, followed by stereotypes based on cultural racism and gender. In regard to Muslim women, most of the stereotypes concern the cultural racist criterion, followed by gender, religious criteria. No ethnical criterion can be identified in this period, which is an endorsement of the previous assessment according to which the Turkish-Tatar national minority cohabits peacefully and harmoniously with the majority population and thus benefits from a positive portrayal.

Once again, the most frequent stereotypes on the Romanian internet concerning Muslims are related to those categories of Muslims which are classified as ethnical minorities, perceived as „the Others”, coming from outside the Romanian space. These are followed by those stereotypes applied to Muslim women, where a religious criterion is employed, most of these being Muslim women converted to Islam.

The Muslim community is concerned with maintaining a positive image on its members, at an individual level or at a non-governmental organizational level. There can also be identified a will to act in order to make this happen in the Romanian society, where representatives of the non-Muslim civil society endeavor to maintain and promote such a peaceful coexistence, together with the embracing of multicultural values.

Such civic acts on the part of non-Muslim activists in the Romanian society are the following: on the 23rd of April 2015, FILIA Center, a nonprofit organization, organized the Workshop on hatespeech against women, sexual minorities and religious minorities\(^1\); on 6th of May 2015, Civic Education and Academic Development

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\(^1\) More details can be found at the following link (of FILIA Center Facebook profile), “Workshop 1: On hatespeech in Romania” available online at
Foundation organized a public debate on the topic of „Freedom of speech against hatespeech? Europe/Romania after Charlie Hebdo”\(^1\). On the other hand, one example of such a civic act meant to improve the image of Muslims in Romania has been the international conference „The Muslim woman in Romanian and European societies”, organized on 19th of May 2013 by the Association of the Muslim Sisters in Bucharest.\(^2\)

**Conclusions**

An analysis of social-demographic data regarding the Muslim minority in Romania shows us that the number of Muslims has been decreasing, having been more Muslims at the 2002 census in comparison with the 2011 census. Muslim women have longer lives than Muslim men, a feature which is common also to the majority population. Lack of education has taken its toll on Muslim women, especially in rural environments. This is mainly a consequence of the communist policies on „co-inhabiting nationalities”, *i.e.* the ethnic and religious Turkish-Tatar minority. Nonetheless, the first years of transition to democracy have not been more propitious to Muslim women, when policies targeted at developing the social, economic and educational state of this category of population were mainly absent, or deficient. The data presented above shows us that the percentage of Muslim Women which in 2011 had a M.A.’s degree or a PhD is higher than the percentage of Muslim men, especially in the cities. One possible interpretation of this phenomenon is that there are some programs that aim at developing women’s capabilities and that have eased their access to the work market. Such statistical data defy those stereotypes that originate in the belief that Muslim women are uneducated, providing a powerful counterargument to such flawed beliefs.

The comparative analysis of Islamophobia or Hijabophobia, but also of stereotypes on Muslim men and women on the Romanian Internet in two periods (2004-2009 and 2010-2015) substantiate the claim that one explanation for their worsening is the increasing insecurity in parts of the Middle East, but also a consequence of the tragic

\(^1\) This has been a part of a project coordinated by the Foundation and entitled „Youngsters build a Civic Romania”. Details regarding the project can be found on [http://tinerii-civici.ro/dezbatere-pe-tema-libertate-de-expresie-vs-discurs-instigator-la-ura-europa-romania-dupa-charlie-hebdo/](http://tinerii-civici.ro/dezbatere-pe-tema-libertate-de-expresie-vs-discurs-instigator-la-ura-europa-romania-dupa-charlie-hebdo/) (accessed on the 18th of May 2015).

events in Paris in January 2015. Thus, it could be argued that stereotypes of Muslims are forged on cultural-racist grounds, when Muslims are no longer seen as financially independent citizens, but are perceived instead as threats to national security. The Muslim minority is perceived as representing the Other, the Oriental, the fanatic. This is different from when Muslims are perceived as a national minority, since then the assumption is that they are integrated and assimilated, and thus that cultural differences have been blurred. The cultural assimilation is thought to lead to the withering away of threats. On the other hand, the Muslim woman is thought to be an object, instead of a subject, and thus she is perceived as completely separated from public life, leading to a phenomenon of dehumanization. Moreover, she is considered to represent an alternate model to the European woman.

Some of the recommendations that I put forward in order to improve upon the image of the Muslim minority are: elaborating and implementing public policies aiming at integrating poor Muslims on the labor market, taking into account the gender dimension and the need for education. Likewise, a beneficial measure would be to continue public debates, especially at a national level, regarding the fight against various forms of hate speech.

Muslim women, although they represent the category most affected by Islamophobia, have the capacity and the willingness to learn. Helping them do that might transform the Muslim community in Romania into a factor of progress that could have positive spillover effects in the entire Romanian society.

The representatives of the Muslim community in Romania, together with the representatives of Romanian public institutions must take much needed measures, such as launching programs and campaigns of integrating children in the national education system. This could ensure that in the future the level of children unable to read and write is kept at a minimum at the level of the Muslim community.

On the other hand, representatives of the Muslim community should take up the responsibility to contribute to the integration of Muslim women on the labor market. We have to emphasize the exclusion of Muslim women from the labor market because, most of the times, men are able to manage themselves even when they lack a workplace through entrepreneurial activities. However, women have to choose between raising their children and becoming active on the labor market, whilst financial self-supporting
becomes an uncertain variable. Thus, having a job can be for them a capability-enhancing and empowerment factor (Mohamed-Salih, 2015).¹

Muslim women’s inclusion on the labor market is hindered by several factors. On the one hand, there are what we might call outside factors. For instance, stereotypes play a role in precluding Muslim women to be regarded as equally endowed candidates for various jobs. On the other hand, there are inside factors. Here we can include: 1. The stereotyped view of the community that women that wear hijab are unable to get a job in spite of their good qualifications and because of the majority population’s reluctance to accept them; 2. The refusal of men within the Muslim community to employ women in their firms, because of a certain bias for non-wearing hijab women. 3. The lack of hijab-wearing models who are already renowned in the public sphere or in the public institutions and which might constitute a beacon for young women trying to build a career.

Although there is no visible institutional Islamophobia or Hijabophobia, a good practice example which is employed on a large scale globally by public authorities is to integrate hijab-wearing Muslim women in public institutions. This formal act, of including in public institutions hijab-wearing women, transcends the religious discrimination criterion and emphasizes the gender criterion. Their identity is thus highlighted, since a sole accessory – the hijab – becomes a criterion of judging them and of dividing Muslim women in two categories – those who wear hijab and those who do not, with the former being perceived as uneducated and backwards-looking and with the latter considered educated, progressive and forward-looking. This is a social discrimination because it disregards Muslim women’s professional competences and takes into account only their physical appearerance.

Some European institutions provide us with good practice examples. Muslim women could be integrated in the political, decision-making processes and in the and public life by allowing them to have access to the Romanian academic sphere, which would improve their education, would allow them to communicate with important agents and would become models for other women, both Muslim and non-Muslim.

A society can be considered democratic if its citizens have access to important resources and their rights and freedoms are equally guaranteed.

¹ See my PhD thesis, Mohamed-Salih, Veronica, 2015, *Microcreditul echitabil: soluție de politici publice pentru persoanele defavorizate*, National School of Political Studies and Public Administration, Bucharest
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The 'Princest Diaries'. A 'Middle-Eastern' Reading of American Popular Culture

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Abstract: The recent overflow of Disney-related online content like pictures, videos, articles, news or quizzes not only justifies the attempt of bowing it to theoretical reflection and structured analysis, but also proves it is needed in order to unfold the actual dimension of Walt Disney Corporation's influence not only upon the juvenile publics, but also upon the adult audiences. What is more, the accessibility and fluidity of such content on websites, blogs, social networks and online platforms create unmatched possibilities of cross-disciplinary research of interest for diverse academic fields such as sociology, arts or communication studies.

Developing on Atton's (2002), Bailey, Cammaerts and Carpentier's (2008) and Fuchs (2010) definitions and classifications of alternative media and Fuchs's (2010) concept of 'critical media', the present study employs quantitative and qualitative visual and content analysis and the study of public social documents such as online newspaper articles to determine whether the digital artworks of Middle-Eastern artist, Saint Hoax, is a form of (1) alternative media and (2) critical media.

Key Words: alternative media • critical media • critical reception • Disney story worlds

Once upon a... Click!

Pursuing Downing's (2001, 52 apud Atton, 2002, 22) advice of studying conjunctively communication, media and arts so I 'do not fall into the trap of segregating information,

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1 This paper is supported by the Sectorial Operational Programme Human Resources Development (SOP HRD), financed from the European Social Fund and by the Romanian Government under the contract number SOP HRD/159/1.5/S/136077.
reasoning and cognition from feeling, imagination, and fantasy', the present study relies on Fuchs’s (2010) theory of alternative media as critical media, on Atton’s (2002) model of radical and alternative media and Bailey, Cammaerts and Carpentier’s (2008) classification of alternative media approaches to anamolize artworks designed and posted by Saint Hoax, a declared Middle-Eastern artist, on his or her Instagram account (Instagram 2015). I have also used his or her website (Saint Hoax, 2015) for additional information regarding the artists and the works.

This article advances the results and interpretations of a quantitative and qualitative visual and content analysis using online graphic and textual material posted on Saint Hoax’s Instagram account between January 7 2014 and August 9 2015. The date of January 7 2014 marks Saint Hoax's first post on Instagram. The study of written, non-numerical, public social documents such as online newspaper articles is used as a complementary method designed to endorse arguments and interpretations and also offer auxiliary information on the subjects of debate. Not all his or her artworks were included in the present study as my particular research interest refers to alternative media 'poaching' (Jenkins 1992) mainstream characters and 'story worlds' (Ryan 2013) produced by the Walt Disney Company, Walt Disney Pictures and Walt Disney Animation Studios, especially the so-called 'Walt Disney Animated Classics' or 'Disney animated features canon' (1937 - 2014; see Disney 2015; DVDizzy.com 2014). Altogether, I have processed more than 100 works of Saint Hoax, but the present analysis will only refer to 44 of them, divided in 2 themes and 11 subthemes. The reason behind this choice lies in the importance of thorough analysis for the sake of determining whether Saint Hoax's works can be considered an account of alternative media.

