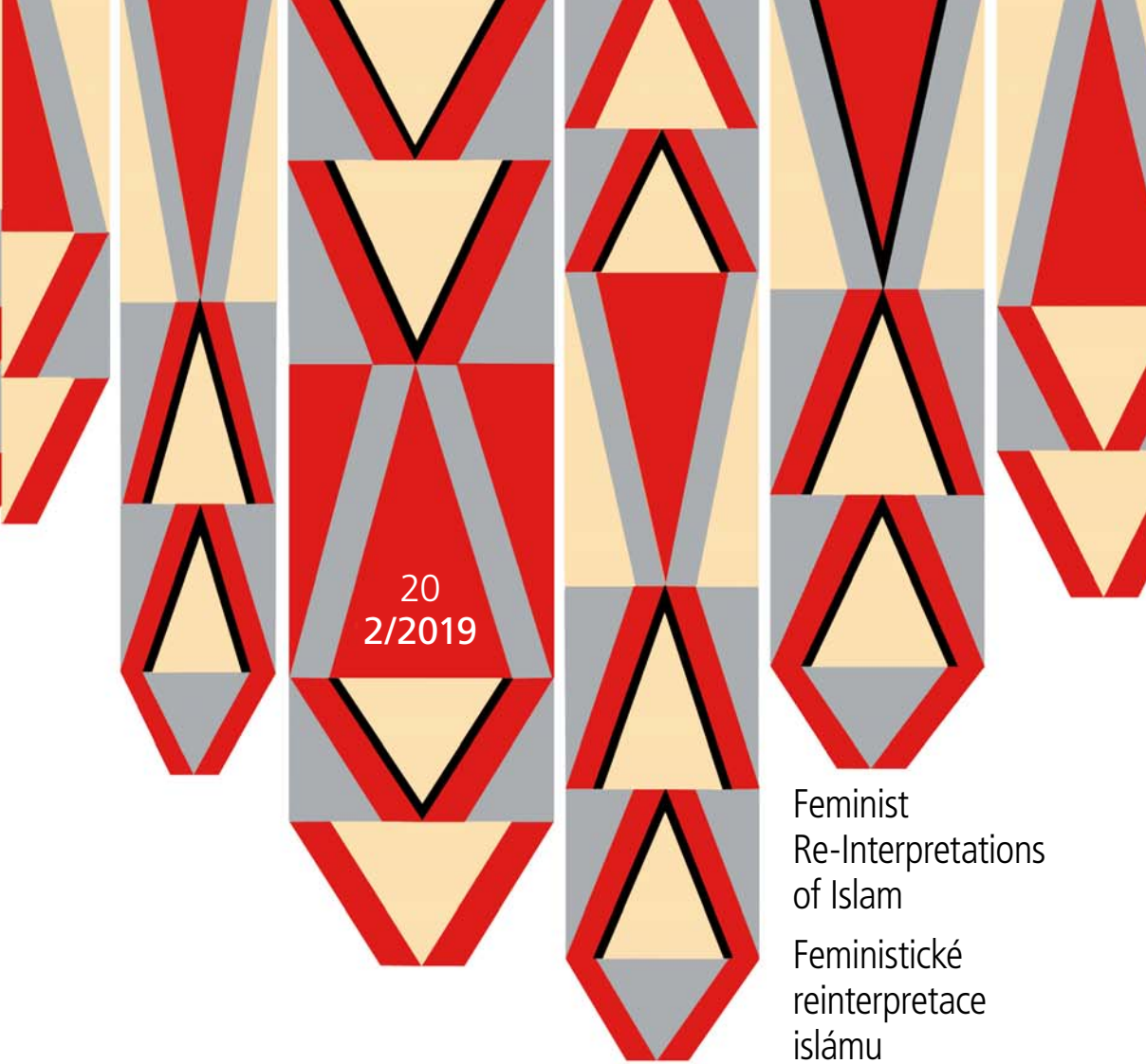

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Feminist Re-Interpretations of Islam

Feministické reinterpretace islámu

GENDER A VÝZKUM
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Časopis vydává Sociologický ústav Akademie věd ČR, v.v.i.
The journal is published by the Institute of Sociology of the Czech Academy of Sciences

Adresa redakce:
časopis Gender a výzkum / Gender and Research
SOÚ AV ČR, v.v.i., Jilská 1, 110 00 Praha 1
telefon: +420 210310351
e-mail: genderteam@soc.cas.cz
http://www.genderonline.cz

Časopis vychází dvakrát ročně. Druhé číslo 20. ročníku vychází v prosinci 2019.
Časopis je registrován pod číslem MK ČR E13740.
Časopis je veden v databázi SCOPUS, ERIH PLUS, v CEJSH a v dalších databázích.

