A Critique of Ziba Mir-Hosseini's Humanistic Ethic of Social Justice[*]

Tim Michael Orr[1]

1. Research Associate, Center for the Study of Religion and American Culture, Indiana University, Indianapolis, USA (tmorr@iu.edu)   0000-0003-3695-9558

Abstract

Ziba Mir-Hosseini employs feminist theory and global human rights principles to promote and implement legal changes to Islamic law to achieve gender equality. She proposes the pursuit of an alternative "sacred spiritual project" as a means to advance gender equality through these legal reforms. To achieve this goal, four underlying assumptions inform her work that are essential for her spiritual project to be successful. (Mir-Hosseini's approach includes: 1) Advocating religion's adaptation to societal changes, prioritizing individual autonomy over religious demands. 2) Applying social constructionism to challenge binary gender concepts and traditional roles. 3) Asserting that Orientalism influenced male scholars' misinterpretation of Islam's sacred texts. 4) Embracing Western individualism to counter Traditionalist or Neo-Traditionalist Islamic teachings while overlooking Western women's sexualization experiences in her pursuit of equality. The possible consequences of her philosophy include that it might aid secularization and syncretic tendencies within the sphere of Muslim women; it might emphasize a personal interpretation of religious texts leading to distrust of male authority; it might intersect with evolving attitudes towards gender roles, family dynamics, and women's rights within society, which may affect Muslims and their families as a whole. It might contribute to tensions already there among women.

Keywords: Equality, Islamic Feminism, Patriarchy, Reformist, Traditionalist, Women, Ziba Mir-Hosseini

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1. Introduction

Mir-Hosseini's ideas about gender and Islam started to form after the Iranian Revolution in 1979, when Ayatollah Khomeini came to power and created an Islamic government in Iran. Before the revolution, the government followed Western ideas about women's rights, led by Mohammed Reza Shah. However, after the revolution, Khomeini's view of gender and Islam became dominant. At first, Mir-Hosseini supported the Revolution, but as time passed, she began to reject the new government's determination to apply a traditional interpretation of Sharīah law.

Consequently, Ziba Mir-Hosseini rejects the Traditional and Neo-Traditional understanding of Islam and embraces a Reformist understanding. Today, she is a leading Islamic feminist who believes that the Islamic tradition, rightly understood, ultimately teaches gender equality. From her perspective, discriminatory practices against women in Islam stem from cultural adaptations and patriarchal interpretations of the faith, which do not fit their genesis in the *Quran*. She uses feminist theory and global human rights understandings to advocate for legal reforms for gender equality. In this paper, I will examine Mir-Hosseini's work to determine if she advances moral and ideological dimensions rooted in secularization that run contrary to Islam, what Christian Smith calls a "sacred spiritual project" (Smith, 2014, p. 18). I will begin by giving an overview of Mir-Hosseini's argument. Next, I will outline my presuppositional approach. After that, I will examine her feminist presuppositions, followed by a critique of her epistemology. I will finish the paper by offering four possible ramifications of her epistemology.

1. 1. An Overview of Mir-Hosseini's Argument

In her article titled "The Construction of Gender in Islamic Legal Thought and Strategies for Reform", Mir-Hosseini identifies three different schools of thought regarding Islamic law and women: Traditional, Neo-Traditionalist, and Reformist. She argues that the Traditionalist and Neo-Traditionalist views are premised on inequality, while the Reformist views embrace full equality s for women (Mir-Hosseini, 2003).

Mir-Hosseini believes there is a "need to remove the veil of sanctity from *fiqh*. Laws are man-made, social constructions, and therefore, there can be no immutable law or any such thing as 'Sharia family law,' but certain bases and values are given to us through the *Quran*, such as '*adl* (justice), *insaf* (fairness), *Ihsan* (goodness)" (Mir-Hosseini, 2022 p. 108). The Traditionalist view on gender inequality emerged in the 7th century with the birth of Islam, assuming "gender inequality as a given" (Mir-Hosseini, 2003). This view believed that "women were created to bear children and rear children, in the divine plan, this is her primary role and most important contribution to society" (Mir-Hosseini, 2003, p. 4). Islamic scholars established these ideas during the traditional *fiqh* period. Mir-Hosseini contends that these interpretations have often been patriarchal and have led to the subordination of women in Muslim societies.

Neo-Traditionalism emerged in the 20th century alongside nation-states, fueling debates on women's status in the Muslim world. It resulted from integrating Islamic law into the personal status laws of nations. Mir-Hosseini notes three distinct paths taken by these nations. In the first group, Turkey abandoned *fiqh* in favor of Western law codes. The second largest group retained and

codified *fiqh* for personal status laws while relinquishing it elsewhere. The third group, including Iran under Ayatollah Khomeini, embraced *fiqh* as the prevailing legal framework. Mir-Hosseini champions the Reformist view, advocating full gender equality with equal outcomes for all genders. While Traditional and Neo-Traditional views consider *fiqh* rules interpreted by male and female jurists as embodiments of divine justice, the Reformist view, influenced by an Orientalist perspective, believes that Traditional and Neo-Traditional ideologies are grounded in 7th-century opinions about women.

Mir-Hosseini's Reformist vision entails reinterpreting and reforming *fiqh* to align with contemporary human rights and gender equality. However, she does not acknowledge the potential social construct of her knowledge. The philosopher Charles Taylor coined the term "social imagery" to characterize the thought process of a given society (Taylor, 2018; Taylor 2003). "Social imagery" captures a society's collective understanding of meaning and value. Indeed, Western "social imagery" encompasses a spectrum of ideas and principles, such as Darwinian evolution, individualism, equity, and diversity, all of which have left a significant mark on fields like science, medicine, ecology, gender, ethics, philosophy, and religion.