One operational objective of my research consisted of identifying and systematizing the main themes and subthemes of Saint Hoax’s digital artworks based upon taglines and visual content. For that effect, Saint Hoax’s Disney-related Instagram posts were organized in a database according to theme, subtheme, tagline, description of the digital image and address where it can be retrieved. The second objective refers to establishing whether Saint Hoax's artworks are 'alternative media' (as Atton (2002), Bailey, Cammaerts and Carpentier’s (2008) and Fuchs (2010) conceptualize it) in terms of production, content, form and distribution. A third objective implies determining whether Saint Hoax’s pieces of work represent a case of 'critical media' (Fuchs 2010,
181 - 182) in the sense that they contain 'negation of negation at the content level', 'negation of negation at the form level', 'dialectical realism at the content level', 'dialectical realism at the form level' and 'materialistic expression of the interests of the dominated at the content level'.

My option for this artist amongst many others is based upon two criteria. One refers to the online popularity Saint Hoax gained since 2014. Due to the political bearings of his or her (because the artist's identity is still unknown) work, the artist became the subject of several articles in online American and British publications like Huffington Post, The Independent or TIME (Nichols 2014; Vagianos 2014; Rose 2014; Butterfly 2014; Dearden 2014a, Dearden 2014b; Dockterman 2014; Corviello, 2014; Siebert 2015; Jamie 2015) and even in the Italian version of Vanity Fair. His or her Instagram account has no less than 63,400 followers. A second motivation revolves around the global and digital context in which the artist’s creation emerged and diffused. Saint Hoax is a Middle Eastern artist using Walt Disney animated content and digital tools of production and distribution to raise global public awareness.

One of the obvious limitations of the present study is clearly derived from the nature of the corpus of research: digital anonymity. In this case, the Contact section on the artist’s website does not offer personal information like gender or age except for the one detail that interests me most: the Middle Eastern identity. Due to the inconvenience of not being able to check the information I am offered, I could be dealing with four situations based on the genuineness of the artist’s affirmation: (1) Saint Hoax is Middle-Eastern, hence, stands for a Middle-Eastern alternative discourse; (2) Saint Hoax is not Middle-Eastern, yet, illustrates in his or her works what he or she believes to be a Middle-Eastern alternative discourse; (3) Saint Hoax is not Middle-Eastern, however, he or she represents what he or she thinks a Middle-Eastern alternative discourse should pursue; (4) Saint Hoax is not Middle-Eastern, but he or she desires to critically engage with he or she believes to be a Middle-Eastern alternative discourse. There probably are even more versions then I identified, yet, I believe the four presented above are sufficient to prove my point: even if Saint Hoax is or isn’t indeed Middle-Eastern, his or her works still offer insight about perceived Middle-Eastern alternative standpoints and representations.
Alternative media. 'The news that didn't make the news'

According to McQuail (2010), alternative media are mostly defined by what they antagonize: mainstream media, universal rationality and bureaucratic values. Watson and Hill (2003, 172) also highlight the combative character of alternative media, advancing a rather elusive bearing of the concept: ‘essentially counter-hegemonic, that is challenging established, hierarchical, systems of politics, economics, and culture, alternative media take many forms’ (apud Fuchs, 174). Fiske (1992b) explains the distinction between mainstream media and alternative media in relation to the process of news selection. Alternative media embed ideological bearings to the 'repression of events', thus, the manner in which they create and disseminate information encourages immediate action towards emerging social matters. Attached to the very core of alternative media, this still is one of their prominent features (Atton, 2002). On these lines, alternative media bear a militant approach to social issues and they are linked to the ascent of new social movements among which he distinguishes feminism. Studies such as Patricia Glass Schuman's (1982 cited by Atton 2002, 12) give proof of the use of alternative media for 'radical or unconventional content'. However, Fiske harbours his doubts concerning the interest of ordinary individuals in the content of alternative press.

Based upon their function as tools of social change, the concepts of 'radical media' and 'alternative media' served for a while as quasi-equivalent terms and still are a source of ambivalence for authors. However, radical media's use seems to be more specific. For instance, Downing (2001), cited by Atton (2002, 21) who employs his theoretical input for constructing a model, argues that radical media serves as the appanage of social movements. Yet, the second notion took roots in practice and, although it proves to be loose, it was preferred as a blanket term because of its capacious meaning (Atton 2002, 9). Nonetheless, there are theorists such as Downing who dismiss the term 'alternative media' for being equivocal, even oxymoronic and opt in favour of more distinguishing concepts like 'radical alternative media'. Such theoretical choices denote that the notions of 'radical' and 'alternative' cannot be fully detached one for another.

Defining alternative media still remains a subject of debate for theorists. Although radical content and calling for social change represent the main dimensions of a constructive definition, Atton argues that radical ideas' circulation does not rely on
alternative media. On these lines, O’Sullivan (1994, 10 cited by Atton 2002, 15) suggests alternative media promote ‘radical social change’ because they ‘avowedly reject or challenge established and institutionalised politics, in the sense that they all advocate change in society, or at least a critical reassessment of traditional values’. They distinguish themselves from mainstream media by involving citizens in the process of production and employing innovative and experimental methods in constructing shape and content (O’Sullivan et al. 1994, 205 apudAtton 2002, 15).

Quoted by Atton, Duncombe stresses the idea that social change can be accomplished not only by means of content, that is instrumental discourses, but also by the principles of production. As Traber (1985, 3) puts it, alternative media calls for social change in order to accomplish ‘a more equitable social, cultural and economic whole in which the individual is not reduced to an object(of the media or the political powers) but is able to find fulfilment as a total human being’ (cited in Atton 2002, 16).

Ergo, alternative media call into question hegemony. Whether they function on an ideological layer or on everydaylife one interfering with routinized attitudes, behaviours, definitions and bearings, they promote a ‘counterhegemonic subcultural style’ (Hebdige 1979 apudAtton 2002, 19).

Atton finds alternative media as utterly heterogeneous in terms of style, perspective and contribution. They seem to emerge in small-scale, grass-root, community based actions imbued with inter-subjective bearings and relevant for the rights and values of subcultures (McQuail 2010, chap. 7, doc. 158 - 159 ; Silverstone 1999 apud. Atton 2002). Moreover, he makes use of Buckingham and Sefton-Green’s concept of ‘heteroglossic (multiple voiced) text’ (cited in Gauntlett 1996, 91) to define alternative media because they create the premises of finally hearing the voice of a xenogeneic Otherness that

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<table>
<thead>
<tr>
<th>Figure 1. Atton's model of alternative and radical media</th>
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</thead>
<tbody>
<tr>
<td>1. <strong>Content</strong> (politically radical, socially/culturally radical); news values</td>
</tr>
<tr>
<td>2. <strong>Form</strong> - graphics, visual language; varieties of presentation and binding; aesthetics</td>
</tr>
<tr>
<td>3. <strong>Reprographic innovations/adaptations</strong> - use of mimeographs, IBM typesetting, offset litho, photocopiars</td>
</tr>
<tr>
<td>4. <strong>'Distributive use'</strong> (Atton, 1999b) - alternative sites for distribution, clandestine/invisible distribution networks, anti-copyright</td>
</tr>
<tr>
<td>5. <strong>Transformed social relations, roles and responsibilities</strong> - readerwriters, collective organization, de-professionalization of e.g., journalism, printing, publishing</td>
</tr>
<tr>
<td>6. <strong>Transformed communication processes</strong> - horizontal linkages, networks</td>
</tr>
</tbody>
</table>

stands for what Foucault (1980, 81 cited in Atton 2002, 9) called the 'insurrection of subjugated knowledge'. Therefore, Atton is concerned with developing a comprising theoretical and methodological model (See Figure 1) which can account for a diverse range of cultural forms. However, his preoccupations get beyond textual boundaries, deep into the practices of production and organization and the social ties which go along with them.

Developing upon a Marxist framework for explaining the relationship between information and communication technologies and society, Fuchs (2010, 174) points out the necessity of elaborating theoretical model such as the Marxist one that conceptualizes alternative media in terms of its political bearings and its critical utterance regarding dominant discourses: 'the contention is that alternative media should not only be understood as alternative media practices, but also as critical media that question dominative society'. Furthermore, he finds Anarchist perspectives upon the study of alternative media such as Atton’s to be deficient to that effect because of their extensive focus on small-scale production and self-organized practices as the core of alternative media. However, Atton (2002, 7) openly states his intention of not setting the boundaries of this type of media only within the realm of political media, but rather proceeding towards a more inclusive approach by referring to recent cultural endeavours. He is preoccupied with developing a theoretical and methodological frame which can prove valid when applied to artistic and literary cultural forms and the hybrids which have risen from the array of electronic tools and environments now available to audiences. As he himself states, the author elaborates on Downing (1984), Dickinson (1997) and Duncombe (1997)’s work to set forth 'a model that privileges the transformatory potential of the media as reflexive instruments of communication practices in social networks: there is a focus on process and relation' (Atton 2002, 7; See Figure 1). Nevertheless, Atton acknowledges the fecund ground classic Marxist analytical framework, for example, Gramsci’s notion of 'counter-hegemony', represents for conceptualizing the ideological component of alternative media, but he suggests that by itself such an approach would prove to be one-dimensional.

Fuchs (2010, 173) advances a definition of alternative media as 'critical media' in the sense of media content which challenges dominant discourses, gives voice to the oppressed, to the marginal and puts forth creative endeavours with unifying purposes: 'critical media product content shows the suppressed possibilities of existence,
antagonisms of reality, and potentials for change. It questions domination, expresses the standpoints of the oppressed and dominated groups and individuals and argues for the advancement of a co-operative society’. He affirms that such media create the premises of a critical dialogue because they employ innovation and surprise to subvert an established order and make a call to disjunctive insights. Fuchs brilliantly points out that due to their contextual nature, meanings are the fabric of reception. Therefore, from this perspective, reception can be understood as a production process itself. Drawing on Stuart Hall’s theory about hegemonic, negotiated and oppositional forms of reception, he puts forth two concepts in addition to the three above: ‘critical reception and manipulative reception’ (Fuchs 2010, 175). However, it is more probable to find mixed versions of these forms of reception rather than their pure reading which serves more theoretical purposes.

