

# Reclaiming and Reframing Sexual Rights in Muslim-Majority Contexts: The Role of Individual and Collective Movements in Shifting Patriarchal Discourse and Practice

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SOME OF THE MOST INNOVATIVE strategies to advance gender equality and sexual rights come from women scholars and activists in Muslim-majority contexts. Using an inclusive approach to sexuality and building on international consensus agreements, Muslim scholars and activists are documenting and centering the diverse realities of those most marginalized by mainstream discourse, challenging discriminatory laws and policies, and building collective movements to strategize and share scholarship and practice. They are using new and innovative technologies to reach young women, developing coalitions to link and strengthen efforts across the Muslim world, and influencing strategies used to affect women's rights in other religious traditions. In the context of heightened Islamophobia in the United States and elsewhere, giving visibility to these efforts is essential as they demonstrate that there is no singular, unique interpretation of Islam or

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even such a thing as a “Muslim world.” Moreover, efforts by Muslim women and collective organizations to reframe and reclaim progressive interpretations of religious scriptures and Islamic law and integrate these with international human rights standards could be informative for activists in the United States. This paper covers efforts to influence landmark events such as the Fourth World Conference on Women (FWCW), transnational initiatives, and advocacy at regional and local levels.

### **WOMEN’S RIGHTS AND THE FOURTH WORLD CONFERENCE ON WOMEN**

The FWCW held in Beijing, China between 4 and 15 September 1995, was a landmark event for the global women’s rights movement. The Beijing Declaration and Platform of Action (PoA) that resulted from that meeting provided a road map for the global community to advance gender equality, development, and peace. The PoA recognized women’s rights as human rights, underscored the centrality of gender equality to global justice, and emphasized the need to identify and challenge the many pervasive forms of gender-based violence. Participants focused specifically on the ways in which female sexuality is constructed and codified through patriarchal norms and practices and how these norms negatively influence women’s rights. The FWCW also highlighted the importance of female agency over reproductive and sexual decisions, without fear of coercion or prosecution.

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The following paragraph on sexuality was inspired by women activists and negotiated by government delegates:

The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences.<sup>1</sup>

Women from Muslim-majority countries contributed to all aspects of the Beijing Declaration and Platform for Action. They participated as part of government delegations at the official intergovernmental meeting and as part of organized panels, workshops, and conferences during the NGO Forum that began prior to the official convening. The latter was a space for grassroots organizations, regional networks, and global coalitions to highlight the priorities of women activists in their respective settings and strategize ways to influence the final of-

ficial conference Beijing Declaration and PoA. Women Living Under Muslim Laws, an international advocacy and solidarity network, organized sessions on women's human rights in Muslim countries during the Women's International Tribunal held at the NGO

Forum that included examples from Algeria, Bangladesh, India, and South Africa. The Arab feminist forum and network, Aisha, brought together organizations creating safe spaces

for women fighting fundamentalism, while the Maghrebian network, Collectif 1995 Maghreb Egalité, brought together advocates from across North Africa working on changes to those countries' personal status codes. Clearly, the voices and strategies of Muslim women were an integral part of the Beijing PoA.

Since the Beijing conference, advocates across the Muslim world have continued to create and fund government-led efforts to advance women's rights and promote gender equality; reform oppressive and discriminatory laws and practices; and translate the commitments in the Beijing Declaration and PoA into concrete and lasting change for all women. Sexual rights—particularly reproductive and sexual autonomy, access to abortion, gender equality, and adolescent rights—are some of the most contested terrains for national and transnational governing bodies.

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### **LOCATING THE STRUGGLE: WHAT IS THE “MUSLIM WORLD”?**

One in four world citizens is Muslim, and 57 countries are official members of the Organization of Islamic Cooperation, an international organization that represents Muslim countries and has permanent delegations to the United Nations and the European Union.<sup>2</sup> Muslims comprise close to half of all Africans, one-third of Asians, and growing numbers of Europeans and Americans. Muslims also represent great variation across racial, ethnic, linguistic, and geographic lines. While all Muslims share certain core beliefs, practiced Islam manifests itself in different ways as it intersects with local cultures, traditions, histories, and politics. The diversity found across the Muslim world is reflected in different countries' sexual and reproductive health laws and practices.