Darwinian evolution has profoundly impacted Western culture's understanding of gender by diminishing the importance of teleology. Darwin's theory challenged traditional beliefs about human uniqueness by suggesting a shared ancestry with other species, sparking debates and divisions within religious communities. His ideas effectively removed the concept of predetermined purpose for men and women, including gender differences, necessitating a significant reevaluation of our

understanding of what defines human beings. This is a fact that Mir-Hosseini seems to be aware of (Trueman, 2020).

Historically, Islam has embraced a complementarian view of gender, where both genders are ontologically equal, but serve different roles. Mir-Hosseini opposes complementarianism, advocating gender equality and challenging predefined gender roles based on men's and women's gender. Her rationale is based on gender equity, where an egalitarian view of gender is assumed. Therefore, any interpretation of religious texts that promotes inequality is seen as a flawed and patriarchal reading, which she argues cannot be of divine origin. To support her egalitarian stance, she categorizes verses into "mutuality verses" that align with her belief in gender equality and "hierarchical verses" that appear to contradict her position. She accomplishes this by defining hierarchical verses as descriptive, describing events without prescribing a certain action (Orr, 2020).

Does a reinterpretation through a Darwinian lens lead to a new view of sexuality that is no longer primarily linked to familial duties, but instead grounded in social factors, given the absence of a fixed purpose related to gender? Is a Darwinian understanding, which lacks a telos assumed a priori, motivating a new way of looking at the text that allows Muslim women, for instance, to break free from the traditional assumption that their primary purpose centers around the home? Is this why women can now derive their primary identity from various sources? Mir-Hosseini seems to be unaware of this possibility.

Scholars like Mir-Hosseini argue that improper interpretations of *fiqh* should not be used to justify or perpetuate gender discrimination and inequality (Wadud, 1999; Barlas, 1999).

Instead, they advocate for changes in legal rulings that historically disadvantaged women in areas such as marriage, divorce, and inheritance. Mir-Hosseini identifies how certain social norms were incorporated into *fiqh* through theological, legal, and social theories and assumptions that deemed women as created for men, marriage as a contract of sale, women as inferior to men, women needing protection, men as guardians and protectors of women, and male and female sexuality as inherently different, with the latter seen as a potential threat to the social order (Mir-Hosseini, 2003).

She begins her quest to change these ideas by drawing from Abdolkarim Soroush's relativistic epistemology, which differentiates between "religion" and "religious knowledge". This differentiation pits "flawless" divine revelation against "flawed" human interpretation (Soroush, 2002). Of course, this point begs the question. How does one know if the interpretation is flawed? What is the standard being measured? Is it contemporary ideas? An interpretation is deemed flawed if it does no comport with contemporary ethical notions? When one looks at the theories and assumptions about women quoted above, one might say that these are the work of flawed interpretations. Despite this lack of grounding, Soroush's theory of religious knowledge was revolutionary for Mir-Hosseini. Soroush "had opened [her] eyes to new ways of thinking about Islam and its textual tradition" (Mir-Hosseini, 2022, pp. 18-19).

For Soroush, what remains constant is religion, as it never changes. But human understanding does change. His theory attempts to apply religion to different periods, and this line of thinking allows Mir-Hosseini to blaze new epistemological trails when understanding women and gender. However, I argue that there are contemporary interpretations that Mir-Hosseini brings,

which also include a different set of presuppositions a priori. How does one discern if her ideas are not deviating away from "religion"? It seems that using Soroush's ideas might emphasize too much rationality, which allows one to reinterpret religious texts in a way that deviates from "true religion." Moreover, his approach will undermine the role of prior religious authorities. What then will be solid grounding for women in Islam if there is no clear direction to the "straight path"?

2. Presuppositional Approach

Before I outline the presuppositional approach, I need to discuss my rationale for why this position is required. She critiques the presuppositions of the Traditional and Neo-Traditional views throughout her work. When analyzing these two viewpoints, it is incumbent for me to briefly address the two different worldviews at play. The Traditional and Neo-Traditional worldviews hold a mimetic view of the world, where people see the world as already having a set order and meaning (Taylor, 2018). In Islam, men and women have different roles but are equal in worth and dignity, and Allah holds them equally accountable and will reward both genders equally (The Qur'an 16:97). Hence, men and women enjoy equal access to identical rewards without discrimination. In traditional Muslim beliefs, it has been held that Allah has endowed everything with an inherent structure and purpose, and one must reveal and conform to this pre-existing meaning. This implies that our primary responsibility is to uncover and adhere to the established order of the world as written in religious texts.

Consequently, those who hold the traditional view assume a historical continuity in Islamic legal traditions, prioritizing

established interpretations and resisting change. Traditional jurists believe that the *fiqh* application of Sharia is immutable, and people cannot contest it. Hence, the role of the jurist is to interpret the law as unchanging, rather than reinterpreting it to align with contemporary times to advance goals of fairness.

On the other hand, it might reflect the application of Sharia to a 7th-century context. As a result, "it's a metaphysical and philosophical world-view that informs classic jurists' understandings and reading of the sacred texts" (Mir-Hosseini, 2003, p. 4). In the Neo-Traditionalist view, beginning in the 19th century, Muslims had to contend with colonial powers, which inspired Muslim nations to codify sharia with Western law. Yet, despite attempting to make the faith relevant, they held on to traditional interpretations of family law.

In contrast, Mir-Hosseini holds to a poiesis view, seeing the world as an extensive collection of raw materials (Taylor, 2018). She thinks that people can assign meaning and purpose by reinterpreting sacred texts to make them relevant to modern worldviews and in line with current norms, especially regarding gender. Instead of assuming a fixed meaning, this perspective emphasizes that humans can influence and determine the significance of things in the world through their choices. It encourages people to interact actively with the world and create new meanings.

