

Book review: Ziba Mir-Hosseini, Mulki Al-Sharmani, Jana Rumminger, Sarah Marsso (eds): Justice and Beauty in Muslim Marriage - Towards Egalitarian Ethics and Laws

Kotele, Samia

Veröffentlichungsversion / Published Version

Rezension / review

Empfohlene Zitierung / Suggested Citation:

Kotele, S. (2023). Book review: Ziba Mir-Hosseini, Mulki Al-Sharmani, Jana Rumminger, Sarah Marsso (eds): Justice and Beauty in Muslim Marriage - Towards Egalitarian Ethics and Laws. [Review of the book *Justice and Beauty in Muslim Marriage: Towards Egalitarian Ethics and Laws*, ed. by Z. Mir-Hosseini, M. Al-Sharmani, J. Rumminger, & S. Marsso]. *International Quarterly for Asian Studies (IQAS)*, 54(4), 454-456. <https://doi.org/10.11588/iqas.2023.4.25317>

Nutzungsbedingungen:

Dieser Text wird unter einer CC BY-NC-ND Lizenz (Namensnennung-Nicht-kommerziell-Keine Bearbeitung) zur Verfügung gestellt. Nähere Auskünfte zu den CC-Lizenzen finden Sie hier:

<https://creativecommons.org/licenses/by-nc-nd/4.0/deed.de>

Terms of use:

This document is made available under a CC BY-NC-ND Licence (Attribution-Non Commercial-NoDerivatives). For more information see:

<https://creativecommons.org/licenses/by-nc-nd/4.0>

ZIBA MIR-HOSSEINI / MULKI AL-SHARMANI / JANA RUMMINGER / SARAH MARSSO (eds), *Justice and Beauty in Muslim Marriage: Towards Egalitarian Ethics and Laws*. London: Oneworld Academic, 2022. 416 pages, €22.00. ISBN 9-780-8615-4447-9 (pb)

The volume *Justice and Beauty in Muslim Marriage: Toward Egalitarian Ethics and Laws*, edited by Ziba Mir-Hosseini, Mulki Al-Sharmani, Jana Rumminger and Sarah Marsso, is the result of an outstanding research project initiated by Musawah (“equality” in Arabic). This global movement was launched in February 2009 in Malaysia. It comprises NGOs, activists, scholars, legal practitioners and policy makers, and focuses on equality and justice in the Muslim family. Since 2018, a collaborative effort brought together 17 scholars to explore the ethical and legal aspects of marriage and gender relations through the lens of the Qur’an, Sunna, Muslim tradition, historical practices and contemporary law reform processes. By transcending gender boundaries, East-West divisions, Sunni-Shia dichotomies and disciplines, this ground-breaking study provides a fresh perspective on a topic that has gained significant attention over the past two decades. Through a dialogue among researchers from Egypt, Iran, Morocco, Indonesia, Tunisia, Jordan, Finland, Great Britain, Canada, South Africa and the United States, this volume helps break down barriers and broaden perspectives on gender justice and Islam. The deep analysis of Muslim marriage produces discussions and hermeneutics that can be found at the intersection of the intimate and social realms. The four sections of this volume – “The Qur’an”, “Lessons from the Prophet”, “Islamic Legal Theory and Ethics” and “Law and Practice” – offer a comprehensive understanding of how prevailing notions of marriage can be challenged from within.

The first section is innovative for several reasons: firstly, it goes beyond mere critique of the hegemonic *fiqh* in Islamic legal tradition that perpetuates gender inequality. It delves into the examination of ethical and legal frameworks that are not only discursive but also practical, focusing on women’s lived realities to approach the subject of marriage from an egalitarian perspective. Filling a void left by reformist thinkers, this book is among the first to critically investigate the diverse range of ethical frameworks, by mapping out methodologies and hermeneutics rooted in the Qur’an, prophetic tradition and historical contexts. The contributions of Oumaima Abou-Bakr, Asma Lamrabet and Mulki Al-Sharmani represent a shift from a verse-oriented hermeneutical approach to an intratextual one. Through linguistic analysis of key Qur’anic terms and a nuanced understanding of historical context, they effectively convey a coherent ethical message that emphasises ontological equality, moral agency and the significance of the marital bond. Departing from the traditional juristic framework based on concepts such as *qiwāma* (interpreted as the husband’s legal obligation as a provider and his authority over his wife) and *wilāya* (guardianship), the authors employ this new hermeneutical approach to advocate for

a reassessment of various juristic rulings “such as the construction of sex as primarily a husband’s right that is tied to financial responsibilities such as spousal maintenance and dower” (p. 53).