Fuchs passes in review Bailey, Cammaerts and Carpentier’s (2008) and Rauch’s (2007) typologies of alternative media theories, but labels them as both arbitrary and insufficiently wide-ranged to encompass all existing approaches. Bailey, Cammaerts and Carpentier (2008) use Laclau and Mouffe’s political identity theory to position approaches on a essentialist - relationist axis. The contention between essentialist and relationist perspectives resides in how they tackle identities. More essentialist theories understand identities ‘as stable, independent and possessing a ‘true’ essence’ whilst relationist outlooks dwell on them as contextual, interdependent and fluid constructs (Bailey, Cammaerts and Carpentier 2008, 5). Albeit elaborating upon both essentialist and relationist premises, identities, as took up from Laclau and Mouffe, are defined as ‘relational, contingent and the result of articulatory practices within a discursive framework’ (ibidem). Bailey, Cammaerts and Carpentier (2008) identify four ways of tackling alternative media based on how essentialism and relationism amalgamate in how identities are defined and on their orientation towards media or society.
Consequently, the four models presented by the authors theorize alternative media as (1) serving the community; (2) alternative to mainstream; (3) part of civil society; (4) rhizome.

Figure 2. Bailey, Cammaerts and Carpentier's classification of alternative media approaches

<table>
<thead>
<tr>
<th>Media - centred</th>
<th>Society - centred</th>
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</thead>
<tbody>
<tr>
<td><strong>Approach I</strong></td>
<td>Autonomous identity of community media (essentialist)</td>
</tr>
<tr>
<td><strong>Approach II</strong></td>
<td>Identity of community media in relation to other identities (relationist)</td>
</tr>
<tr>
<td><strong>Approach III</strong></td>
<td>Part of civil society</td>
</tr>
<tr>
<td><strong>Approach IV</strong></td>
<td>Rhizome</td>
</tr>
</tbody>
</table>


Closer to the essentialist apprehension, the first approach is oriented towards community defined as 'close and concrete human ties, as 'communion', as collective identity, with identifying group relations' (Bailey et al. 2008, 10). Therefore, it exceeds the notion of 'community' in its geographical acceptance whilst also integrating interpretative, imagined or online communities and communities of interest and of practice (*ibidem*). This perspective focuses on two dimensions of participation: in the media and through the media. Participation in the media refers to the involvement of non-professional community members in creating content ('content-related participation') and in the process of media organizing ('structural participation'). Participation through media stands for self-representing in public debate and spaces. Relationist and media-oriented, the second approach (See Figure 2) is concerned with the interaction between mainstream identities, 'large-scale, state-owned or commercial, hierarchical, dominant discourses', and alternative identities, 'small-scale, independent, non-hierarchical, non-dominant discourses', and alternative identities, 'small-scale, independent, non-hierarchical, non-dominant discourses' (Fuchs 2010, 177).

Society-centred and emerging at the intersection of both essentialist and relationist insights, the third theoretical perspective understands alternative media as part of civil society. Although its basic assumption refers to the civil society organizations’ autonomy, this approach is still preoccupied with relationships between alternative, state and commercial identities: 'alternative media are seen as a supplement to mainstream media, or as a counter-hegemonic critique of the mainstream' (Bailey et al. 2008, 15). Whether we have in mind Stuart Hall’s 'counter-hegemonic power bloc' or Atton’s (2002, 28) discussion about 'counter-hegemonic strategies of ownership...
(ownership of capital and intellectual property), power relations within the media and its audience', this type of media voices interests, beliefs, attitudes, opinions and values of civil society, creating an alternative public sphere. Moreover, notions of ideology, domination or the Gramscian understanding of hegemony seem to be at the core of alternative media (Atton 2002; Bailey et al. 2008; Fuchs, 2010). The forth approach developed by Bailey, Cammaerts and Carpentier (2008, 6), a more relationist take on the civil society theory (using Walzer 1998; Downing et al. 2001; Rodriguez 2001; Caldwell, 2003), elaborates on Deleuze's rhizome metaphor, stressing 'contingency, fluidity and elusiveness in the analysis of alternative media'. The rhizome is emblematic for such approaches because they focus on the local - global, civil society - market - state junctions as well as the ones between different groups and movements. Rauch (2007 cited by Fuchs 2010) distinguishes among theories based upon the component of alternative media they address: values, content, channel and source.

**Figure 3.** Fuchs's classification of alternative media theories based on Giddens's (1984, XX) distinction between objectivism and subjectivism' 

<table>
<thead>
<tr>
<th>Dimensions</th>
<th>Alternative media theories</th>
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</thead>
<tbody>
<tr>
<td>Social theory</td>
<td>Subjective</td>
</tr>
<tr>
<td>Approach</td>
<td>Process - oriented</td>
</tr>
<tr>
<td>Central characteristic</td>
<td>Media subjects:</td>
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<tr>
<td>of alternative media</td>
<td>'media actors</td>
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<tr>
<td></td>
<td>who engage in media</td>
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<td></td>
<td>production and reception')</td>
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Fuchs (2010, 174 - 178) uses Gidden's (1984, XX) distinction between objectivism and subjectivism to elaborate a classification of alternative media theories which can integrate all of the identified approaches. According to this principle, he distinguishes subjective media theories, which are process-oriented, and objective media theories, that are content-oriented (See Figure 3). The former focus on community-based processes of production and reception. However, Fuchs argues that this emphasis on communities of non-professionals can prove to be exclusionary to types of media which engage experts, but still meet the requirements to be considered alternative media. Objective media theories are concerned with media products and institutions in terms of
their economic and ideological orientation. The second line of thought is more interested in normative and value structures in media.

**It’s all about the alternative. From critique to negotiation**

In the attempt of elaborating a comprising model for studying alternative media, Fuchs (2010, 178) itemises five dimensions, presented in Figure 4: 'journalistic production, media product structures, organizational media structures, distribution structures and reception practices'. The theorist also organizes forms of alternative media in relation to configurations of capitalist mass media. However, he notes that these characteristics are not all compulsory for defining alternative media and highlights those he sees as required: 'journalists and their practices, recipients and their practices (actor-oriented), media product structures, media organizational structures, and media distribution structures (structure-oriented)' (ibidem).

As opposed to elite journalism, citizen journalism is free of the compulsions derived from political and corporate structures. It offers premises for redesigning the flow between production and consumption, but also of the cultural consumer's function, now technologically endowed for the leading role of a 'prosumer' or a 'produser'. Fuchs argues that traditional media are profit-driven and ideologically endowed in content and form in the sense of what stories make it to the news and how they are presented. By contrast, critical media hammers out oppositional form and content: it 'provides alternatives to dominant repressive heteronomous perspectives that reflect the rule of capital, patriarchy, racism, sexism, nationalism' and 'all forms of heteronomy and domination' (Fuchs 2010, 179). By the same token, Silverstone (1999, 103) lays stress upon alternative media's function of speaking for communities, groups or individuals whose interests are not represented in mainstream culture: alternative media 'have created new spaces for alternative voices that provide the focus both for specific community interests as well as for the contrary and the subversive' (apud Atton 2002, 1). Downing (1984, 1988, 1995, 2001 apud Atton 2002, 18) even uses the term 'popular oppositional culture'. However, a sociological approach demands a disambiguation, formulated by Raymond Williams and iterated by McGuigan (1992 apud Atton 2002, 19): 'Alternative culture seeks a place to coexist within the existing hegemony, whereas oppositional culture aims to replace it'.
Figure 4. Potential dimensions of traditional and critical media according to Fuchs

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Capitalist mass media</th>
<th>Alternative media</th>
</tr>
</thead>
<tbody>
<tr>
<td>Journalistic Production</td>
<td>Elite journalism</td>
<td>Citizens’ journalism</td>
</tr>
<tr>
<td>Media Product Structures</td>
<td>Ideological form and content</td>
<td>Critical form and content</td>
</tr>
<tr>
<td>Organizational media Structures</td>
<td>Hierarchical media organizations</td>
<td>Grassroots media organizations</td>
</tr>
<tr>
<td>Distribution structures</td>
<td>Marketing and public relations</td>
<td>Alternative distribution</td>
</tr>
<tr>
<td>Reception practices</td>
<td>Manipulative reception</td>
<td>Critical reception</td>
</tr>
</tbody>
</table>


Grassroots media organizations are often characterized by financial self-management, balanced power distribution and participatory systems, frequently non-structured and non-hierarchical. For the sake of his demonstration, Fuchs is particularly interested in non-commercial media organizations, which do not make use of commodity sale or advertisement, but resort to no-cost or low-cost strategies such as donations, public funds or private sources. In addition, I would mention crowd funding and guerrilla marketing. The fourth dimension concerns distribution structures, which include in traditional media a whole array of high-tech organizational resources like public relations, marketing, advertising and sales departments, experts, methods and techniques. Alternative media are characterized by using no-cost or low-cost, user-friendly technological resources: ‘strategies like anticopyright, free access, or open content allow content to be shared, copied, distributed, or changed in an open way’ (Fuchs 2010, 180). Quoted by Atton (2002, 23), Duncombe (1996, 123) advances three similar dimensions in the production of zines as opposed to mainstream magazines, amateur cultural production, low-cost strategies of production and distribution and increasingly dim borders between the producer and the consumer: 'emulation - turning your readers into writers - is elemental to the zine world'.

In the case of reception practices, Fuchs distinguishes between manipulative and critical reception. Both forms of reception refer to content interpretations. Manipulative reception engages in false interpretations that substantiate and perpetuate the heteronomous fabric of society. On the other hand, critical reception challenges what is usually taken as granted and puts forth alternative constructs of the world and life, often endowed with transformative finalities. The theoretician puts forward the concepts of critical and manipulative consciousness. However, in default of a operational definition...
of consciousness, the term remains fuzzy. Withal, in the ideal social conditions, alternative media would stand for a 'self-managed citizen journalists' production of critical content that is widely available, distributed, and reaches a large audience, that critically receives content and becomes itself active in critical journalistic production' (Fuchs 2010, 180).