## WHAT'S SEX GOT TO DO WITH IT?

The diversity of policies and practices related to sexuality across majority-Muslim contexts points to the intersection of Islam with local culture and global influence rather than a static or uniform interpretation of religion. Tunisia, for example, reformed its abortion law before France and the United States; health care services are provided for free through the public health care system; and pregnancy termination has been generally socially accepted.<sup>3</sup> While it is true that legal restrictions on abortion exist throughout the

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Muslim world, most are not due to Shari'a or Islamic law—as some might believe—but to antiquated colonial texts that are the basis for abortion laws in the majority of countries.<sup>4</sup> Menstrual regulation—which allows for early evacuation of uterine contents after a missed pregnancy—has been an integral part of Bangladesh's primary health care for close to 30 years.

Islam recognizes both female and male sexuality and pleasure as being important. Pakistan and Iran, which are guided primarily by Shari'a, recognize third genders, and the largest Muslim country, Indonesia, has dedicated a mosque to transgender believers.<sup>5</sup> Indonesian activists are at the forefront of advocacy for sexual education (far more comprehensive than that found in many schools in the United States) and the use of traditional Islamic structures to advance positive sexuality.<sup>6</sup>

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## RECLAIMING AND REFRAMING: WHOSE ISLAM?

One of the factors contributing to new approaches to sexuality is the fact that female scholars are claiming the right to serve as religious leaders and spokespersons in order to reread and reinterpret religious texts in light of contemporary realities and universal values. This right has traditionally been the monopoly of self-appointed religious leaders and government spokespersons who often use a patriarchal interpretation of Islam to support their positions toward gender, women, and sexuality.

These female scholars are taking the lead in distinguishing the value of gender equality, women's rights, and sexuality in the Quran and the *hadiths* (the sayings of the Prophet Mohammed) from patriarchal interpretations of Islam that privilege male power and authority. Through archival research, Moroccan

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scholars, including Fatima Mernissi, have unearthed feminist role models in Muslim history, including the Prophet's third wife, Aish'a, who participated in politics and was one of the main authorities on hadiths. These endeavors situate Quranic revelations and the hadiths in their historical context and argue that women served as religious scholars and imams in medieval Islam, and thus should have the right to do so today. Le Fennec, a Moroccan women-led publishing house, built on this research to launch a series of writing workshops in the 1990s and dialogues on Islam that resulted in the publication of *Women and Islam*.<sup>7</sup> This publication is an important acknowledgement of the role of women as subjects and interpreters of religious texts, and not merely as objects that current religious interpretations affect. It examines religious discourses on women over time and analyzes how they have served to marginalize or promote women's rights and status in addition to critiquing religiously based justifications for contemporary social phenomena, such as debates around the veil and the mixing of the sexes.

This reclamation and historical excavation of women's roles in Islam has generated analytical resources and practical tools that women's rights activists can use to promote sexuality and gender equality within a religious framework. For example, Moroccan lawyers Zineb Miadi and Farida Bennani published a dictionary on gender equality and women's rights in Islam.<sup>8</sup> The Indonesian organization Fahmina also created a manual, *Gender and Islam*, that outlines and advances a vision of how to build movements of support for gender equality and a rights-based Islam.<sup>9</sup> Malaysian groups, such as the Sisters in Islam and the Reproductive Rights Advocacy Alliance of Malaysia, have documented new perspectives on the relationship between religion and sexuality, translated female-centered reproductive and sexual knowledge into practice, and developed training courses on Islam, gender, and reproductive rights.<sup>10</sup> Through these efforts, new knowledge and practice on the intersection of gender, culture, and religion have been created and are being used by advocates and civil society organizations to challenge laws, advocate for services, and challenge cultural norms.