Návrh obálky a sazby Rudolf Štorkán
Sazba TYPA, spol. s r. o.
Tiskárna Protisk, s. r. o.
Vytištěno na recyklovaném papíře.

Do roku 2016 časopis vycházel pod názvem Gender, rovné příležitosti, výzkum / Gender and Research.
Until 2016, the journal was published under the name Gender, rovné příležitosti, výzkum / Gender and Research.

ISSN-print: 2570-6578
ISSN-online: 2570-6586

Téma / Special issue

Feminist Re-Interpretations of Islam
Feministické reinterpretace islámu

Guest editors / Editorky: Gabriela Özel Volfová, Maria Holt

Zprávy / Information

GENDER A VÝZKUM
GENDER AND RESEARCH

Muslim Feminists and Their Search for Gender-Egalitarian Islam

Gabriela Özel Volfová, Maria Holt

Özel Volfová, Gabriela, Holt, Maria. 2019. 'Muslim Feminists and Their Search for Gender-Egalitarian Islam / Muslimské feministky a jejich hledání genderově rovnostářského islámu.' *Gender a výzkum / Gender and Research*, Vol. 20, No. 2: 3–24, http://dx.doi.org/10.13060/25706578.2019.20.2.481.

'Of course you can wear the hijab and be a feminist – why not? Who will tell me I cannot do this?'[1]

Welcome to the thematic edition of the *Gender and Research* journal published by the Sociological Institute of the Czech Academy of Sciences focusing on Feminist Re-Interpretations of Islam. The endeavour at hand is the outcome of an international conference on the same topic that took place exactly a year ago at the Czech Academy of Sciences, which was the first conference on this theme in the Czech Republic, as well as on the premises of the largest Czech national research institute.[2] It brought attention to quite a large audience consisting of students, academics, journalists, and policy-makers. Alongside the conference, radio and newspaper interviews were conducted with some of the conference participants, which helped attract the attention of the wider public. This shows that topics such as gender, Islam, and/or feminism are issues that are of quite some interest to the Czech audience and it is hoped that this edition will shed more light on and fill some gaps in the knowledge about Islam and feminism and possible (mis)understandings of this object, while also broadening perspectives on what many believe are not the friendliest of bedfellows. It is our hope that the texts you are about to read will be received in the same spirit in which

1 Nadia Jones-Gailani, citing one of her Sunni Iraqi female respondents in North America; for more see her article in this volume.

2 The international conference itself was made possible with the support of the Czech Academy of Science's scientific framework Strategy AV21, which funded this specific research topic within its Global Conflicts and Local Interactions: Cultural and Social Challenges research programme.

they have been written: as scholarly efforts to substantiate and problematise various standpoints relating to gender equality and justice in the context of Islam. The texts have been subjected to a very thorough process of peer review, in each case involving two international reviewers. This was to ensure that the quality of the research papers fulfilled the journal's standards of academic excellence and met the expectations of the journal's Czech and international scholarly and wider audience. We cannot thank the authors enough for their tireless work and for agreeing to publish their papers in this special edition, the reviewers for their objective scientific assessments, and the editor-in-chief and the deputy editor-in-chief for their generous support and kind patience. It cannot be stressed enough how much we truly appreciate and respect all those involved in the articles' publication process.

In the current atmosphere of Islamophobia that has afflicted us worldwide and that portrays Islam as an evil religion, Muslim men as sexual predators, and Muslim women as victims of patriarchy and misogyny, it is important to emphasise that Muslim women´s voices, actions, and struggles, whether in writing or through their numerous forms of social and political activism, should be recognised for what they are: legitimate expressions of subjectivity and agency grounded in and at the same time interacting with (accepting, contesting, and/or negotiating) particular historical, local, and global contexts, creating, to borrow Arjun Appadurai's terms (1996), various conjunctures and disjunctures.