<table>
<thead>
<tr>
<th>Figure 5. Five dimensions of critical media according to Fuchs</th>
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<tbody>
<tr>
<td><strong>Dimension</strong></td>
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<tr>
<td>----------------</td>
</tr>
<tr>
<td>Negation of negation at the content level</td>
</tr>
<tr>
<td></td>
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<tr>
<td>Negation of negation at the form level</td>
</tr>
</tbody>
</table>
| Dialectical realism at the content level | 'Operate:
(1) under the assumption that phenomena are (...) contradictory, open, dynamic, and carry certain development potentials in them;
(2) based on the insight that there are (...) contradictory tendencies that pose both positive and negative potentials at the same time that are realized or suppressed by human social practice.' |
| Dialectical realism at the form level | 'The form involves rupture, change, non-identity, dynamics, and the unexpected – the form is itself contradictory' |
| Materialistic expression of the interests of the dominated at the content level | 'Take the standpoint of the oppressed or exploited classes' |
| | 'Consider that structures of oppression and exploitation benefit certain classes at the expense of others and hence should be transformed' |


The 'Princiest Diaries'. A 'Middle-Eastern' Reading of American Popular Culture

According to Bailey, Cammaerts and Carpentier's (2008, 5) classification of alternative media approaches, the present study embraces a relationist perspective where identities are 'relational, contingent and the result of articulatory practices within a discursive framework'. In addition, this research coagulates at the intersection of media-centred and society-centred fields of vision as a mixed version of all four approaches because it presents an account of alternative media as 'community media', 'alternative to mainstream' (Bailey et al. 2008) or 'counter-hegemonic' (Fuchs 2010), 'part of civil society' and 'rhizome' structure (Bailey et al. 2008).

In this particular case, we cannot talk about 'participation in the media' (ibidem) because community members are not involved in creating content, nor in organizing
media. Although drawing on Walt Disney animated films, the media products employed in this study are the result of the creative process and decision-making of a professional: an artist who uses the pseudonym of Saint Hoax. Therefore, it is not the a case of 'content-related participation', nor of 'structural participation'. However, the creative content is distributed via Instagram, a free and user-friendly online community which congregates the characteristics of Fuchs's account of 'alternative distribution': 'Instagram is a **free and simple way** to share your life and keep up with other people. Take a picture or video, then customize it with **filters and creative tools**. **Post it** on Instagram and **share instantly** on Facebook, Twitter, Tumblr and more—or **send it directly** as a private message. Find people to follow based on things you're into, and be part of an **inspirational community**' (https://instagram.com/, emphasis added). Therefore, Instagram's description highlights the core features of alternative distribution in Fuchs's (2010, 180) vision: cheap ('free'), easy to use ('simple way') technologies ('filters and creative tools') which 'allow content to be shared, copied, distributed, or changed in an open way' ('**post it** on Instagram and **share instantly** on Facebook, Twitter, Tumblr and more—or **send it directly** as a private message').

Furthermore, the artist uses copyright protected content of Walt Disney's animated films and radically altering it. However, all of Saint Hoax are always marked as such which could create debate around what Atton (2002, 28) calls 'counter-hegemonic strategies of ownership'. As long as the artist does not possess a legal agreement with Walt Disney Pictures, Walt Disney Feature Animation or another ramification of Walt Disney company for using its productions, his or her actions could represent a form of protest at the address of 'intellectual property'. Yet, the artist signs his or her artwork, even if it is only for the sake of artistic recognition.

Instagram can be considered a site of 'participation through the media' because it creates a digital space for self-representation and for open dialogue between the members of the online community (Bailey et al. 2008, 11). Although it is not designed specifically to suit collective decision-making, it is a site where all those citizens who are willing and possess a minimum of digital knowledge can freely express their attitudes, opinions, thoughts and feelings towards subjects of their own choice employing user-generated, self-made photographic, audio-video and textual materials or any other material available online no matter its origin.
Breaking the Shell: Mainstream Ursula and the Voice of the Unvoiced

One theme of Saint Hoax’s artworks refers to social issues and comprises 31 visual items. Furthermore, it includes 6 subthemes: (1) incest and domestic sexual abuse; (2) celebrity abuse; (3) domestic violence against girls and women; (4) domestic violence against boys and men; (5) anorexia nervosa and (6) animal cruelty and fur industry. In this theme, the gender representations are balanced. There are 10 visual items only containing female figures, 8 artworks only featuring masculine figures and 10 referring to both feminine and masculine figures. The other 3 bear on animal characters. The material covering social issues can be considered an account of ‘unconventional content’ (Schuman 1982 cited by Atton 2002, 12) in the sense that it associates mainstream children media products such as Disney Animated Classics characters and harsh everyday social realities such as incest and domestic sexual abuse against minors, domestic violence, eating disorders or animal cruelty. These poster-series are defined by the artist as awareness campaigns designed to ‘encourage victims to report their cases’ (Saint Hoax 2015, ‘Princest Diaries’). Therefore, they can be considered activist in the sense that they identify social problems, embolden action and promote social change.

The campaign regarding incest and domestic sexual abuse, 'The Princest Diaries', features Jasmine from Walt Disney Feature Animation production "Aladdin" (1992), Ariel, main animated character of Walt Disney Pictures production 'The Little Mermaid' (1989), and Princess Aurora, main character of Walt Disney Productions animated music fantasy film 'Sleeping Beauty' (1959) kissing with their fathers: the Sultan, King Triton and King Stefan. The campaign's target-public is specified by Saint Hoax himself or herself on the website: 'An awareness campaign targeting minors who have been subject to sexual abuse by a family member' (Saint Hoax 2015, Gallery, Princest Diaries). It also advances hard data which stands for the alarming rate of minors who experience sexual abuse at home accompanied by the urging to act: '46% of minors who are raped are victims of family members. It's never too late to report your attack' (Instagram 2015, #PrincestDiaries). On these lines, Saint Hoax performs in O'Sullivan's terms (1994,10 cited by Atton 2002, 15) 'a critical reassessment of traditional values' or social institutions such as the family understood as a nurturing and protective cell of society. Moreover, the artist interferes with attitudinal, behavioural and emotional routines (Hebdige 1979 apud. Atton 2002, 19) challenging the practice of putting to silence whatever disturbs the sense of normality among the members of a family and
advocating for reporting such abuses. Likewise, Saint Hoax blazes the trail for homosexual domestic abuse by a depiction of Gepetto kissing Pinocchio, main character of eponymous Walt Disney Productions animated musical fantasy film (1940).

On the same lines of sexual abuse, Saint Hoax brings to the online public's attention abuse performed by celebrities. The main focus is the case of American comedian, actor, and author, William Henry Cosby Jr., known as Bill Cosby, who 'has been publicly accused of raping, drugging, coercing or sexually assaulting 40 women since 1965, and many of them have only started to come forward since October 2014' (The Wrap News Inc. 2014; also see Glenza 2015 and Seemayer 2015). Consequently, Saint Hoax illustrates drugging and sexual assault using the metaphor of 'Sleeping Beauty' watched upon by Bill Cosby along with the caption 'Cosby's favourite show' (Instagram 2015, https://instagram.com/p/44eHvYwYV3/?taken-by=sainthoax, last accessed August 1 2015). Acting upon one's vulnerability is portrayed by reference to Cinderella, main character of Walt Disney Productions eponymous animated film (1950), crying on Bill Cosby's knees. The Instagram (2015, https://instagram.com/p/3ZNqyrQYYV/?taken-by=sainthoax, last accessed August 1 2015) post is followed by the caption 'Monday blues? Bill Cosby will take care of you...'.

The social issue of domestic violence is the theme of two Saint Hoax campaigns designed to fit gender-targeted publics and stated accordingly. 'Happy Never After' is described as 'an awareness campaign targeting any girl / woman who has been subject to domestic violence. The aim of the poster series is to encourage victims to report their cases' (Saint Hoax 2015, Gallery, Happy Never After section). The artist modifies the standard happy-end formula 'And so they lived happily ever after' using the adverb 'never' to obtain the phrase 'Happy Never After' which stands for the life-long consequences of trauma derived from domestic violence. For that purpose, Walt Disney's characters Princess Aurora, Jasmine, Cinderella and Ariel are portrayed as victims of domestic violence. The slogan is also inspired by Disney's princess culture: 'When did he stop treating you like a princess? It's never too late to put an end to it' (Saint Hoax 2015, Gallery, Happy Never After section). 'Prince Charmless' campaign stresses going beyond the emotion of shame associated with being a male victim of domestic violence: 'An awareness campaign targeting any boy / man who has been subject to domestic violence. The poster series encourage victims to shamelessly report their cases' (Saint Hoax 2015, Gallery, Prince Charmless). On these lines, Saint Hoax
created illustrations of Hercules, main character of Disney's eponymous animated musical fantasy production (1997), Captain John Smith, male protagonist of American animated musical film 'Pocahontas' (1995) and Prince Eric, animated character of Walt Disney Pictures' production 'The Little Mermaid' (1989) bearing marks of domestic violence. The tagline of this campaign is focused on the concept of 'hero': 'When did she stop treating you like a hero? Don't be ashamed to ask for help' (Saint Hoax 2015, Gallery, Prince Charmless).

The 'Royal Misfits' campaign revolves around the broader social issue of eating disorders and the particular affection of anorexia nervosa: 'Children as young as five years old are being diagnosed with anorexia nervosa. “The Royal Misfits” raises awareness about that subject and directly speaks to children who have developed or are developing eating disorders' (Saint Hoax 2015, Gallery, Royal Misfits). It uses graphically edited versions of both female and male Disney animated characters to illustrate symptoms characteristic to this eating disorder which include a low weight, pallor and hollow eyes. Ariel and Prince Eric, protagonists of Walt Disney Pictures' production 'The Little Mermaid' (1989), Snow White, heroine of Walt Disney Productions' animated film (1937), Jasmine from Walt Disney Feature Animation's production "Aladdin" (1992), and Hercules, main character of eponymous animated musical fantasy film (1997), all figure in 'Royal Misfits' campaign. Except for alternating between the terms 'princess' and 'hero', the central message of the campaign is similar: 'Fit for a Princess? Don't let anorexia eat you alive' / 'Fit for a Hero? Don't let anorexia eat you alive' (Saint Hoax 2015, Gallery, Royal Misfits).