As part of the process of reframing and reclaiming, women have also created safe physical spaces for storytelling, documentation, and women's voices on how women engage with and transform religious and cultural norms. The diversity and richness of women's rights advocacy across Muslim contexts from the eighth century to the mid-1950s has been studied to dispel the myth that women's liberation is a Western concept.<sup>11</sup> Organizations such as the Egyptian Women and Memory Forum (EWMF) are documenting key women's voices through an oral histories project, producing a database on women's and gender

experts in Arabic and English, developing university-level gender studies curricula, and producing popular education materials such as the book *Feminism for Beginners*.<sup>12</sup> Such research and advocacy efforts show that feminist perspectives and demands were integral to Muslim history and laid the foundation for contemporary activism. These efforts also critique the idea that male superiority and authority are unique to Islam or are integral parts of Muslim heritage—an important aspect to challenging patriarchal norms and practices.

### REFORMING DISCRIMINATORY LAWS

Most majority-Muslim countries have a combination of religious and secular laws. However, codes that relate to gender and sexuality often include elements of former colonial codes and Islamic law. Family codes, or personal status codes, that are used to oversee divorce, inheritance, or custody rights, among other things, are often based on patriarchal interpretations of Shari'a law.

The movement to reform the Moroccan family code, the *mudawana*, is one of the most interesting examples of a complex and integrated reform strategy. Moroccan activists advanced principles of justice and equality by referencing Muslim religious texts that advance women's rights, while also bringing in sociological and universal human rights-based arguments.<sup>13</sup> The focus on Islam challenged religious arguments used to support discrimination, including unequal rights to

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divorce and inheritance. Advocates for legal change also critiqued and reinterpreted several overarching Muslim concepts that are widely used across Muslim-majority countries to discriminate against

women and sustain a patriarchal family model. These include *qiwamah*—the idea that husbands have authority over their spouses—and *wilayah*—the notion that male family members are to serve as guardians of female members.

Both Moroccan activists and networks across North Africa working on reform of the personal status codes used the strategy of advancing women's rights and autonomy from within an Islamic framework. The strategy was also translated and adapted to other contexts to inform successful reform efforts.<sup>14</sup> In Malaysia, Sisters in Islam, a research and advocacy organization, used similar arguments to reform discriminatory Muslim laws and to teach women about their rights in Islam.<sup>15</sup> The group runs a legal center that provides women with legal education and defense. Their publications on women's rights in Islam have

also been translated and adapted across Muslim-majority contexts with the goal of deepening women's and men's knowledge, mobilizing communities, and advocating for policy reform.

#### **STRENGTHENING LOCAL CAPACITIES TO PROMOTE WOMEN'S RIGHTS AND SEXUALITY**

While challenging male superiority and gender discrimination in laws and policies is essential to advancing positive sexuality and removing discriminatory practices, it is not sufficient. Policy reforms must be accompanied by broader individual and social change. In several countries, training programs have been developed to increase the ability of women to critique religious dogma, engage in critical analysis, and inform existing religious norms and practices. In Morocco, scores of women have been trained as *mourshidat*—Islamic scholars and spiritual guides. In Indonesia, women's groups are working through *pesantren*—traditional Javanese Muslim boarding schools—to study and overturn discriminatory interpretations of religious texts and build women's capacity to train others and share this information.<sup>16</sup> This has included trainings on the importance of positive sexuality, reproductive autonomy, and respect and nondiscrimination for LGBTQ and transgender persons.