The quote provided at the beginning of this editorial, which by no means can do justice to the plethora of insights, viewpoints, and scholarly and personal experiences of the contributors, best summerises the gist of what is unfolded before you – a collected volume of work made possible by wonderful and brave women scholars who have grappled with, in one way or another, the questions of women in Islam, with Islamic feminism, with gender and religion, with Islam and modernity, and more. It is to them that we are indebted for the complexity and depth of knowledge they have shared with us and for the uneasy discussion that they themselves had to struggle with while writing their articles. They do not always see eye to eye on the subject and that is just how every scientific pursuit should be. What we will try to do in this editorial is to highlight the discrepancies, disagreements, confusions, frissures that exist in the literature on women in Islam and/or Islamic feminism, while also mending bridges, so to speak, between the various standpoints. The general goal, though, is to remind ourselves that when we 'hear the subaltern speak', to borrow yet another phrase from Gayatri C. Spivak (1988) on issues of Islamic faith, on equality, justice, feminism, etc., one should keep an open mind, as the articulations and understandings of these concepts may vary across cultures and across time. Intellectual and scholarly open-mindedness, while necessary in every scientific debate, is all the more necessary when it comes to debates on such an 'uneasy' topic as Islamic feminism.

One can hardly think of a more controversial research project that one could choose to address. Many believe that Islam and feminism represent binary opposites and mutually exclusive categories, with the former subjugating women to a lesser position in the family and in social matters and the latter advocating for the equality of women and men in all aspects of life. You may ask, how can Islam and feminism even be associated with one another? Can they speak to each other? Some Western feminists charge Islam with denying women's rights. Secular feminists from the Muslim world claim that Islam is patriarchal, misogynist, and responsible for Muslim women's inferior status. Who then are the 'Islamic feminists'? What is their agenda? What is their ontological and epistemological point of departure? Why do they spend their time and intellectual effort re-reading and re-interpreting the Muslim holy text, the Qur'an? What is written in the Qur'an about women that stirs up such heated debates? Does the Qur'an sanction women's inferior status? These questions are truly fascinating and there are no easy answers. If we are to offer a simplified answer, let it be the one that defines Islamic feminists as Muslim women intellectuals and activists who are trying to bridge the faith and practice of Islam with feminism in terms of gender equality and justice, some of whom even claim that they first learnt about gender equality from the Qur'an and only later from feminism.[3]

The aim of the thematic volume at hand, however, is not to simplify but rather to problematise the simple narrative about women in Islam by pointing to different strands of research that have been conducted for many years now that are trying to rehabilitate Islam as a woman-friendly religion and to draw attention to other variables such as the economy, modernity, nation-state building, colonialism, Western intervention, etc., that, rather than religion itself, have been responsible for determining women's choices and re-defining the rules and norms of religious practice, whether in the Muslim world or in the diaspora (Moghadam 2002). It cannot be stressed enough that it is the complex combination of the political, economic, and social factors at play, both on the local and global level, rather then the reductionist, myopic, and Orientalist narrative of Islam (Said 1971), that have shaped Muslim people's lives and served as enabling mechanisms in changing and re-formulating gender norms and attitudes towards women's status and their role in Islam. It is therefore of utmost importance to keep in mind those changing historical and local/global contexts in which those re-definions, re-appropriations, and re-formulations of gender norms in Islam, and consequently of women's rights, should be seen, and that applies for the ages long past as well as for our current times.