Another theme of interest for Saint Hoax is the cruel treatment animals are subjected to due to the fur trade industry: 'Animals are beaten, electrocuted, or even skinned alive for their fur' (Instagram 2015, https://instagram.com/p/wPEe8JwYSu/?taken-by=sainthoax, last accessed August 1 2015). The 'Fury Tale' campaign images Disney animal characters such as Timon, character of Walt Disney Feature Animation's film, 'The Lyon King' (1994), Abu, Aladdin's monkey partner, and Simba, the protagonist of Walt Disney Feature Animation's film, 'The Lyon King' (1994), as if they had been skinned by the fur trade industry. Its main objectives are both informational and militant. Saint Hoax edits most popular Disney animal characters and covers them in blood to create awareness around the animal abuses related to the fur trade industry and also to react against such actions. The artist goes even further in this campaign and
openly promotes boycotting fur. He or she also involves the image of a popular fashion icon, Anna Wintour, the well-known editor-in-chief of American Vogue. She is presented as Cruella de Vil, antagonist of Walt Disney Productions' animated adventure film 'One Hundred and One Dalmatians' (1961), wearing a Dalmatian fur. She is surrounded by Roger Radcliffe holding Pongo and the Nanny who look startled. The caption for this Instagram post writes ‘My fur lady’, a clever adaptation of the notorious Broadway musical 'My Fair Lady' (1956). This campaign’s tagline also features the extended title 'Furry Tale Gone Bad', an adapted version of Sunrise Avenue's song, 'Fairytale Gone Bad'.

Saint Hoax's campaigns concerning incest, domestic violence against girls, women, boys and men, anorexia nervosa and animal abuse, 'The Princest Diaries', 'Happy Never After', 'The Royal Misfits' and 'The Furry Tale', all call on immediate action towards social matters. Thus, they fall into line with Atton's (2002) account of alternative media.

'Once Upon a War': Global Issues of Public Debate

Saint Hoax also tackles with contemporary global issues which are the subject of public debate, especially in the American public space. This category includes 13 digital images and explores subthemes such as marriage equality and LGBT, discrimination of Arabic citizens, Middle Eastern conflicts, censorship and Israeli occupation of Palestine. On June 26 2015, when in the United States of America, the Supreme Court gave a favourable ruling in the Obergefell v Hodges case, after a man from Ohio files a law suit against the state for his name to figure in his late husband's death certificate, and 'justices determine right to marriage equality is protected under constitution in decision hailed as 'victory of love'' (Roberts and Siddiqui 2015). This resulted in the legalization of marriage equality in all 50 states. On the occasion of the US supreme court ruling, rainbow lights were projected on the White House (See photo Roberts and Siddiqui 2015). Consequently, Facebook introduced a 'new pride rainbow profile filter app' (Ennis, 2015;Facebook Inc. 2015) to enable users to express their support and celebrate the legalization of gay marriages. The next day, on June 27 2015, Saint Hoax posted on his Instagram account a digital image featuring Walt Disney Pictures 1995 - 2006 logo of the '3D CGI castle, with flags flapping on the top' (Closing Logos Group 2015) on which he or she applied a rainbow filter and replaced Walt Disney in Gay Disney.
The artist also tackles with representations of drag queens using photographs of American celebrities such as actor and singer Harris Glenn Milstead, also known as Divine. An example is an Instagram video of Hercules, main character of the eponymous animated musical fantasy film (1997), a Walt Disney Feature Animation production and a Walt Disney Pictures release. The video features the male protagonist turning into an animated character based on the appearance of the drag queen known as Divine. On these lines, the caption is suggestive: 'Divine Intervention #ZeroToHero @divineofficial' (Instagram 2015, https://instagram.com/p/y98FB-wYdv/?taken-by=sainthoax, accessed August 1 2015). Saint Hoax enforces his or her messages by making use of emotion or object icons also popularized by the name of 'emojis' or 'emoticons'. For example, Hercules shift's video caption is followed by three such icons depicting a brand muscle, a lipstick and a high-heel shoe.

'Zero to Hero' is the name of the animated musical fantasy film's soundtrack (available on YouTube: Hercules Soundtrack - Zero to hero (English) HD). Saint Hoax squares up to the guidelines of traditional masculinity which implies force, domination and active heterosexuality and also with the Disney representation of the hero. The core characteristics of Disney's hero are described in the 'Zero to Hero' soundtrack: fame - 'Herc was on a roll / Person of the week in ev'ry Greek opinion poll', strength and handsomeness - 'Folks lined up / Just to watch him flex/ And this perfect package / packed a pair of pretty pecs' ; 'a major hunk', exceptional abilities - 'What a pro / Herc could stop a show / Point him at a monster and you're talking SRO' (annotation: SRO stands for standing-room-only), 'Now he's a hot shot', sexually attractiveness - 'When he smiled/ The girls went wild with/ oohs and aahs', resourcefulness - 'From hero's fees and royalties / Our Herc had cash to burn / Now nouveau riche and famous', bravery - 'undefeated' ; 'he comes/ He sees, he conquers' and sensibility - 'Is he sweet/ Our favorite flavor/ Hercules, Hercules' (STLyrics 2015). For that matter, the term 'hero' is mentioned no less than 10 times in the song's lyrics. The lyrics of 'Zero to Hero' soundtrack illustrates a three-word definition of the Disney's hero: 'He showed the moxie, brains, and spunk' (STLyrics 2015). As the title of the soundtrack suggests, one is not born a hero, but becomes one: 'Here was a kid with his act down pat/ From zero to hero in no time flat' (STLyrics 2015). In Saint Hoax's artwork, this process of transformation is still central, but Hercules as the archetypal heroic male figure is equivalent with stage 'zero' and the drag queen identity is placed at the other end of this
transformative path, representing 'the hero'. This example illustrates what Fuchs (2010, 181) calls 'negation of negation at the content level' in terms of 'deconstructing ideologies', in this case, the ideology of hegemonic masculinity, and 'show potential counter-tendencies and alternative modes of development' in the sense that accepting one's own queer gender identity and make a public display of it is in fact an act of bravery. The artist also promotes drag queen characters in posts like the one featuring Vanessa, Ursula's alter ego, antagonist of Walt Disney Pictures production 'The Little Mermaid' (1989), looking in the mirror at the reflection of the performer drag queen using the stage name Divine. In the caption, Saint Hoax affirms: 'Divine would have ruled my life if she played Ursula' (Instagram 2015, https://instagram.com/p/xj2zbbQYac/?taken-by=sainthoax, last viewed August 1 2015).

Another subtheme Saint Hoax approaches in his works is ethnic discrimination in the case of Arab populations. The digital images on this subtheme feature denied United Kingdom visas of two citizens of the fictional sultanate of Agrabah, Aladdin and Jasmine, animated characters of Walt Disney Feature Animation production 'Aladdin' (1992). The captions refer to terrorist-related suspicions which affect the circulation of Arabic individuals in the United Kingdom: 'DENIED✈#ArabProblems' ; 'I'M NOT A TERRORIST #HappyNeverAfter'. The plane and bomb icons clearly refer to the September 11 attacks in the United States. Moreover, Saint Hoax is interested in the Middle Eastern conflicts and also offers particular attention to the Israeli occupation of Palestine. On March 24 and 31 2015, Saint Hoax posted two digital images under the headline 'Middle East Conflict | Happy Never After' referring to demonstrations, protests, civil resistance and riots against authoritarianism in the Middle Eastern area. Both feature CNN News' bulletins. One images 'Prince Aladdin kidnapped by protesters' and the other, Sultan's Palace from Disney's 1992 animated feature film 'Aladdin' set on fire. The second news caption sounds like this: 'Police Dispersing Agrabah Protesters. Many demonstrators call Sultan's govt. authoritarian' (Instagram 2015, https://instagram.com/p/mNpHjEQYfM/?taken-by=sainthoax, last accessed August 1 2015; and https://instagram.com/p/mNoyhFwYew/?taken-by=sainthoax, last accessed August 1 2015).

In constructing the campaign 'Once Upon a War', which addresses consequences of war amongst children, the artist uses similar techniques involving what Fuchs (2010,
182) defines as 'dialectical realism at the form level' with those used in the campaigns regarding domestic violence, incest and animal cruelty. Saint Hoax illustrates childhood iconic characters from the Disney culture such as Peter Pan from Walt Disney's eponymous animated film (1953), Pinocchio, main character of eponymous Walt Disney Productions' animated musical fantasy film (1940), and Alice, main character of Walt Disney Productions' animated musical fantasy 'Alice in Wonderland' (1951). They all hold or have a Palestinian flag in their proximity and are depicted in a blood bath while being murdered by a man or a woman in a suit. Peter Pan is killed with bare hands while Pinocchio is hammered down and Alice is stabbed. The artist chose once again contradictory hybrid forms associating animated characters and real people, childhood icons and bloodshed to create rupture by appeal to the unexpected. The central message of this campaign is 'Save the Innocence in Palestine', but each digital image is associated with a caption coherent to the story world and the animated character it depicts. Therefore, the tagline of the illustration constructed around Peter Pan is focused on growing up prematurely as the character is commonly associated with carefree innocence and never-ending childhood: 'He Was Forced To Grow Up | Once Upon A War' (Instagram 2015, https://instagram.com/p/q1qqt_QYQ/?taken-by=sainthoax, last viewed August 1 2015). The post imaging Alice in Wonderland being attacked by a woman with a knife is build up around the idea of dream: 'She Could Never Dream Again | Once Upon A War' (Instagram 2015, https://instagram.com/p/qzKF3ZQYXp/?taken-by=sainthoax, last accessed August 1 2015). The three taglines of Saint Hoax's 'Once upon a War' campaign all contain 'negation of negation at the form level', they illustrate 'suppressed possibilities of development' (Fuchs 2010, 181 - 182) in the case of children victims of the Israeli occupation of Palestine by reference to popular childhood icons in the Disney culture: 'He Never Became A Real Boy | Once Upon A War' (Instagram 2015, Pinocchio Post, https://instagram.com/p/qwliKPwYcn/?taken-by=sainthoax, last accessed August 1 2015). Once again Saint Hoax's artworks prove to be gender-sensitive in the sense that they image both men and women in the hypostases of both victims and aggressors.