Consequently, Mir-Hosseini assumes feminist presuppositions in her work, but does not necessarily defend them as they are supposed to be true. Mir-Hosseini uses the tools of feminism to reform Islam's understanding of how the religion addresses women. However, feminism may have an alternative spiritual project similar to religion, which I will delve into later in this

paper. It is not hard to see why this is a power tool, as the strength of feminism offers a way to criticize societal patriarchal structures to dismantle that influence in society.

The presuppositional approach is founded on the theoretical ideas of theology and philosophy in addressing epistemology and ethics. There is "a well-formulated system of morality in the Qur'an, but no theorization exists in the field of ethics". Mohammed Abdul Haq Ansari points out that "there are several ethical problems which [need] attention while proceeding towards a theorization of Islamic Ethics" (Hijjah, D, 1989, p. 173). In this section, I will assess Mir-Hoseini's work using the presuppositional approach, which evaluates the validity of issues by examining their foundational positions. Inspired by Cornelius Van Til, this Christian apologetic method encourages comparing and contrasting worldviews based on their presuppositions (Van Til, 2008).

The starting point for a presuppositional approach is establishing a frame of reference, which is to say, laying out certain presuppositions that must be minimally accepted to achieve an Islamic worldview. I must add that these presuppositions are coming from a non-Muslim; as a result, I do not intend to define the Islamic worldview for Muslims, but rather give my understanding of an Islamic worldview. I premise my understanding on four different *ayas*, (The Quran 2:136, The Quran 3:3-4, The Quran 3:83, & The Quran 33:33), which reflect two other truths: Allah is the creator and Lord of the universe, and he is who revealed guidance to humanity.

In Islamic discussions, the *Quran* is held in the highest esteem as the ultimate source of truth and wisdom, serving as the

cornerstone for questioning alternative worldviews. While Muslims affirm that the *Quran* embodies divine truth and knowledge, they also engage in a rigorous examination of other religious perspectives and those who challenge the Islamic standpoint. This approach necessitates unwavering adherence to fundamental Islamic presuppositions when interpreting Quranic revelations and guiding their faith:

a) **Absolute Authority of Allah**: At the core of the Islamic faith lies the acknowledgment of Allah's absolute authority, forming the bedrock of Islamic truth. The *Quran*, revered as God's words, offers divine guidance on matters encompassing faith, morality, law, personal conduct, societal norms, and gender relations.

b) **The Example of Muhammad**: The *Quran* portrays Muhammad as an exemplar of exceptional character, destined to be a role model for his followers. His life is an enduring model for Muslims, and his daughters, notably Fatima, hold esteemed positions in Islamic tradition.

c) **The Guidance of the Ahlul-Bayt**: Following Muhammad's passing, the Imams assumed the role of custodians of Islamic teachings and Sharia. Muslims are encouraged to recognize and learn from these Imams to seek guidance on faith and conduct.

d) **Feminine Archetypes**: In Shi'i Islam, four prominent female archetypes, including Fatima, provide inspiration and guidance to believers. Their stories and actions offer profound religious and moral lessons. Additionally, both explicitly mentioned and implied, women in the *Quran* are role models for women worldwide.

e) **Tafsir**: Tafsir, the practice of Quranic exegesis, holds pivotal importance in interpreting the *Quran* and unraveling its meanings. Classical mufassir, scholars dedicated to this task, play a crucial role in elucidating Quranic interpretations.

f) **Creator-Creature Distinction**: Islam underscores the Creator-Creature distinction, underscoring that Allah possesses ultimate

knowledge, while human understanding is finite. Divine revelation surpasses human reasoning, providing profound insights into gender relations and design.

g) **Epistemological Self-Consciousness**: Muslims are encouraged to cultivate epistemological self-awareness, prompting reflection on the Islamic presuppositions that shape their worldview. This heightened awareness leads to a more profound exploration of Islamic feminism, acknowledging the limitations of human knowledge and the necessity of divine guidance.

h) **Antithesis**: The Islamic worldview stands in sharp contrast to opposing belief systems, firmly rooted in the belief of Allah's exclusive authority. This contrast proves invaluable for comprehending diverse perspectives within a culturally diverse world, spanning various religions, secularism, atheism, and aspects of Western consumerism.

These essential Islamic presuppositions provide the foundation for Muslims to engage with the *Quran*, question alternative worldviews, and navigate the intricate terrain of contemporary issues, including matters related to gender dynamics and societal norms.

3. Mir-Hosseini's Feminist Presuppositions

To analyze Mir-Hosseini's arguments, I need to identify her foundational presuppositions and compare them to the abovementioned ones that undergird a Shia Islamic worldview. Below, I will offer a critical analysis of her underlying assumptions. I intend to challenge the internal consistency of her view of gender justice. I will explore whether there are inherent tensions between Islamic feminist ideals and traditional Shi'i

Islamic teachings. I want to determine if Mir-Hosseini's epistemological framework aligns with what I understand to be a Shi'i Islamic epistemology or, in its stead, relies on external philosophical perspectives that would undermine essential beliefs in an Islamic worldview (Nasir, 1994).

I am particularly interested in understanding how Mir-Hosseini's epistemological framework informs her feminist views and whether there may be points of departure from a Shia-Islamic perspective (Orr, 2020). Since Mir-Hosseini desires to change how *fiqh* is understood, it is incumbent to identify the foundational beliefs not only of the traditional Islamic ideas, but the Islamic feminist positions on women as well. This is important because every belief system begins with certain presuppositions, meaning every position involves some issues presupposed and believed to be true before the investigation takes place to provide a lens to understand the topic studied (Frame, 2015). Having presuppositions is crucial because without them, one could not make sense of any human experience, and there can be no neutral assumptions from which to reason.

3. 1. Feminism's Sacred Project

Why is feminism such a powerful tool to change the framework of a religion to meet predetermined gender goals? (Pluckrose & Lyndsey, 2020). I argue that Ziba Mir-Hosseini's pursuit of feminist goals, possibly unbeknownst to her, offers a different sacred spiritual project that is perhaps unseen among feminist scholars within various frameworks of feminist discourses, whether it be Islamic, religious, or other types, such as Christian and Jewish, or even different strands of feminism such as radical,

Marxist, liberal, Black, or eco (Smith, 2014). All of these endeavors seem to be rooted in a secular salvation story.