We expect that the current issue will provoke discussion and provide much needed

3 'I came to the realization that women and men are equal as a result not of reading feminist texts, but of reading the Qur'an', writes Zora Hesová, quoting Asma Barlas, in her article in this volume.

food for thought regarding Islam and feminism. We want to convince those who might be wavering in their acceptance of the idea that Islam and feminism can and do speak to each other, and if there is one thing we would like you to take away from reading this issue it is the acknowledgment of the wide range and variety of Muslim women's voices and activities that exist, and the recognition of their agency, rather than victimhood and submission, and the legitimacy of their varied standpoints and acts. Perhaps the single most important message of this editorial and of the thematic issue as such, as we see it, is the imperative to resist the tendency to delegitimise Muslim women's positions and to denigrate their intellectual and creative endeavors when these do not fit our own norms of struggle for gender equality and legal, social, and economic justice. We should learn to appreciate the historical and current circumstances in which Muslim women operate, be it on the state, societal, tribal, and/or family level and learn to respect voices of difference that are calling for equality, albeit using different frames of reference than those of our own.

One should also not forget that Islam is not a stand-alone religion. In the past, be it in the time of its inception, throughout the period of colonialism, during the subsequent periods of de-colonisation and later secularisation and modernisation, or in recent years with Western military interventions in the Middle East conflict zones, Islam has not remained static; it has modified itself in relation to its encounters with paganism, tribalism, Christianity, Judaism, Western colonialism, and Orientalism, and later in relation to the programmes of independent nation-state modernisation, secularisation, and, lastly, Western military invasions. All these historical and contemporary factors have shaped, modified, and produced the Islam of today. Encounters between civilisations since mediaeval times in the areas of science, art, literature, music, architecture, and even war and migration have affected people on both sides of the encounter. Samuel Huntington (1997) is mistaken in seeing cultures and civilisations as homogenous and static units. In fact, even positioning Islam and the West as separate units is problematic, as it suggests they stand on the opposite ends of some hypothetical civilisational continuum, while they are in fact interacting with one another and ultimately changing one another, even though it may not always be obvious and/or welcome. Cultural borrowings and hybridisation are part and parcel of all human activity. Every identity and every civilisation has come into existence as a response to previous identities and civilisations, distancing themselves from some of the past elements, but also incorporating many of them, including mores and norms. And Islam, as Leila Ahmed (1991) has so wonderufully shown in her research, has proved very susceptible to incorporating the norms and mores of past cultures (Persian and Byzantine, for instance) that it came to dominate, and this malleability is a capacity of Islam that should be highlighted here because it invites re-negotiations of seemingly 'innate' patriarchal and misogynistic Islamic gender norms,

such as polygamy, harem, veiling, etc. It is this negotiation and contestation over the meanings of key Islamic practices, or at least those considered Islamic, that the authors of the articles in this thematic volume have addressed, in all the complexity required of such an endeavour. The articles in this volume are truly inspiring and very erudite. They reflect a diverse range of approaches and attitudes and the state of the art level of research being conducted on the topic of Islamic feminism.

As for feminism and its efforts to undo patriarchy in many local and global contexts, it provides a useful methodological tool and an analytical approach with which to deconstruct, imagine otherwise, and argue convincingly, with historical evidence, that women have been sidelined, wronged for their acts and doings, and rendered invisible despite their achievements, in both Islam and the West. Patriarchy is not a factor of the Muslim world solely. It is not without interest that Cynthia Enloe (2014) published her pioneering book *Bananas, Beaches and Bases* to highlight the work of US military wives, who have been indispensable to the careers of their husbands, and to acknowledge the public service that they provide, though they remain unrecognised for it. It is perhaps the politics of recognition that Islamic feminists are trying to incorporate into their work, to restore the value and dignity of Muslim women for who they are – mothers, workers, scholars, politicians, and sometimes even warriors.

The first contribution in this volume is by Zora Hesová, who in her article entitled 'Secular, Islamic or Muslim Feminism? The Places of Religion in Women's Perspectives on Equality in Islam' grapples with very difficult analytical questions, namely: What role does religion play in the construction of a feminist perspective in Islam? Can an emancipatory project stem from Islam? Are secular and Islamic feminism opposing or complementary projects? She asserts that 'Islamic feminism is indeed a field in which secular and religious elements constantly interact. A focused look at Muslim feminist writings and strategies will allow to paint a complex picture of religious emancipatory strategies that work variously with secular and religious elements' (p. 27). Hesová reminds us, by drawing attention to the project of WLUML (Women Living under Muslim Laws), that there are 'disparities, local variations and foreign influences in family law applications in the Muslim world' (p. 35). Hesová in her text refers to a Moroccan Islamist feminist Zakia Salime who claimed that women have no problem with Islam but with Muslim men who stole Islam from them (p. 8). Hesová emphasises the importance of using the metholodology of Islamic feminist hermeneutics when studying and explaining the Qur'an by relying on *ijtihad,* i.e. personal deductive reasoning, deriving the meaning of a text through one own's intellectual effort and by applying a gender-sensitive interpretation of the text.