Saint Hoax also broaches the issue of censorship and expresses his or her personal point of view according to which it is senseless. On October 22 and 23 2014, the artist posts two digital images representing women wearing niqab, a cloth which covers both the hair and the face leaving only a narrow crack for the eyes uncovered, and Mickey
Mouse or Minnie Mouse ears. The taglines are similar and denotive: 'Mickey Muslim #SenselessCensorship' (Instagram 2015 https://instagram.com/p/ugHwrwYX1/?taken-by=sainthoax, last accessed August 1 2015) and 'Minnie Muslim #SenselessCensorship' (https://instagram.com/p/udiMC3wYQh/?taken-by=sainthoax, last accessed August 1 2015). Both captions are accompanied by a mouse icon. However, the hand posture illustrated by Saint Hoax is rather common to Hindu and Christian religious practices and consists of putting both of their palms together in front of the chest in prayer. These posts created a negative flow of responses from his or her Muslim fans who judged the two representations as being disrespectful to their religious confession. Furthermore, Saint Hoax gathers under the hash tag #SenselessCensorship several posts associating American popular culture icons such as The Spice Girls or Nicki Minaj and J. Howard Miller's "We Can Do It!" wartime propaganda 'We Can Do It' poster (1943) graphically edited to feature niqabs. The niqab Spice Girls representation is followed by the caption 'The Spices of ISIS ✌ #SenselessCensorship #SpiceUpYourLife' (Instagram 2015, https://instagram.com/p/0Qm5JGwYZO/?tagged=senselesscensorship, last accessed August 1 2015) whilst Miller’s poster’s slogan is changed for 'We Cant Do it' (Instagram 2015, https://instagram.com/p/y7gQOKwYaT/?tagged=senselesscensorship, last accessed August 1 2015). Moreover, the standard image of Miss Universe awarding scene presents three women wearing niqab along with the caption: 'Miss ISIS 2015 #SenselessCensorship' (Instagram 2015, https://instagram.com/p/yufec0QYeV/?tagged=senselesscensorship last accessed August 1 2015).

And they lived... critically after. Conclusions

Responding to Fuchs's (2010, 174) observation regarding the need of more empirical studies of alternative media, the present research aimed to test Bailey, Cammaerts and Carpentier's (2008) and Fuchs's (2010) accounts of alternative media in terms of defining characteristics and approaches on digital visual and textual content of an artist who declares himself or herself Middle Eastern and engages critically with Walt Disney’s classic animation film characters and story worlds to frame socio-political bearings by means of amalgamation. The media products of Saint Hoax are embed with three types of values, two of them suggested by Fuchs (2010, 174 - 175): entertainment value and
artistic - aesthetic value, even if in this particular case it is rather about an aesthetic for the anesthetized because, as his or her pseudonym already foreshadows, Hoax uses not only surprise, but also shock for making his or her message memorable. Fuchs also mentions news value, but this does not apply in the analysed case for the artist doesn’t present new information, but rather alternative interpretations of subject of public debate. Furthermore, the studied media content makes reference to social issues which are not recent, but are not widely represented as such in mass media, nor in popular culture such as domestic violence towards boys and men or eating disorders. Campaigns like 'Prince Charmless' or 'Royal Misfits' challenge not only the patriarchal ideology, but also the stereotypical account of a reality in which women and girls always have to be the victims and men and boys always end up as attackers.

Saint Hoax's Instagram content is consistent with what Atton (2002) considers to be a central characteristic of alternative media - it is heterogeneous. In terms of content, its heterogeneity comes from the mix of Walt Disney commercial animations such as characters like princesses Ariel, Cinderella, Pocahontas, or Aurora, heroes such as Hercules, John Smith, Prince Phillip or villains such as Jafar, Ursula or Snow White's Evil Queen, photographic material on real people, usually popular culture icons such as Madonna, Beyonce, Lindsay Lohan, Bill Cosby and products such as Nutella. Moreover, hybridity and fluidity are displayed on several pillars from content to form and origin. In this respect, Saint Hoax's artwork demonstrates dialectical realism in terms of form, one of the characteristics considered to be essential to critical media by Christian Fuchs (2010, 182): 'the form involves rupture, change, non-identity, dynamics, and the unexpected – the form is itself contradictory'. Surprise comes along with creating rupture by associating what is incongruous for common sense, for instance, the portrayal of Disney princesses as victims of domestic abuse, Bill Cosby and Sleeping Beauty. Saint Hoax also mixes apparently incompatible media such as fictional characters, objects and environment and real individuals and objects or animation and photography to create contradictions.

The principle Saint Hoax makes use of in the construction of his or her digital images, captions and campaigns is one of the distinguishing characteristics of popular culture products. This founder principle refers to what Monica Spiridon (2013, 100) calls 'reusable ready-made cultural products': symbols, formulas, motifs and patterns poached from the shared cultural capital which ensure the product's success by calling
on common knowledge, a sense of familiarity and emotional resorts. On these lines, Saint Hoax opted for employing the American cultural fund, stressing on the generous Disney culture in terms of characters, formulas and story worlds, popular culture icons such as Madonna, Lady Gaga, Nicki Minaj or Lindsay Lohan and contemporary political figures such as Hillary Clinton, Sarah Palin, Vladimir Putin or Nicolas Sarkozy.

The pseudonym 'Saint Hoax' is emblematic for the artists logic of creating because it is itself oxymoronic. The term 'hoax' stands for a deliberate deceitful act, a trick or a cheat whilst 'saint' is a canonized word, usually ascribed to the virtuous. His or her first solo show’s name is also created by agglutination, standing for the artist’s interest for both popular culture and politics: The world’s most recognized figures become almost unrecognizable once merged with Hoax’s vision' (Saint Hoax 2015, Exhibitions). Saint Hoax, therefore, perceives himself or herself as a visionary, who revolutionises by the transformative functions of amalgamation. The description available in the Contact section of his or her website informs visitors that he or she uses artistic instruments to advance satirical content with socio-political activist implications: 'Saint Hoax is a pseudonymous Middle Eastern artist, satirist and socio-political activist. An embedded infatuation with pop culture and politics drove Saint Hoax to embark on his PoPlitical journey. Hoax combines tangible and digital mediums to create beautiful visual lies that tell an ugly truth' (Saint Hoax 2015, Contact). Alongside the lines quoted above, resides the famous cover of Vanity Fair featuring Caitlyn Jenner introducing herself to the world based upon her transgender identity processed by Saint Hoax by adding the title of Selena Gomez pop song 'Call me Maybe'.

Saint Hoax's artworks can be considered in the light of Buckingham and Sefton-Green's concept of 'heteroglossic (multiple voiced) text' (cited in Gauntlett 1996, 91 and presented by Atton) in the sense that the artist expresses standpoints of several groups who are the subject of stereotyping, discrimination, marginalisation and domination. The awareness campaigns available on Saint Hoax's website are illustrative for conveying counter-hegemonic discourses about social issues such as sexual abuse by a family member ('Princest Diaries'), domestic violence towards girls and women ('Happy Never After') and towards boys and men ('Prince Charmless') and eating disorders, specifically anorexia nervosa ('Royal Misfits'). The use of Walt Disney animated content in raising awareness about social problems can be interpreted on the hand as an imaginative disruptive association meant to have a good grip on the audience, and on
the other hand as a critique towards Disney's idealistic discourse about the world, life and love as opposed to the harsh realities of day-to-day life. Saint Hoax also highlights issues which are not represented in popular culture such as domestic abuse towards boys and girls. The artist challenges gender ideologies by arguing that it is not a shame to ask for help as a boy or a man who is a victim of domestic abuse, nor to get stained with menstrual secretions as a girl or woman. Furthermore, he or she advances what Fuchs (2010, 181) defines as 'negation of negation at the content level', meaning that the artist illustrates 'potential counter-tendencies and alternative modes of development' like the campaign empowering women named 'Save Yourself', where Disney Princesses are depicted kissing themselves, which could be a satiric metaphor for Disney's 'true love's kiss'. His taglines call to awareness and action: 'Fit for a princess? / Fit for a hero? Don't let anorexia eat you alive'; 'When did she stop treating you like a hero? Don't be ashamed to ask for help'. Some can even pass for instigation such as the environmental campaign 'Furry Trade' where the tagline sounds like this: 'Fur trade industry Boycotting fur'.

As applied to digital images produced by an artist and distributed online on a personal website and in the Instagram community, Bailey, Cammaerts and Carpentier's (2008) classification of approaches according to their essentialist or relationist grasping of identities and to their orientation towards media or society turned out to represent complementary facets of a complex approach rather than different theoretical directions of studies in alternative media. Moreover, visual and textual digital content produced and distributed by the Middle Eastern artist proved to be consistent with Fuch's comparative framework of traditional media and alternative media as well as his accounts of the five central characteristics of critical media. Saint Hoax artworks promote critical assessment of dominant discourses concerning gender roles, representations of femininity and masculinity, family relations and self-respect along with giving voice to the silent, the marginal and the vulnerable, strengthening civic engagement and co-operation within a participatory democracy and stimulating creativity and reasoning by means of exhilarating forms of presentation.
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Children with Gender Identity Disorder. A Clinical, Ethical, and Legal Analysis

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Published in 2013, Simona Giordano’s book, “Children with Gender Identity Disorder¹, A Clinical, Ethical, and Legal Analysis”, is yet to receive the attention it deserves. It displays not only great insight and careful analysis of the issues involved, but also deep sensitivity and compassion. It integrates clinical, ethical and legal analysis with results from empirical research and personal testimonies and with fairy tales and literary sources. Among these are poems that highlight the frailty and vulnerability of human life – such as François Villon’s Ballade des pendus, which Giordano calls “an allegory of the human condition, constantly at the border of mistake and death”, which “reminds us that we are all dangling before a common undulating, uncertain destiny, swaying between error, virtue, and fortune” (Giordano 2013: xvi). This book, Giordano writes, is about all of us, not only as professionals or parents or friends - that is, not only because of our relation to a transgender person - but because, in fact, all of us are in between genders. This claim is clarified further in the book. In the first chapter, “Transgenderism: setting the scene”, Giordano explains the main concepts that are used throughout the book. The transgender experience, and gender ambiguity in general, have always been a part of human history, but have been marginalised in deeply gender binary cultures such as Western cultures. This has led to such expressions being left out of not only Western medical practice but also linguistic development. Words such as transsexual and transgender have been coined in the English language in the 1940s and 1980s, respectively. The term transgender is used in this book to denote all forms of gender development that differ from the gender assigned at birth. Thus, it includes individuals who have had hormonal or medical gender reassignment treatment,

¹ At the time of the publication of this book, Gender Identity Disorder was the term still in use in the Diagnostic and Statistical Manual of Mental Disorders (DSM). It has since been replaced with Gender Dysphoria in the fifth and current version of the manual.
as well as individuals who have not but identify their own gender as beyond that which was assigned to them at birth.