Secondly, this book breaks away from the Arab-centric perspective on the matter of *tafsir* production on Muslim marriage by incorporating discussions rooted in countries such as Indonesia. Nur Rofiah contributes valuable insights into the contemporary Indonesian context by sharing the transformative experiences of the *Congress of Indonesian Women Ulema* since 2017. She highlights their efforts in countering child marriage through the issuance of fatwas, providing a powerful example of how knowledge production, capacity building and mobilisation can raise awareness about gender discrimination and provide alternative religious discourses. Drawing from her personal intellectual and social journey, she presents a *tafsir* methodology that upholds what she terms “*ḥaqīqī justice*” (a concept that recognises the unique experiences and realities of women as the basis for achieving gender equality). By examining the different stages of Qur’anic verses (starting point in society, intermediary stage and final objective of reform), she offers a holistic reading of the Qur’an from a gender-sensitive perspective. Her contribution provides a unique perspective on how scholarly engagement meets activism to challenge the dominance of male-centred narratives, which she views as conflicting with the Qur’anic ethical trajectory towards justice.

The second section of the book, which engages with the prophetic tradition, introduces new paradigms to a field that has historically been a subject of contestation for Islamic feminists. This is due to the use of prophetic tradition to legitimise discriminatory norms against women. However, Faqihuddin Abdul Kodir reconciles the field with *hadith* literature through the development of a methodology called *Qirā’a Mubādala* (reciprocal reading). This approach unveils the substantial meanings of the texts that are relevant to both women and men, challenging traditional interpretations. By enacting the principle of *tawḥīd* (unity of God), the equality between spouses is emphasised, contradicting hierarchical spousal roles, as further elaborated by Yasmin Amin in her chapter. Shadaab Rahemtulla and Sarah Ababneh, in their study of the marriage of Khadīja and Muhammad, critically examine and re-evaluate the prophetic tradition, offering fresh perspectives and approaches that challenge conventional narratives. By highlighting the relationship between Khadīja and Muhammad as a model for contemporary times, they aim to uncover alternative interpretations and models. In doing so, they challenge and subvert the discriminatory norms historically associated with the dominant historiography, which often focuses on Muhammad’s marriage with Aisha.

Sa’diyya Shaikh concludes the final section of this groundbreaking study with an examination of *nikāh* ceremonies and contracts. As a rite of passage introducing couples to the institution of marriage, the author critiques the marginalization of women in the process of defining the content of marriage

contracts. Their absence in her own context often leads women to perpetuate and contribute to a broader habitus, reinforcing norms and gender roles within the institution of marriage. Her call for reform is channelled through the reconstruction of a *nikāh* ritual, achieved by creating a *du'ā* (prayer) to be recited during the ceremony, inspired by the Qur'anic principles of *'adl* (justice), *rahma* (compassion), and *ihsan* (beauty). Her reflections on the nature of the marriage ceremony and the aspirational possibilities for rethinking relationships in marriage offer a constructive Islamic feminist perspective rooted in praxis. Her contributions on the marriage ritual, contract, and interactions, from a spiritual standpoint, align with the chapter explorations of Hoda El Saadi, Lynn Welchman, Zahia Jouirou, and Marwa Sharafeldin in their study of Muslim Marriage Practices and Laws.

Historians and specialists in Islamic studies might have welcomed in this volume an examination of the early 20th-century reformist thinkers and their engagement with these topics as well as a postcolonial perspective. Such an exploration would have provided valuable insights into the understanding of the current national legal framework. The focus on legal reform in the MENA region could also have benefited from a deeper historical perspective, particularly regarding the participation of women's movements. Additionally, it is important to acknowledge that the methodologies developed in the book often focus on relocating the texts within their historical contexts of production and less on their dissemination. It would have been interesting to address the marginalisation of women in the transmission of knowledge within the dominant patriarchal religious discourse. As highlighted by Asma Sayeed in her work *Women and the Transmission of Religious Knowledge in Islam* (Cambridge: Cambridge University Press, 2013) the marginalisation of women in the transmission of religious knowledge is a significant issue that warrants deeper examination and scrutiny within the field. The personal experiences of the authors themselves while engaging in this contentious area, where women encounter challenges in assuming religious authority and advocating for reform, would have been a valuable asset to the volume. Finally, it would have been interesting to shed light on the role of the Musawah movement in the development of these new methodologies and approaches.

Notwithstanding these observations, it is undeniable that this study makes an exceptional contribution to the fields of Islamic studies, gender studies, and social and intellectual history. Its comprehensive exploration of various perspectives and methodologies, coupled with its innovative insights and analysis, sets it apart as a significant and influential work. Any scholar or activist engaged in the study of gender and Islam cannot afford to overlook this collective study.