In this regard, it is rather crucial to remind ourselves of those in power who actually did the interpreting of the holy text and in what times. In other words, one needs to take into account the historicity and the implicated power-driven analyses of the

revealed text. If knowledge is power, then those in power (men) have produced knowledge and transformed it into legal practice, privileging the rights and concerns of men over those of women. We have been made to believe that Islam assigned women an inferior status, one where she must obey or otherwise be punished. Archival evidence, however, suggests that many Muslim elite women were actually able to file for divorce, draft pre-marital agreements, and claim their legal rights in inheritance feuds. This evidence of Muslim female activity in the public sphere, their agency, if you will, to act independently during legal proceedings, for instance, highlights significant gaps in our 'knowledge' about Islam and women's role in it.

The method of re-reading and re-appropriation that Hesová emphasises in her text largely resonates with the approach of the other articles submitted in this volume. For instance, in the second contribution, by Zahra Ali, on 'Feminisms in Iraq: Beyond the Religious and Secular Divide', the author delves deeper into the secular/Islamic divide in feminist approaches to religion in the Muslim world by providing an empirical case study from Iraq and from women's activism there and pointing to the different trends of feminisms that exist there. What is especially important in Ali's article is how she draws our attention to the continuum between religion and secularism as opposed to looking at them as two binary opposites, which creates room for various, not always so easily categorised forms of women's activism in the Muslim national context. In this respect, Ali's category of 'in-betweenness' is an important category to consider when trying to grasp the complex relationship between religion and secularism and between Islam and secular feminism.

Ali also introduces the concept of the 'pious modern', which is very relevant to many women's attitudes towards religion and feminism in that it shows the enmeshed nature of the two in the Muslim context, where many Muslim women embrace religion to some degree (for instance, they fast during Radaman and they do not eat pork, but they do not cover their heads and do not go to a mosque to pray), while at the same time are very modern and have modern professions as, for example, doctors or engineers. Where then do we locate Islamic feminism in this complex historical, political, and cultural milieu? It is this very question that Ali is seeking an answer to in her ethnographic work. Her argument that 'Iraqi women's notions of what is pious, moral and respectable are built upon the overlapping of social, political-sectarian, and religious dynamics' (p. 52) is a very important one. There is also the notion of Islamic modernity, which Ali does not specifically address in her text, but which we might like to remind ourselves of here. Islamic modernity is upheld by the newly established Islamic elites, for instance in Turkey. It is represented by conservative Muslim women from middle- or upper-middle-class families and an urban background who live in Istanbul or Ankara but have strong family ties to the rural hinterland of Anatolia. They cover themselves, but at the same time obtain a Western type of education, and most

importantly, they adhere to a capitalist consumer ethos by buying very expensive clothing, thus embracing Islamism and capitalism, the letter being associated with modernity. Turkish scholars Özlem Sandıkçı and Güliz Ger (2007) have wonderfully portrayed this new Turkish Islamic elite's taste for modernity and consumption in their research on the Islamic chic where young, urban, upper class, well educated Muslim women wear visibly expensive clothes, shop in high-end Islamic fashion stores to assert their high class identity status in an urban environment, clearly setting themselves apart from older, less educated and more modestly dressed Muslim women of lower, working class backgrounds and possibly of rural origins.