Christian Smith, one of the leading American sociologists, explains in his book *The Sacred Project of American Sociology* (Smith, 2014) that there is a sacred project. Smith criticizes his field of expertise by revealing that sociology encompasses more than its conventional definition of a scientific discipline, studying aspects such as gender, family, and race. He contends that sociology has embraced a secular salvation narrative, serving as a "sacred spiritual project" to fill the void left by declining religious influence in American society. This shift drives a specific social change agenda within the discipline, driven by "sacred values" that influence research assumptions, worldview, and moral purpose. Those values, "Broadly speaking, … [were] developed out of the modern traditions of Enlightenment, liberalism, Marxism, reformist progressivism, pragmatism, therapeutic culture, sexual liberation, civil rights, feminism, and so on" (Smith, 2014, p. 20). He argues that sociologists prioritize their sacred projects throughout their research over objective inquiry.

Feminism and American sociology, despite being distinct disciplines with their own theories and objectives, align in their intellectual pursuits. Sociology delves into societal structure, while feminism focuses on gender and equity struggles. Despite their differing foci, these fields share several intellectual objectives and perspectives, including a shared spiritual project. Both disciplines involve scrutinizing systems of oppression and acknowledging the role of power dynamics in shaping social structures and relations. Feminism, particularly attentive to gender and its dynamics, explores the way in which social constructs perceive gender, underscoring common empowerment goals and ethical concerns

essential to the discipline's relevance. Below, I will unpack each word of "sacred spiritual project." Before I do, I will briefly outline another essential point in Smith's argument: American sociologists were operating out of the now debunked "secularization thesis," posed initially by Peter Berger and later rejected by him (Berger, 1990). This thesis says that "secularization was an inevitable byproduct of modernization, and religion was slowly fading out of society" (Reaves, 2011, p. 11). However, Berger later realized that religion was not dying out despite secularization. Yet, in the '60s and '70s, scholars asked what would take its place to address society's ills. The response was that sociologists incorporated sacred secular values to pursue goals such as social justice through the avenue of individual autonomy, which can function as religious values (Smith, 2014).

3. 1. 1. Sacred

"Sacred" is used as Emile Durkheim used the phrase, which involved a separation of the sacred and the profane (Durkheim E. , 2008). The idea of the sacred sets apart those aspects of life that are not ordinary, but revered in a society or religious community. The sacred is the foundation of religious belief that unites the religious group to think collectively. The profane, on the other hand, represents the ordinary aspects of life without religious significance. Religion creates a boundary between these two realms, and rituals and practices reinforce this division. Durkheim argues that religion is not simply a reflection of supernatural beliefs, but can also be deeply rooted in the collective consciousness of a society undergirded by secular beliefs. Religious rituals and symbols strengthen social cohesion, provide a sense of identity and belonging, and maintain the moral order

within a community. What is sacred is a deeper moral and spiritual agenda that seeks to uncover and address societal injustices, inequalities, and ethical issues that reflect a sacred mission.

3. 1. 2. Spiritual

By spiritual, Durkheim does not mean the necessity of metaphysical characteristics such as God, angels, demons, etc. Instead, he describes "spiritual" as "that dimension of human life that concerns the most profound, meaningful, and transcendent visions of human existence, feeling, and desires" (Smith, 2014, p. …2). He believes that secularism, rather than religious faith, has become the guiding narrative and source of meaning for many individuals and societies. The spiritual project at play here mirrors American Protestant characteristics, and has given rise to alternative narratives and ideologies that fulfill many of the roles traditionally associated with religion, including providing a sense of purpose, moral values, and a vision of a better future.

3. 1. 3. Project

This brings me to the third point: the project. Why does Mir-Hoseini believe that feminism's sacred project is essential to liberate Muslim women from the patriarchal structures that plague contemporary Islamic jurisprudence? It is because the sacred project is committed to "the emancipation, equality, and moral affirmation [of women to be] autonomous, self-directing, individual agents … out to live their lives as they … so desire …" (Smith, 2014, p. 7). The feminist sacred project is a joint venture of research and activism that carries a strong moral and ethical

commitment to gender equality and the dismantling of "oppressive patriarchal systems" done by research and activism. It shares sociology's vision of bringing social change and justice to gender relations. I would also say the "sacred spiritual project" has the cultural wind behind its sails.

4. Critiquing Mir-Hosseini's Epistemology

Mir-Hosseini asserts that Islamic societies adhere to traditional gender roles influenced by culture and religion, marked by patriarchy and restrict women's public involvement, having been rooted in a country's understanding of Islam and Islamic jurisprudence. In varying degrees, Islamic nations uphold the principles of *fiqh* as the basis for their views on women's roles, emphasizing the importance of Sharia law in guiding society and *Quran*ic values in all aspects of life, including the family and social spheres.

The importance of family is heavily emphasized in Muslim countries, as it is the cornerstone of Islamic society. The state must do what it can to strengthen traditional family values. Thus, it is often stressed that the central role of women is to serve as mothers and homemakers, responsible for nurturing the next generation of devout Muslims. Therefore, these countries, in varying degrees, reinforce traditional gender roles, with men as providers and women as caregivers within the family unit.

When analyzing Mir-Hosseini's work, one must ask: Does her desire to displace the authority of traditional, institutional religion utilizing the power of secular, rational, empirical (social) science for social and political justice correlate with Shia presuppositions?

The theories that are endemic to her work are summarized below.