Training peer educators in comprehensive sexuality education, which includes the right to sexual pleasure, to engage in sex or not, to access contraceptives despite marital status, and to terminate a pregnancy if so desired, is being advanced in some countries, including Malaysia.<sup>17</sup> In Indonesia, youth leaders are advocating for integrating comprehensive sexuality education into the national curriculum. Similarly, in Pakistan, youth groups are leading efforts to promote community awareness and mobilization around sexuality. This includes researching and understanding the reasons women experience high rates of unwanted pregnancies and unsafe abortions in that country.<sup>18</sup>

New technologies and media are transforming communications and advocacy strategies. To ensure confidentiality, websites, hotlines, and mobile apps are being created to share information on sexuality and reproductive rights. In Indonesia, Malaysia, and Pakistan, hotlines have been established to share information about safe abortion and contraception practices.<sup>19</sup> Anti-sexual harassment initiatives have been particularly effective at breaking the silence on previously taboo topics, protecting women, and holding perpetrators accountable. Harassmap in Egypt crowdsources SMS and online reports of sexual assault and publishes them in real time on an online map.<sup>20</sup>



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## DEEPENING CONNECTIVITY AND STRENGTHENING VISIBILITY: THE ROLE OF TRANSNATIONAL NETWORKS

Country-level efforts to advance sexuality in majority-Muslim countries have been amplified and strengthened through international conferences, online fora, and transnational networks.

The Coalition for Bodily and Sexual Rights (CBSR) was founded just weeks after the 9/11 attacks at a regional conference on Women, Sexuality and Social Change in the Middle East and Mediterranean hosted by Women for Women's Human Rights-New Ways in Istanbul, Turkey. At that meeting, a press statement was issued stating that "sexuality is not only a personal and

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private issue, but it is also linked to systems of power politics and domination in society. Means to control sexuality are institutionalized not only in cultural and social norms and customs, but also in legal policy and practice."<sup>21</sup>

Conference participants decided

76 to create an international solidarity network as a way to link and strengthen national- and global-level efforts to reinterpret sexuality in Muslim-majority contexts. In 2004, the network expanded to include South and Southeast Asia. Members include a range of academics, nongovernmental and community-based organization activists, and researchers across 15 countries: Algeria, Bangladesh, Egypt, Jordan, Indonesia, Lebanon, Morocco, Palestine, Sudan, Tunisia, Turkey, Malaysia, Pakistan, the Philippines, and Yemen.<sup>22</sup>

CBSR's core values point to the importance of positive and inclusive sexuality, sexual agency, autonomy, and the duty governments have to ensure that policies and resources are dedicated to upholding and advancing these rights.<sup>23</sup> Network members exchange tools and resources, develop joint and allied strategies, and influence policies and practices at the local, regional, and global levels. On 9 November 2009, CBSR launched an annual one-day campaign—One Day/One Struggle—to encourage cross-regional capacity strengthening and influence global awareness of movements working on sexuality in Muslim-majority contexts. The range of activities organized on the national and regional levels points to the depth and breadth of work being undertaken by coalition members. In Pakistan, civil society groups organized an exhibit documenting daily individual struggles against patriarchy and an advocacy event in support of



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a domestic violence bill; in Egypt and Sudan, LGBTIQ of the Nile Valley area showed a movie and held a discussion on sexual and bodily rights; in Malaysia, Sisters in Islam presented a performance on child marriage; and in Lebanon, groups curated an art exhibit on sexuality and gender.<sup>24</sup>

To expand on these efforts and to build local capacity to work on positive and inclusive sexuality, CBSR hosts an annual Sexuality Institute for advocates and researchers. The interdisciplinary curriculum covers a range of conceptual and practical approaches to gender and sexuality, builds on participants' own experiences with sexuality, and develops the capacity for the concrete application of its teachings.

Another key transnational group is Women Living Under Muslim Laws (WLUML), created in 1984 by Algerian feminists who were facing a new repressive family law claimed by the government and proponents of the law to be based on Islam. Over the years, WLUML has expanded to include women from over 70 countries who share similar experiences. The group is unique in that it provides a fora for solidarity and action in a broad range of political contexts. These include countries where Islam is the state religion; secular states with Muslim majorities or political groups demanding religious laws; women in migrant Muslim communities; non-Muslim women who may have Muslim laws applied to them; and women born into Muslim communities who do not identify as such.<sup>25</sup>