As will become evident later in the volume, these two concepts, ‘transgender’ and ‘transsexual’ misleadingly suggest that there are two ‘opposite’ genders or sexes and all issues are reducible to being allowed to migrate from one to the other – this, argues Giordano, is a misunderstanding of the complexities of gender identity and gender variance (Giordano 2013: 43). For up-to-date terminology in this area see the GLAAD Media Reference Guide – Transgender Issues.

In chapter two, “What is gender”, this core concept is explained and analysed from the perspectives of several disciplines such as sociology, gender studies, philosophy, clinical psychology, psychiatry, and endocrinology, and in figurative arts. In sociology and gender studies, explains Giordano, gender identity is “the recognition of the implications of belonging to one sex. The roles, behaviours, and attitudes that people may adopt and internalise, depending on whether they belong to one sex or another, reflect the expectations that a society in a given historical and geographical context has of men and women” (Gordano 2013: 12). This identity receives input from parents and society even before a child is born: the appearance of children’s genitals determines how they will be received in the world, and genitals “are thought to reveal a series of relationships, preferences, and inclinations, which are assumed to be stable across the future life of the child” (ibid.). Gender is a normative construct that determines how individuals are expected to develop throughout their lives. Thus, rather than being biologically determined, gender in gender studies is a social construct.

This is also the chapter in which the distinction between sex and gender is explained and its (negative) implications highlighted. Biological sex comprises chromosomal sex (such as XX and XY), gonadal sex (testicles and ovaries), hormonal sex (that depends on the levels of certain hormones such as androgen), and anatomical sex (genitalia). These biological dimensions of sex are complemented by legal sex: the sex a person is considered as having in the eyes of the law. However, these dimensions do not always neatly map onto each other in every person, and are more complex than the dichotomies that have been assumed. Of these complexities, the most obvious are intersex conditions. Examples of intersex conditions are Turner syndrome, Klinefelter syndrome, congenital adrenal hyperplasia, or androgen insensitivity syndrome – these

1 Available at http://www.glaad.org/reference/transgender (last accessed August 2015).
are briefly discussed in the chapter. Thus, to say that biological sex is clear and made of two sexes, male and female, is an inaccurate simplification: considering that all these elements of sex map out in different ways in different individuals, it would be more accurate to say, argues Giordano quoting Anne Fausto-Sterling, that there are more than two sexes in humans. (Note that intersex conditions and the transgender experience need not intersect: while intersex conditions are about the alignment of the above aspects, the transgender experience is about the mismatch between gender identity and sex assigned at birth – even if all the dimensions of sex are otherwise aligned.)

Giordano investigates some of the likely origins of the idea that only two sexes are normal in humans, and then points out how the idea of gender as the social interpretation of biological facts (sex) relies on the expectation that sex is easy to identify and that its various aspects are (supposed to be) congruent. This, argues Giordano, suggests that the relationship between sex and gender is reversed: “rather than seeing gender as a construction based on biological sex, we should perhaps think of sex (the dichotomous sex) as a construction based on implicit norms related to gender” (Giordano 2013: 18). Furthermore, the expectation from gender studies that gender can be “moulded” by upbringing has had clinical implications which Giordano discusses in the next chapter.

Chapter three, "Gender identity development", presents and analyses the main theories of gender development, and the clinical and normative (often harmful) implications that these have had. The theories that Giordano discusses here are grouped together in the biological model (or essentialist model; according to which gender identity is mainly determined by biological forces), the social model (or constructionist model; gender role and gender identity are mainly social constructs), and the biosocial model (sex and gender result from an interaction between the biological and the social). Four more theories are also reviewed, though more briefly: the sociobiological theory, Freud’s psychoanalytic theory, the cognitive-developmental theory, and the gender-schematic processing theory.

Clinical practice has been heavily influenced by the social model of gender development (Giordano 2013: 39). For decades, children with ambiguous genitalia at birth (that may result from conditions called DSD: Disorders of Sex Development) have been “corrected” surgically and then raised in one of the two genders with the expectation that they will conform to the gender assigned. Such expectations have
sometimes had tragic consequences, such as in the case of David Reimer who was raised as a girl after his penis was accidentally severed when he was a baby, never conformed to the assigned gender, and committed suicide in 2004.

Gender identity, explains Giordano, is an aspect of personal identity; it is, in Giordano’s own words, “the result of a complex interplay of various factors: social, biological, and perhaps of other natures as well (historical, cultural, cognitive, and so on). The perception of our own gender (like the perception of other elements of ourselves) may also depend on various personal elements, including cognitive responses (who one thinks one is), affective responses (who one feels one is), and volitional responses (who one wants to be). All these factors combine themselves in a unique way in each individual to create the person that each feels and thinks one is and wants to be. In this sense, being a part of a gender minority is as uncomplicated (or as complicated) as being a ‘straight’ woman or man. All the processes of gender development are equally complex (or simple), equally unique, and equally legitimate” (Giordano 2013: 32).

In chapter four, “What is ‘Gender Identity Disorder’? Tales of people in between”, Giordano explains gender variance, its incidence, prevalence, and aetiology, and relies on adapted fairy tales as well as real life case histories to illustrate a range of experiences of children with gender variance. Gender dysphoria (previously “Gender Identity Disorder” in the DSM) is the “discomfort or distress that is caused by a discrepancy between a person’s gender identity and that person’s sex assigned at birth (and the associated gender role and/or primary and secondary sex characteristics)” (WPATH in Giordano 2013: 57). In this chapter, Giordano reviews some of the risks to transgender people arising from, for example, the lack of availability of medical interventions. She discusses the three dimensions of gender dysphoria: the psychological, the physical and the social dimension, and the hardships that accompany it, which include guilt, secrecy, fear, humiliation, isolation, rejection, discrimination, violence, bullying, physical and sexual abuse, recurrent threats to self-esteem, heightened risk of homelessness, substance abuse, depression, and suicide. How serious these risks are depends on how accommodating of gender ambiguity a society is.

Giordano explains that early transition intervention is preferable as it is much more likely to achieve the changes that the person seeks, some of which become simply out of reach as she has matured physically (Giordano 2013: 59-60). This is complicated by the fact that some children do not persist in gender dysphoria as they age (one
solution for which, reversible treatment, is explored in the next chapter). Furthermore, what type of intervention is in order is often seen as depending on what the cause of gender dysphoria seems to be, and if it is psychological or endocrinological. The problem with looking for the causes of gender dysphoria is that often this is a pursuit for what went wrong which is “to assume that something has actually gone right in other cases, and this is not necessarily a sound assumption” (Giordano 2013: 67). There does not need to be something wrong with a person’s gender identity for her to need medical assistance to allow her to understand her identity and express her own self.

Chapter five, “Available treatments for transgender children and adolescents” makes an overview of treatments, including “combined approaches” which she evaluates as most promising. Treatments for children with atypical gender identity have included behavioural therapy (aimed at reducing cross-gender identification), psychological therapies (often also aimed at reducing cross-gender identification), and medical therapies. Combined interventions involve three stages: wholly reversible treatment (such as suspension of puberty), partly reversible treatment (such as the administration of masculinising/feminising hormones), and irreversible treatment (reassignment surgery) at a later age. So far, results of reassignment surgery have been promising: body dissatisfaction decreased significantly, and cases in which the person wants to revert to the sex established at birth are rare. Reassignment surgery does not however suit every person’s needs, and some may simply not be comfortable with having to make an abrupt either or choice between genders (Giordano 2013: 89).

Chapter six, “Ethical issues surrounding treatment of transgender minors”, deals with the main ethical objections to medical treatment of children with gender variance. These are that (1) to initiate such treatments is akin to playing god or playing with nature, (2) gender variance is a social, not a medical problem, and should thus not be treated with medical means, (3) experimental treatment is unethical, and (4) children lack competence to consent to such treatments. Giordano rejects these arguments one by one. Playing god is something medicine does all the time, and whether something is natural or in line with nature does not determine whether it is the right or the wrong thing to do. Social change may well be in order if we are to improve the lives of children with gender variance, but social change alone will not always suffice, and does not resolve the need for medical treatment: at least in some cases, the suffering experienced by transgender individuals can only be assuaged with medical intervention. Lastly,
experimental treatment may sometimes be unethical, but it is not unethical in principle. And while health professionals should not expose children to unnecessary harm, they also have a moral responsibility to mitigate harm that already exists or is foreseen, if they can – especially if the risks from not receiving the treatment outweigh the likely risks of the treatment.

Giordano further discusses the ageism implicit in setting age limits for access to treatment. Current guidelines have until recently or are still recommending 18 as the minimum age of eligibility for surgical intervention in cases of gender dysphoria. However, to refuse treatment because of age alone not only reduces the capacity to benefit from treatment (see Chapter four), but is also unjust and discordant with the principles of the duty of care that health professionals otherwise abide by. The same, argues Giordano, is the case for the requirement of Real Life Experience: that one experiences life as the other gender for at least a certain period, usually 12 months, before access to surgery is granted. The problem with this expectation is that it only makes sense if there are only two genders, and one can experience one or the other – whereas gender and sex expressions are much more varied than that. In this way, the requirement that they adhere if not to the sex assigned at birth, then to the other, reinforces the very strict gender divide that is causing the suffering. It also, argues Giordano, increases the risks of abuse, ridicule, and stigma, by demanding that one "masquerades" as the other sex. While we should be cautious before taking irreversible measures, we also have to avoid causing more suffering and, in the end, this will depend on the circumstances of each particular case. This is why Giordano argues that any decisions should be taken on a case by case basis, in each therapeutic relationship.

Chapter seven, "The treatment of minors with gender dysphoria: legal concerns", focuses on analysis of the UK context. Even when transgender children and adolescents have the capacity to consent to treatment, Giordano recommends that, in the case of experimental treatments, consent should also be sought from their legal guardians. Health professionals have an obligation to share the relevant information with their patients and act in their patients' best interests, and give adequate weight to their views. In this chapter we also find discussions of the meaning of consent, the relation between consent and information, legal capacity to consent for treatment or participation in research, refusal of treatment, consent and mental illness, the role of the
family, the determination of best interests, the health professionals’ duty of care, causation, and foreseeability of consequences.