4. 1. Homoduplex Model of Reality

Homo duplex is Latin for "the double human". It is a term first coined by 19th-century sociologist Emile Durkheim, which refers to the idea that humans have not one but two sides to them: *the individual and the collective.* Durkheim was concerned with what holds a society together, and concluded that social solidarity refers to the degree of integration and cohesion within a society. He identified two main types of social solidarity: mechanical solidarity and organic solidarity. Thus, in pre-modern cultures, there is what he calls mechanical solidarity, and in modern societies, organic solidarity. One can assume a certain amount of gradation from society to society, emphasizing individualism and collectivism, reflecting this duplex model of humanity. Thus, we are either individuals driven by instincts or collective organisms that are one part of the whole of humanity.

Mechanical solidarity is a type of social cohesion, essential for understanding the way in which social cohesion and integration operate in traditional, pre-modern, and pre-industrial societies (Durkheim, 2008). In societies with a collective consciousness, it binds people together and fosters a sense of unity and interdependence among community members. In mechanical solidarity, everyone has the same beliefs because they practice the same religion, and men and women serve different roles.

As a result, the Homoduplex Model of Reality believes that we each have two parts to our identity: our own and collective

identities. More collectivist societies have social norms and roles structured to constrain people's behavior in ways unrelated to personal goals or desires. Historically, Islamic nations impose a specific normative legal system of the Sharia to regulate behavior. It is through enforcing the traditional understanding of Islam and women as the law of the land, or influencing the law code that this collective consciousness is reinforced and transmitted from one generation to the next. For Mir-Hosseini, the Traditionalist and the Neo-Traditionalist positions reflect more or less this understanding of social cohesion and thus need transformation.

Mir-Hosseini reflects Durkheim's understanding of religion, where religion adapts to changing societal conditions; as societies evolve, so should religion. For her, this means that religious practices and beliefs should undergo a transformation that reflects the outlook of modern times, especially those views advocated by feminism and human rights understandings, despite disagreement with longstanding teachings.

This viewpoint is evident in her work titled *Islam and Gender: The Religious Debate in Contemporary Iran,* where she interviews religious leaders in Qom, Iran, aiming to comprehend their approaches to achieving gender equality (Mir-Hosseini, 1999). The book is organized into three sections, each representing different perspectives: Traditionalist, Neo-Traditionalist, and Reformist. However, the Neo-Traditionalist chapters offer the most profound insights into Mir-Hosseini's stance. Within these chapters, she critiques the viewpoints of Payma-e Zan and Ayatollah Yusef Sane'i. Despite their willingness to address contemporary gender issues by proposing Islamic solutions, both individuals base their understanding on Ayatollah Motahhari's System of Women's Rights in Islam. Both Payma-e Zan and Ayatollah Yusef Sane'i

advocate for a complementary approach that perceives men and women as fundamentally different, each serving distinct roles. They also place limits on human autonomy as a means to generate gender justice.

In contrast, Mir-Hosseini contends that in the context of modern society, particularly concerning gender issues, which are becoming increasingly individualistic and influenced by the feminist and human rights movements, an egalitarian approach is essential to Muslim women's pursuit of gender equality. She believes that gender equality can only be achieved by embracing a perspective, acknowledging women's autonomy and equal rights, departing from traditional notions of distinct gender roles.

But what happens when Islam does not regulate human behavior in society and the individual is open to exercising their choice and various dimensions of behavior? In other words, what happens when Islamic social norms do not constrain behavior that limits individual freedom? Muslim nations historically have argued that left unchecked, individualism leads to a lifetime of exercising sinful desires that lead to the degradation of society's moral communal life. On the other hand, maintaining a collective Islamic consciousness serves as a check on the will. According to Smith (2014, p. 149), "The specific package of ideas from which the homo-duplex model derives is Western liberal individualism". The fundamental reality is presupposed in this theory as legitimate individual autonomy versus threatening religious sociopolitical demands and coercion. Given its theoretical assumptions, the crucial fundamental problems and questions are framed in the Islamic feminist's research as follows:

1. "What limits must be placed on *fiqh* teaching to protect

women's liberty?"

2. "How can women protect their freedom in the face of religious and social institutions that threaten to absorb and oppress them?" (Smith, 2014, p. 149)

The research questions mimic the ones that drive Mir-Hosseini's research. They are designed to promote a more individualistic understanding.

4. 2. Social Constructionism

Social constructionism is a theoretical perspective and framework that helps to understand the way in which individuals construct meaning through social interactions. It asserts that our perceptions of reality are not simply objective, especially given how Western Colonialism has played a significant part in shaping feminist discourse and even Islamic feminist discourse (Anwar, 2018). Instead, they are shaped by shared beliefs, language, institutions, and social interactions, which means that reality is not an objective and fixed entity, but rather a product of interactions and interpretations among individuals and groups. The view is premised upon three basic ideas: (1) Knowledge is socially constructed and occurs within the bounds of human relationships. Therefore, there is no objective truth. (2) Language is central to social construction because language is how one understands and interprets the world. (3) Knowledge construction is politically driven because it has cultural, social, and political consequences. It acknowledges the influence of power dynamics, social context, language, institutions, and cultural factors on how knowledge is created. As a result, this perspective advocates a critical analysis of those forces that shape the knowledge that has been constructed

(Weinberg, 2014). When a community has accepted a specific knowledge, that knowledge must be deconstructed to see the deviance of said knowledge construction. Therefore, this perspective encourages a critical examination of the forces that shape what we know and highlights the importance of inclusivity and diversity in knowledge production to ensure a more equitable and just society.

For Mir-Hosseini, "gender equality" is a "newly created issue without previous rulings." For her, this creates an "epistemological crisis in the Muslim legal tradition" (Mir-Hosseini, 2013, p. 2). To address this 20th-century crisis, she uncritically uses 20th-century methods. Social constructionism, which has been instrumental in her work in deconstructing binary notions of gender in Islam and challenging traditional gender roles, exposes how traditional scholars have constructed knowledge and enforced norms related to sexuality and sexual identity through the avenue of *fiqh*. This theoretical lens underscores her belief that gender is not a fixed, biological category, but a socially constructed concept. The reason that this theory is helpful to Mir-Hosseini is because it "is a theory that 'de-naturalizes' the social world in a way that makes it susceptible to purposeful human transformation through social movements, political programs, reforms, and revolutions" (Smith, 2014, p. 153). It contends that gender norms arise from cultural and historical contexts, shaping masculinity and femininity.