WLUML serves as an international solidarity network that "provides information, support and a collective space for women whose lives are shaped, conditioned or governed by laws and customs said to derive from Islam."<sup>26</sup> In the late 1980s, WLUML became the first network to create exchange programs for women's advocates and women who were advancing progressive interpretations of the Quran and the hadiths. WLUML has been committed to scholarship and documentation by producing an occasional journal, paper, or publication, in addition to a quarterly newsletter that addresses the key themes affecting women's human rights. To share their analysis with a broader range of activists, WLUML began hosting Leadership Institutes on Feminism in the Muslim World. These trainings were designed to build a base of trained, feminist leaders who could then strengthen the capacity of others across the Muslim world. WLUML's research and practice underscores the diversity inherent in Muslim laws and practices. In 2010, it launched an online peer-review publication, *Contestations*, that serves as a critical space for engaging in discussions and analysis of gender justice, women's rights, and sexuality.

Most recently, in 2010, the Musawah network was launched in Kuala

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Lumpur to advance equality and justice in Islam through four integrated strategies: knowledge building, capacity strengthening, international advocacy, and community work.<sup>27</sup> Musawah provides a forum for some of the most innovative feminist thinking and scholarship while also translating this analysis into practical tools for women advocates. Their latest publication, *Men in Charge?*, challenges the intersection of religion and tradition by critiquing the ideas of male superiority and gender discrimination from within the Muslim legal tradition. The authors provide practical examples of how patriarchal interpretations of religion can be countered and challenged through progressive interpretations of religious history and texts and by documenting the diversity of practices and policies across and within Muslim countries. This scholarship is being translated into practical tools that can be used to build understanding and action related to sexuality and gender and that are being incorporated into an Islam, Gender Equality, and Justice Training Course.

## CONCLUSION

78 Women from Muslim-majority countries are creating innovative research, advocacy, and practice related to the nexus of gender, sexuality, and religion that challenge conservative discourse nationally and globally. Scholars and advocates are advocating for visibility and power in global and local arenas and creating new safe spaces for women to come together—in person, virtually, or online. They are developing feminist analysis and raising feminist consciousness, using traditional and new multimedia channels to reach wider audiences, and

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organizing regionally and globally in innovative ways. Situating women's experiences and realities across various historical periods to show their variations and demonstrating through comparative work the non-monolithic and multiform nature of religion, culture, and tra-

dition are essential. Additionally, investigating taboo topics related to sexuality is part of the process of deconstructing gendered roles and developing different realities of what has been and what could be.

However, despite the body of innovative analysis coming from Muslim-majority countries, little is known of these efforts, which are often ignored or explicitly silenced by the U.S. media.<sup>28</sup> Giving voice to, and understanding, this

scholarship, practice, and the diversity in resistance efforts is critical for a variety of reasons. First, by demonstrating the diversity of Muslim norms and practices across Muslim-majority contexts, these efforts refute the idea that there is such a thing as a “Muslim world,” or one unique interpretation of Islam. By claiming spaces to legitimately analyze and interpret Islam, alternative viewpoints of what it means to be a “Muslim woman” and what makes up the “Muslim world” are created. These efforts show that there is no one religion and that understanding the history of colonialism and current imperialist practices in Muslim-majority countries is key to understanding the contested terrains of gender, women’s rights, and sexuality.

Second, the scholarship and activism in the Muslim world are being used to critique notions of male authority and patriarchy that are found across monotheistic religions to prescribe codified gender roles for women and men. Further analysis and critique of the role that religion and culture have played across religious traditions are critical to moving more informed policies and practices related to sexual rights in the United States and globally.

Third, and finally, it is important to note that while working within Muslim frameworks is one approach to supporting gender justice and positive sexuality, there are many other approaches used by women’s rights activists. Given the rise in the economic, social, and political power of Islamist groups, and the centering of Islam as the main point of reference in many countries, for some women this is not a safe or liberating space. As advocates and scholars, we cannot forget this, and yet we also cannot cede the definitions and interpretation of Islam solely to fundamentalists. 

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## NOTES

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