The third author in this volume is Nafiseh Sharifi with her article on 'The Religious Sexual Education in Post-Revolutionary Iran: Redefining *Tamkin* and the Control of Sexuality', in which she describes, on the basis of her ethnographic research in Tehran, how in Iranian religious sexuology discourse traditional religious rules, such as *tamkin,* the sexual submission of wives to their husbands, are redefined. She provides examples of women attending sex-education workshops organised by clergyman Dehnavi, who also had a live television programme in which he very openly discussed couples' sexual problems and argued that women, too, had sexual needs. She attended several of these workshops herself, where Iranian women were advised, among other things, on how to enjoy sex in marriage without disregarding the 'duty' aspect of it. She argues that 'understanding the changes in the dominant Islamic discourse opens a space for feminist scholars to ask for new interpretations of religious texts and consequently change the legal laws that keep women in a subordinate position' (p. 70). Sharifi talks about the changing norms and discourses of religion and sex in post-revolutionary Iran and says that 'in contrast to the older generations of Iranian women, younger women expect their husbands to respect their wishes and satisfy their [sexual] needs' (p. 80). While *tamkin,* in the new national sex discourse, is still a wife's duty in marriage, women are now also able to enjoy it rather than just endure it. Sharifi therefore calls this practice, by referring to Foucault, as both emancipatory and discliplinary. She thus shows that Muslim gender norms of sexual conduct and women's expected roles in marriage do change over time and also in response to, for instance, the global film industry. She mentions Hollywood films as portraying romantic love between spouses, which show what Iranian women can also aspire for.

The following article is written by Nadia Jones-Gailani and is titled 'Political Embodiments of the *Hijab* in Narratives of Iraqi Refugee Women in Diaspora'. It addresses the multiple meanings and symbols attached to *hijab*, the Muslim female headscarf, among Iraqi migrant women in North America in Detroit and Toronto. This is the only contribution in this volume that addresses the notion of gender and Islam in the context of migration and specifically among the Muslim diaspora in the West. This is very important as it draws attention to how the experience of migration and

living in the West provides a context in which meanings of *hijab* evolve. In Jones-Gailani's words, 'Not only is the *hijab* a religious symbol, it is also – in the words of the women that I interviewed – a form of political activism against what they perceive to be the racialization and marginalization of Muslim women' (p. 85). Jones-Gailani describes how her sister decided to adopt the *hijab* after arriving in Canada, much to her father's chagrin, because he, himself an Iraqi, considered *hijab* to be a symbol of tradition and backwardness, and he asked Jones-Gailani to talk to her sister from the perspective of a feminist, that is, as someone who would be against the *hijab* for representing female oppression. Jones-Gailani discovers that her sister was 'part of a small but growing trend amongst second-generation Iraqi Sunni-Muslim women in her age-group (18 to 29 years of age), who have adopted the *hijab* in North America' (p. 87). In this context, the *hijab* carries multiple symbolism: as a symbol of belonging to a Muslim community and as a sign of piety in a non-Muslim society. *Hijab,* in the Muslim diaspora, is very closely associated with the female body and with the right of women to cover, to preserve their modesty in an alien society, and to bear an identity marker. Jones-Gailani also astutely reminds us of the generational gap in attitudes towards *hijab* in that young Iraqi women have adopted the *hijab* despite the disapproval of their fathers, mothers, and even grandmothers.

For instance, Arlene MacLeod (1993) has drawn attention to a similar phenomenon among young Egyptian women, who, upon joining the labour market and hence entering the public space, adopted the veil in order to feel comfortable, as it stopped them from being preyed upon by Egyptian men. Women entering the public sphere for employment – which is itself a result of migration from rural to the urban areas and is due also to the economic hardships connected with capitalism, where men are no longer the sole breadwinners – has introduced new challenges for Muslim women and their bodies. Some of them have decided to veil as a form of what Hana Papanek (1971) has termed a 'portable seclusion', referring to experiences with wering *purdah* among Muslim women in Pakistan. Similar studies have been conducted among the Turkish migrant diaspora in Germany, the Maghrebis in France, and among the Pakistanis in the UK. *Hijab*, in the West, has become a cultural identity marker, and some Muslim women have decided to wear headscarves both as identity-markers and as a way of securing a comfort zone for themselves in the public sphere.