Gender minorities, writes Giordano, share many difficulties with other types of minorities, in their journey towards acceptance. “Epistemological issues relating to transgenderism” (in particular the classification of gender variance as pathology, as a disorder) are discussed in chapter eight. Unless there are “sound reasons to consider gender variance as a mental illness, its inclusion in psychiatric manuals risks being not only a conceptual mistake, but also a moral wrong done to those affected. (...) Gender identity is one of the most important, intimate, and private aspects of who we are. Gender identity like sexual orientation concerns nobody else except for the person him/herself. Considering gender diversity as a mental disorder may be, to use Marcuse's epithet, a form of ‘repressive tolerance’” (Giordano 2013: 141).

The three epistemological reasons for classifying gender variance as a mental disorder that Giordano discusses in this chapter are (1) the fact that it is associated with extreme distress and impairment, (2) the fact that the condition seems to be psychological in nature, and (3) the fact that it deviates from ‘normal species functioning’. However, argues Giordano, the first condition is also fulfilled by other types of suffering that we do not classify as mental illnesses, such as mourning. To experience distress, she continues, is adequate when confronted with adversity – and individuals with gender variance can face a great deal of adversity. Should clear somatic causes of gender variance be discovered, in some senses this might make life easier for them. Until then, argues Giordano, the apparent lack of somatic causes does not mean that the causes are psychological. Furthermore, the labelling of gender dysphoria as a mental illness contributes to the stigma of living with gender variance.

There may be pragmatic, rather than epistemological, reasons to retain the diagnosis: for example, doing so might make it more likely that support and treatment are offered (this is also the justification given for the inclusion of gender dysphoria in the current version of the DSM1). In reality, not only does this diagnosis not give access to publicly funded treatment (in the UK) for all medical interventions necessary (this will largely depend on regional budget), but also it is not a condition for treatment being provided. A classification as a syndrome rather than a disorder might fulfil the same

1 See Gender Dysphoria Fact Sheet, at www.dsm5.org/documents (last accessed August 2015).
role. According to Giordano, medical “treatment should be offered based on need and prognosis, not based on nosology or on the classification of the sort of condition one has” (Giordano 2013: 149). This argument is developed in this and the following chapter. It is a controversial position for those who see medicine’s role as that of treating or curing illnesses, and not otherwise of relieving suffering in general. Giordano offers a variety of examples for why such a narrow understanding of medicine is not in fact mainstream, and medicine is often used to suppress or counter normal functioning, or to alleviate psychological suffering: such are contraception, treatments for age related conditions, or breast reconstruction after mastectomies. To this add the conceptual difficulties encountered in the effort to define ‘illness’ or ‘normality’, and the reduction of psychiatric illnesses to psychiatric solutions (and thus excluding other forms of treatment, such as surgery).

If is often assumed that determining whether a condition has biological causes clarifies the question of whether medical treatment should be offered. In chapter nine, “Should gender minorities pay for medical treatment?” Giordano argues that whether gender variance has biological causes is a different question than whether transgender individuals have a right to medical treatment. She here explores two parallel scenarios in which gender variance is no longer classified as a disorder. One scenario supports the claim that any medical treatment should therefore be funded by the individuals seeking it. The other scenario supports the claim that treatment should be offered when it is likely to reduce severe suffering – including when this suffering is caused by atypical gender development. The alternative outcomes of the two scenarios are dramatically different for transgender people.

Transgender people, writes Giordano in her conclusion, are gender nomads, and trying to impose binary gender assumptions onto them is “not only a form of abuse towards the individual concerned, but a way of silencing a diversity that enriches humankind” (Giordano 2013: 170). Instead of trying to prevent or suppress gender variance, we should celebrate it as an expression of a human search of authenticity and being true to oneself, and we should respect it for what it is. Whatever the causes of gender variance, she writes, they are, “so far as we can tell, the same as the causes of all gender identities: people are who they are, and they develop through extremely complex pathways that are unique to them” (ibid.).
We should all reflect on the way in which we think about gender and on how the societies we live in treat gender minorities, concludes Giordano. This book can help boost this reflection and discussions on this topic. It helps that it is written in a very approachable language, with minimal academic jargon and with examples from movies and literature, and it clarifies ethical, legal, and medical issues. One may disagree with one or another of Giordano’s arguments, and we are as yet only learning to explore these issues: it may well be that new evidence and new treatment possibilities will warrant different recommendations. Nevertheless, this book is a good introduction and I hope it will accompany many explorations of this topic.

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Delusions of Gender: How Our Minds, Society, and Neurosexism Create Difference

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Published by W. W. Norton & Company

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This book is an alternative to the vast literature that aims to show us why women are from Venus and men are from Mars. As pretentions it might sound, I consider this book to be a must read for everybody, not only for academics or researchers. Gender myth perpetuation can be in some proportion stopped by educating people about the various biases that can interfere with the outcome of studies on sex and gender, and the factors that can favor or inhibit their popularization outside academia, which could, in the long run, lead to a discrediting or at least a critical reception of the wealth of pseudo-scientific claims of biologically inherent differences in the psychological and social construction of men and women.

Emphasis in writings that explain that there are hard-wired differences between men and women is placed upon the fine-tuned emotional skills of women, as opposed to their emotionally helpless male counterpart, to sugarcoat the inherently misogynistic message at the core of these studies: it is due to the very nature of our species that women are underrepresented in the hard sciences and mathematics, in leadership etc., not due to historical systemic oppression. While the history of sexism is not explicitly denied, it is provided with an implicit excuse in an appeal to nature, and the active role of excluding women from the political, economic and academic spheres is thus minimized, and passed off as being in a large part due to women being, on average, naturally deficient in the necessary skills required to be involved in these activities.

This is steeped in the benevolent sexism of the 18th and 19th centuries (Laqueur, 1990), in which women were recast, in a euphemistic twist, as complementary to men instead of outright inferior to them, where the woman’s empathy and caring, maternal, nature complemented the man’s colder, more rational and competitive nature. What followed was the naturalization of gender restrictions and of the sexual division of labor,
on a supposedly scientific basis instead of on tradition or theology. The current trend, aptly recognized as neurosexism by Fine, is in no way new to recent scientific history. At the beginning of the 20th century theories on the complete biological difference between the male and female body, and its corresponding psychological and social difference, were still in circulation. One example is Geddes’ theory on the male body being composed of a cellular type designed to release energy – catabolic cells – and the female body being composed of energy-conserving cells – anabolic cells (Laqueur, 1990).

Scientific progress within the last century dispelled these ideas, however the overall outlook simply latched on to newer findings: the chromosomal difference between sexes and differences in standard hormone levels were used to justify what was considered to be the natural state-of-things. Using recent neuroimaging technologies, faulty statistical methodology and unquestioned biased presuppositions on how the findings were to be interpreted, entirely new fields of research were developed, based on the continuous project to naturalize gender differences. Thus a whole range of methods and scientific notions crossed over from biology and medical science, where they fitted with the concrete factual data, into the social sciences, where they were used to consistently recast social constructs as biological hard-facts.

This would be the core of Fine’s criticism. To look at gender differences in isolation through a scanner can only give an incomplete and one-sided image of the different manifestations of a complex phenomenon such as gender, and of the possible causes that produce the various elements that together constitute gender, a fact which any person with a sociological background can approve of. Fine, however, presents her work as a scientific critique, which fits with her background as a neuroscientist. Her goal is not to minimise the importance of scientific studies from a cultural relativistic point of view, but to impose rigour. This also sets the limitations of her study, that only touches upon the historical, economic, political and sociological aspects of studies on gender differences, focusing on an internal scientific critique.

The amount of studies the author analyzes is impressive, giving the impression that she expected criticism, and thus took steps to prevent any simplistic appeal to material that the book overlooks, as well as insure a sufficiently vast sample to prove her point. The book supplements this critique with a wealth of information aimed at deconstructing gender myths, which helps develop its central ideas, and makes for a more pleasant read.”
era, women dominated this field and were slowly removed by jobs interviews that promoted men abilities (for example by testing for personality traits that favored men).

We cannot read this book without thinking of medical theories on the wondering uterus and hysteria that were so popular in recent history. We can see that a lot has changed, as accumulated data has disproven these theoretical claims time and time again, but the general pseudo-scientific trend finds a way of coming back into the mainstream, in different forms, consistent with the popular field of study of the day. The strategy, used also in the case of neuroscience, is to take a relatively new field of research or methodology and latch on to it, developing a parasitic sub-trend within the field that produces enough specialists and research to lock itself in a self-legitimizing circle. Because the field lacks an institutional tradition that can adequately produce internal criticism, it's relatively easy for trends that come to confirm “common wisdom” to champion them as scientific breakthroughs, drawing new researchers to the field, while defending their results from outside criticism by invoking the lack of qualifications of their critics.

This is why Fine's “insider” status is invaluable to the strength that her critique has over the non-specialist reader, although, as we mentioned, the sometimes overwhelming amount of material she provides us with blocks any attempt to accuse her of using her authority as a neuroscientist in lieu of an argument. Her position also puts us on guard against simplistically assimilating the object and method of a discipline like neuroscience, with certain prejudices that have been nesting within the field. This would simply legitimize the proponents of reinforcing the status-quo through scientific research, as accurate representatives of the field. Instead we should recognize these sexist interpretations as belonging to a larger recurring trend in the natural sciences. She uses the term neurosexism for this new form of sexism and it seems that the notion has begun to circulate already and is slowly being ingrained in the common memory.

At this point I can say that it is difficult to give a negative review to this book. The passion with which it is written absorbs the reader and it gives off a breath of fresh air that stays with you until you finish the book. It is a compelling text, which is all the more valuable in a society where gender stereotypes are so ingrained, that even respected scientists can be found claiming, for example, that the stronger representation of women in biology, psychology and medicine, reflects a feminine tendency to nurture, and a desire to work with living things – as if a woman researcher’s desire to study a
particular subject can never be fully attributed her individual history and interests, without factoring in her gender identity, or claims that differences in gender representation can never be fully overcome, as it would be unnatural to do so, and, even worse, that the differences that certain neuroscientists point out imply different emotional and intellectual needs between the sexes, which should be met in different ways for a healthy development. The fact that serious academics can suggest, behind a thin veil of preoccupation for human development, differential child rearing and education, after centuries of struggle against such segregation, is appalling. We can only hope that this book will be translated in as many languages as possible, because it should reach not only academics, but also the larger public, intoxicated for too long by poorly documented writing on gender differences. In Romanian, the book was translated in 2011 by Nemira publishing house, but with a poor choice of name „Capcanele sexelor”.

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