A contradiction arises in Mir-Hosseini's social constructionist views, which advocate for dismantling patriarchy. In her contemporary beliefs and interpretations, as mentioned earlier, there appears to be resistance to applying these social constructionist principles, which raises questions about the validity of her feminist views. The contradiction suggests that while she

recognizes the impact of social constructs on a broader scale, she may not fully embrace or apply these beliefs when they challenge her established interpretations and traditions. For example, a contradiction becomes apparent in Mir-Hosseini's social constructionist views, which advocate for dismantling patriarchy and acknowledging how social constructs contribute to gender inequalities. However, resistance emerges when applying these social constructionist principles to her current beliefs, casting doubt on the validity of her feminist standpoint. This contradiction implies that while she recognizes the influence of social constructs, she may not wholeheartedly adopt them when they challenge her established interpretations.

Mir-Hosseini could have used a theoretical perspective like "critical realism," which might have been closer to an Islamic perspective (Smith, 2014). "That is because realism recognizes certain natural orders, structures, tendencies, human conditions, causal mechanisms, social processes, possibly moral facts, and so on that regulate and direct the nature and dynamics of personal and social life, as well as the natural order" (Smith, 2014, p. 153). Such a theory might not produce the desired results for Mir-Hosseini.

4. 3. Displacement of the Authority of Islamic Institutional Religion

Mir-Hosseini is suspicious of previous "timeless" interpretations that traditional Muslim scholars have handed down; she believes that they have been wrongfully blind to the most just interpretation of Islam's sacred texts (Mir-Hosseini, 2006). This means that the majority of Muslim scholars from antiquity have failed to understand the *Quran* and Hadith correctly regarding women, a truth that her research and writing reveal, namely that the

traditional understanding of Sharia and *fiqh* is oppressive to women, to which she counters with proclaiming the promise of salvation that Islamic feminism can bring.

Mir-Hosseini's message includes an evangelistic component to the "sacred spiritual project," which involves conveying the teachings and principles of Islamic feminism to non-adherents or those who may need to be more informed about the faith, involving a "concerted effort sustained over time to mobilize, coordinate, and deploy resources of different kinds to achieve a desired but challenging goal" (Smith, 2014, p. 3). Here, feminist ideas must not be limited to the theoretical realm of academic discussions, but instead shape each believer with a message to change the world with the "sacred spiritual project," which involves "believers" to unite to eradicate patriarchy.

What effect does this have on the authority structure of the religion as it pertains to women? What happens when the idea takes root that the unenlightened traditional scholars cannot be trusted? (Duderija, 2017). This is an important question to be pondered deeply. With that said, I am not suggesting that there should not be a reexamination of their ideas and whether their ideas have been properly handed down. But any attempt at reformation has social consequences, both positive and negative. It most certainly will cause social unrest, leading to increasing tensions and divisions within the Shia community as key texts are reinterpreted. It could be seen as a departure from Shi'i orthodoxy, which may be met with resistance and controversy and lead to tensions with Shia religious authorities.

4. 4. Equality or Equity

Mir-Hosseini was part of the "first wave" of Islamic feminists, who arose in the late 1980s and relied heavily on the theoretical framework of feminism and human rights (Abdallah, n.d.). Still, it is essential to mention that other schools of thought approach women's rights differently; it is therefore important to differentiate Mir-Hosseini's approach from others. For instance, some Muslim women who far predate Islamic feminism rejected the feminist "theoretical framework" and believed that "Muslim women are capable of liberating themselves without identifying with the Western model of the ideal woman" (Grami, 2023, p. 106). Others have rejected the pursuit of equality and framed their quest for "women's rights" under the banner of "gender justice" rather than "gender equality" to avoid being implicated with a Western value system that would cause their efforts to be rejected in the Muslim world. Under the "gender justice" model, people like Shahindokht Molaverdi, the former Iranian vice president for women and family affairs, are working to gain support from two different groups in Iran, namely religious conservatives and Islamic feminist activists, by doing justice without Western influence (Tajali, 2023).

What does Mir-Hosseini mean by equality? There have been various interpretations and applications across numerous cultures and historical periods. In the modern era, the Western understanding of equality has held prominence, as it has been extended to political and legal frameworks, especially when it comes to issues of gender (McMahon, 2023). Mir-Hosseini begins with a particular presupposition, which is that society's understanding of gender has been socially constructed to undergird patriarchy. For her, the antithesis of patriarchy is equality.

Moreover, her understanding of equality is rooted in a certain

teleology, namely, seeing history moving toward an ultimate purpose: ending patriarchy through achieving equality (Smith, 2014). To eliminate all levels of patriarchy, "equality" is utilized because it guarantees the equality of opportunity and results.

This teleological component examines the basic ethical concepts of "goodness" and "value" and reframes them with feminist presuppositions (Warnock Fernea, 2010). Thus, her "feminist sacred project" is teleological in that it sees history moving toward an ultimate purpose: ending patriarchy. Of course, patriarchy begs for a definition. Mir-Hoseini believes that patriarchy is not a product of Islam and was a product of a 7th-century culture, where classical jurists believed men were inherently superior to women and had authority over them, based on their interpretation of *Quran* verse 4:34. She argues that this belief has been at the core of patriarchy in Muslim legal tradition. She believes that "the Qur'anic discourse was made in a patriarchal framework because the society was patriarchal; patriarchy, according to Abu-Zayd, is not the essence of that discourse" (Mir-Hoseini, 2013, p. 188). When Mir-Hoseini uses the term patriarchy, she means that Islamic feminists "are continuously looking forward to a dramatic transformation of the world which is linked to smaller transformations in the lives of converted believers" (Smith, 2014, p. 18). Therefore, goodness and value are defined a priori by feminist presuppositions to bring about the feminist goal of equality.