The research articles are followed by an essay by Ziba Mir-Hosseini on 'The Challenge of Islamic Feminism', in which she describes the possibility of a symbiosis between Islam and feminism rather than what is traditionally (in both the West and the Muslim world) seen as two binary opposites, i.e. you cannot have feminism in Islam and Islam cannot be feminist. Mir-Hosseini introduces the Muslim women advocacy group Mussawah*,* a global movement for equality and justice in Muslim family law that was launched in 2009 in Kuala Lumpur in Malaysia and that tries to rectify patriarchal and

misogynist legal rules, especially as they pertain to Muslim marriage, which is based on verse 4:34 in the Qur'an, in which the authority and power of men is established over women (Mir-Hosseini, Al-Sharmani, Rumminger 2015).[4] Mir-Hosseini argues that terms such as *tamkin* (sexual access), which Sharifi discusses in this volume focusing on the Iranian contextwere defined as a wife's duty in return for *nafaqa* (the man's duty of maintenance). If a woman refused *tamkin,* i.e. was disobedient, she could legally be punished with a beating and/or the denial of provisions. Muslim jurisprudence and notably family law and the personal status code are based on this Qur'anic verse, re-interpretations of which have been the task of Islamic feminists such as Ziba Mir-Hosseini, but also Asma Barlas (2002) and Amina Wadud (1999), among others, who are trying to deconstruct the concepts of *tamkin* and *nafaqa* to allow for a gender egalitarian reading, pointing out that it was the patriarchs of the time who did the translating and implementation of these verses into laws, which should be stripped of their misogyny.

The heightened tensions in the US and Canada since 9/11 mean that Muslims and non-Muslims are constantly being reminded of the differences and unbridgeable divides between them, with the former being represented in the media and the dominant political discourse as barbaric (because Islamic and thus autocratic) which serves as a supposedly moral justification for military actions to 'civilise' Muslim countries' political systems (because bringing democracy) and to 'rescue' Muslim women from the unbearable oppression of their religion and patriarchy. Lila Abu-Lughod (2013) asks the (rhetorical) question of whether Muslim women really need to be saved by white Western men from Muslim men, and calls into question the 'secular-liberal assumption of Islam's patriarchal and misogynist qualities' (Jones-Gailani citing Mahmood [2005: 23] in *The Politics of Piety*).

The migration and life of Muslims in the diaspora, as well as experiences of wars and revolutions, provide significant contexts within which gender and Islam should be studied, as they generate valuable knowledge about changing gender roles, which in turn highlights the fact that gender norms and practices in Islam do change in response to social and political circumstances on both the local and the global level. Just as the Second World War literally propelled Western women into the professional sphere after they replaced men in the military and defence industry and

4 Verse 4:34 reads as follows: 'Men are the protectors and maintainers of women, because Allah has given the one more [strength] than the other, and because they support them from their means. Therefore, the righteous women are devoutely obedient, and guard in [the husband's] absence what Allah would have them guard. As to those women on whose part ya fear disloyalty and ill-conduct, admonish them [first], [Next], refuse to share their beds, [And last] beat them [lightly]; but if they return to obedience, seek not against them means [of annoyance]: for Allah is Most High, great [above you all].' (Mir-Hosseini, Al-Sharmani, Rumminger 2015: 2).

thus achieved emancipation as a result of their economic independence, refusing to go back to *Kinder*, *Küche*, *Kirche* once the war was over, similarly the Syrian war is now showing us how Muslim women have replaced their husbands, who either died or lost their livelihoods and became refugees, as breadwinners, as they were better able to find jobs in the illegal and informal economy of their host societies than their husbands were, who thus became emasculated. The rising power and agency of Syrian refugee women is a sign of change in the patriarchal family and the social and political relations hitherto prevalent in the Syrian community. This is by no means a trivial matter, as it shows that agency and empowerment go hand in hand with piety and that we should remind ourselves that feminism, as an agenda for gender equality and justice, is not unavailable to women in Islam.

In conclusion, it has been the aim of this thematic volume devoted to Feminist Re-Interpretations of Islam to address the questions of gender and religion in general and of Islamic feminism in particular, and to provide a more nuanced understanding of the phenomenon by examining it from an informed historical and local context in order to open up space for the heterogeneity of views, experiences, attitudes, and norms which are part and parcel of this complex relationship. Across various Muslim communities, be they in the Muslim part of the world or in the West, social, cultural and religious habits vary in terms of veiling, polygamy, and the laws of divorce and inheritance, and they should never be assumed to be homogeneous across the entire Muslim world. What we should also take home from this is that secularism and modernity do not stand in opposition to religion and tradition, and that in fact both sides interact, collide, and share similar viewpoints and strategies and should be viewed as thought standing on a continuum, where the identity claims arising from secular and/or Islamic feminism have blurry boundaries. Rather than seeing them as mutually exclusive categories, we should view them as mutually interconnected and as influencing one another, despite the differences that exist between them.