There is also a deontological component to this pursuit of equality, which focuses on "right" and "ought" (Hijjah, 1989). In this concept, understandings of gender equality must be "justified by their effects." For example, the Traditionalist and Neo-traditionalist models adhere to the idea that some teachings about

women might not meet the "equality" or "individualist" standards of Western culture. However, the "ought" of feminism holds that the "ought" is framed by the litmus test of equality, which is why Mir-Hosseini dismisses long-standing Islamic positions on gender so easily.

Historically, the concept "of equality between men and women was neither relevant to notions of justice nor part of the juristic landscape" (Mir-Hosseini, 2013, p. 9). Her books, *Men in Charge? Rethinking Authority in Muslim Legal Tradition* and *Gender and Equality in Muslim Family Law: Justice and Ethics in the Islamic Legal Tradition,* seek to correct that as she attempts to show that classical understandings of *fiqh* and Sharia do not comport with contemporary understandings of equality and justice, and therefore need new interpretations (Mir-Hosseini, 2013). Thus, the *fiqh* understanding "permeates debates and struggles for egalitarian family law in Muslim contexts" (Mir-Hosseini, 2013, p. 17). Both books draw upon the work of Islamic feminist scholars to establish the fact that the overarching goal of Islam is to bring about equality for everyone, especially gender equality. This effort includes rereading key concepts such as the husband's authority over his wife and male guardianship from a feminist perspective.

4. 5. Four Possible Ramifications of Her Epistemology

If Mir-Hosseini achieves her goals of gender justice, what does womanhood begin to look like in Islam? Here, I will apply what I will call the "magic wand test" by using the term as a gesture that symbolizes what would happen if her wish came true. In fictional literature, the "waving" of the "magic wand" performs a magical act, frequently in fairy tales, to transform an object into something

completely different. What effects would her understanding of equality produce if the "patriarchal society" were dismantled?

To help understand the possible ramifications of Mir-Hosseini's thought, I will rely on the research done by Robert N. Bellah and his co-authors in the seminal book *Habits of the Heart*, which addresses the dynamics of individualism, albeit in an American context, as people navigate their desire for personal autonomy while remaining connected to their religious or cultural communities. I believe that this study helps discern the broader context of issues relating to religious oppression and the move to be more autonomous from what is perceived to be oppressive powers. It is also essential to understand how women may grapple with issues of faith, identity, and autonomy in the context of the Islamic feminist position. Most importantly, their research examines the limitations of extreme autonomy and the importance of balance in discussions of autonomy, especially in religious contexts.

4. 5. 1. Collectivism vs. Individualism

What happens when Islam moves away from its Traditional or Neo-Traditional truths claims and embraces Mir-Hosseini's reformist epistemology? I would answer by saying that it depends. It depends on whether the reformist's ideals are welcomed in a Collectivist (traditional) culture or an Individualist (modern) culture. Cultural factors such as societal commitments determine the way in which religious women express their devotion.

Sociologists divide societies into Collectivist (traditional) vs. Individualist (modern) cultures (Bellah, 2007). In collectivist

cultures, communities value the group over and above the individual. Deeply ingrained collectivist values influence various aspects of life, such as how women live out their religion, how homes create family structures, and how people interact socially. Many traditional Islamic cultures strongly emphasize Collectivism; they prioritize the family's well-being and stress the responsibilities of each gender.

This Collectivism determines the way in which women in that society see themselves and their duties. The priority of "expressive individualism," embedded in feminist theory, however, clashes with values of communal responsibility reflected in the *Quran* that are geared toward maintaining social harmony within family and society. Since many women in Muslim-majority countries see men and women serving different roles, these women *expect and embrace inequality* (Mir-Hosseini, 2022). Women often derive a significant part of their identity from their family, providing a sense of belonging and purpose. Despite the apparent conflict under a "reformist" paradigm, Islamic truths on gender are self-evident truths and are assumed to be universally true by many. However, there is a longing to have a greater sense of freedom and to achieve more equality and individual liberty, such as choosing whether or not to wear a hijab. As a result, Mir-Hosseini's paradigm might work well as a necessary corrective to the perceived over-regulated values of gender that undergird many Muslim-majority cultures.

However, Mir-Hosseini's ideas might have the opposite effect in an individualistic culture. Almost every individualistic culture is de facto secular and values the rights of each individual over and above the duties they are perceived to be serving. Equality is expected and practiced within this orientation. Such a stance may lead to a greater emphasis on personal success, career goals, and

individual aspirations that women might prioritize over family. This stance will lead to traditional extended family structures giving way to smaller nuclear families as women seek more independence. This shift will change women's attitudes toward marriage and relationships, with women choosing partners based on personal compatibility rather than solely on familial or societal expectations.

An individualistic culture modifies how religion is perceived and lived out because the regulating authority is not institutionalized but derives its authority from the individual. It is influenced by local factors such as one's friends and the local mosque. In a traditional setting, religiosity is central to people's lives. But in an Individualist culture, there is a greater openness to the diversity of opinion, along with pressures to succumb to "syncretic tendencies" of the sacred and the secular, who prioritize their personal preferences and goals. In Mir-Hoseini's "reformist epistemology", it is not hard to imagine how it might aid secularization and syncretic tendencies within the sphere of Muslim women.

4. 5. 2. Interpretation and Diversity

Most Islamic feminist interpretations might emphasize a personal interpretation of religious texts, given the inherent distrust of male authority when it comes to decisions about gender, and this stance might encourage interpretations that align with individualist values. For example, Althalathini et al. (2022) argue that the combination of spirituality and religiosity, a term they call "religiousness," influences entrepreneurship and business ethics in a way that brings about success. More specifically, the religiosity that defines the

Islamic feminist entrepreneur is accessed through "ijtihad," which is "the combination of reasoning, analysis, interpretation, and innovation to develop modern interpretations of Islamic principles compatible with the modern world" (Althalathini et al., 2022, p. 39). The authors of the paper argue that Islamic feminism is a process of ijtihad, removing the traditional, patriarchal, colonial, and other cultural layers with which Islam has been veiled. In doing ijtihad, Islamic feminism also shapes the business ethics of Muslim women entrepreneurs. The authors also argue that "the *Quran* emphasizes productive work for both men and women in over 50 verses as an act of worship and religious duty" (Althalathini et al., 2022). This idea creates the religious objective to create work for people that allows them to make a good living. Certainly, Mir-Hosseini's work would provide the religious justification for women to pursue such endeavors. With that said, Traditional and Neo-Traditional women might prioritize adherence to traditional interpretations and community norms and hold fast to jurisprudence that adheres to classical jurists. This divide will create a broader range of interpretations concerning women and families.

4. 5. 3. Gender and Family Dynamics

In some cases, Islamic feminist ideas might intersect with evolving attitudes towards gender roles, family dynamics, and women's rights within society in general, which may affect Muslims and their families. Mir-Hosseini's feminist gender equity argument, emphasizing justice and equality to challenge patriarchal practices, may affect Muslim understandings of other issues that pertain to family dynamics. What is true in her work and the work of other Islamic feminists is that there is a pursuit for gender justice that focuses on "textual interpretation and experience" but does not

focus on "challenging the familial structures that are meaningful to them even though Islamists have so thoroughly coopted those domestic relationships" (De Sondy, 2013, p. 13). Thus, Mir-Hoseini assumes, to use a sports-related illustration, that this offensive position seeks to tear down patriarchal structures, as opposed to the defensive position of the Islamist ideas against Western principles, which aims to uphold the ideals and traditions of the Muslim family in general, and Muslim women in particular.

Thus, to advance her case for gender justice, Mir-Hoseini argues that gender is merely a social construct. While her argument solely centers on women, a logical inference is that if views on women have been socially constructed, the same is true for men. Consider the book edited by Lahoucine Quzgane titled *Islamic Masculinities,* which adopts a social constructionist perspective on gender where men are looked upon as "gendered subjects." This means that "men are not born; they are made; they construct their masculinities within particular social and historical contexts" (Quzgane, 2013, p. 8). Since this is the case, the authors do not refer to the singular form of masculinity, but the plural form, namely masculinities. The argument assumes that the guiding force of patriarchy affects not only how women understand themselves, but also how men understand themselves. What happens when the idea of multiple masculinities affects the various social structures in which men find themselves? How will this affect the family and society?

Under this rubric, it is not hard to see how "masculinity has less to do with visions and teaching of Islam, and more to do with the pursuit of patriarchal power agendas in the name of Islam" (Quzgane, 2013, p. 3). Of course, this argument usually assumes that any differentiation in gender or gender roles is a social

construct. Since there is always a warfare thesis with those who ascribe to a social constructionist position, the assumption is that those who ascribe to traditional gender roles in marriage and family are simply holding on to a destructive ideology that is harmful to all women.

Mir-Hosseini's position on gender may have ongoing societal consequences, particularly for Muslims who believe in a traditional complementarian family structure. Mir-Hosseini criticizes the complementarian understanding of gender, which is strongly influenced first by Ayatollah Motahhari and later by Ayatollah Javadi-Amoli. The knowledge of the family is no doubt informed by a collectivist understanding of society, which is the presupposition reflected in the *Quran*. Here, women may endure hardships for the good of the family and society. Thus, men have masculine familial and societal responsibilities, and women have feminine familial and societal responsibilities. Feminists may offer arguments to the contrary, but to saddle everyone who opposes the Islamic feminist narrative with upholding patriarchal norms and leaving no alternative third position, such as, for instance, complementarian, is not helpful. Such a stance may blur gender roles and lead to a more androgynous-based society.

4. 5. 4. Secularism and Modernity

Her research can shed light on how traditional male scholars have shaped Islamic jurisprudence over the centuries and how those interpretations have affected women's lives. Her work might encourage the reevaluation of those perspectives, and serve as a benefit. By highlighting the gender biases in traditional scholarship, her work can encourage reevaluating these perspectives.

With that said, there will be tension between traditional Islamic values and values associated with Mir-Hosseini by rummaging through past Islamic history and finding everything that happened that does not comport with contemporary values on gender relations. Her suspicion of Muslim scholars' previous "timeless" interpretations has been wrongfully blind to the most just interpretation of sacred texts. For her, the majority of Muslim scholars from antiquity have failed to understand the *Quran* and Hadith correctly regarding women. This tension could manifest in debates about the role of religious authorities.

5. Conclusion

In conclusion, I have explored the evolution of Ziba Mir-Hosseini's perspectives on Islam and gender in the post-Iranian revolution era. She consciously departed from Traditional and Neo-Traditional interpretations of Islam and gender roles, embracing a more contemporary viewpoint. The research has delved into her argument, wherein she contended that traditional notions of Islam and gender were rooted in inequality, advocating instead for the notion that Islam inherently upholds complete gender equality.

The methodology employed in this research encompassed several facets, including an overview of Mir-Hosseini's argument, an elucidation of the approach used to assess her ideas, an examination of her feminist convictions, a critical analysis of her epistemological foundations, and an exploration of the potential societal implications if her line of thought were to exert influence. It critically assessed Mir-Hosseini's equality model, scrutinizing its underlying assumptions in the discourse on Islam and gender. It highlighted challenges in her fundamental premises and noted the

incorporation of a secular narrative for social change. I also discussed potential societal transformations if her ideas gain traction.

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