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Muslimské feministky a jejich hledání genderově rovnostářského islámu

Gabriela Özel Volfová, Maria Holt

Özel Volfová, Gabriela, Holt, Maria. 2019. 'Muslim Feminists and Their Search for Gender-Egalitarian Islam / Muslimské feministky a jejich hledání genderově rovnostářského islámu.' *Gender a výzkum / Gender and Research*, Vol. 20, No. 2: 3–24, http://dx.doi.org/10.13060/25706578.2019.20.2.481.

„Jistěže můžete nosit *hidžáb* a být feministka – proč ne?
Kdo mi má co říkat, že nemohu?"[1]

Držíte v rukou tematické číslo časopisu *Gender a výzkum / Gender and Research*, vydávané Sociologickým ústavem Akademie věd České republiky, které se zaměřuje na feministické reinterpretace islámu. Číslo časopisu navazuje na mezinárodní konferenci na dané téma, která se uskutečnila právě před rokem na Akademii věd ČR a byla vůbec první konferencí na toto téma nejen v České republice, ale i v prostorách největší české výzkumné instituce.[2] Přilákala pozornost poměrně velkého publika z řad studujících, vědců a vědkyň, novinářů a novinářek, ale i politiků a političek. Některé účastnice konference poskytly také rozhovory pro rozhlas a noviny, což přispělo k upoutání pozornosti širší veřejnosti. Dokládá to, že témata genderu, islámu či feminismu českou veřejnost zajímají, a tak doufáme, že toto vydání objasní islámský feminismus, pomůže předejít možným nedorozuměním ohledně vztahu islámu a feminismu a obohatí naše chápání tohoto vztahu, který je často považován za ne zrovna přátelský. Naším cílem je, aby texty, které si zde můžete přečíst, byly přijaty v témže duchu, v jakém byly napsány: jako vědecké úsilí zaměřené na zdůvodnění a problematizaci různých hledisek souvisejících s genderovou rovností a spravedlností

1 Nadia Jones-Gailani zde cituje jednu ze svých sunnitských iráckých respondentek ze severní Ameriky, viz její stať v tomto čísle.

2 Uspořádání mezinárodní konference bylo možné díky programu Strategii AV21 Akademie věd ČR, která financuje tento výzkum v rámci výzkumného programu Globální konflikty a lokální souvislosti: Kulturní a společenské výzvy.

v kontextu islámu. Texty prošly pečlivým recenzním řízením, které vždy zahrnovalo dva zahraniční recenzenty či recenzentky. To zaručuje, že úroveň výzkumných statí splňuje vysoké standardy časopisu a odpovídá náročným očekáváním ze strany české a mezinárodní vědecké i širší čtenářské obce. Nemůžeme dost poděkovat autorkám za jejich velké nasazení a za zájem publikovat články v tomto tematickém vydání, recenzentkám a recenzentům za jejich nestranné vědecké posouzení, šéfredaktorce a její zástupkyni za velkorysou podporu a trpělivost. Velice si ceníme podpory a spolupráce všech, kteří se podíleli na přípravě článků k vydání.

V současné islamofobní atmosféře, která se šíří po celém světě a zobrazuje islám jako špatné náboženství, muslimy jako sexuální predátory a muslimky jako oběti patriarchátu a misogynie, je důležité zdůraznit, že hlasům, činům a společenským bojům muslimských žen, ať už formou psaného slova či četných projevů společenského a politického aktivismu, by mělo být přiznáno to, čím jsou: legitimními projevy subjektivity a aktérství, které vycházejí z (přijímání, zpochybňování či vyjednávání) konkrétních historických, místních a globálních kontextů, s nimiž současně interagují, čímž ve zlomových okamžicích dochází buď ke konvergencím (*conjunctures*) či naopak k rozlukám (*disjunctures*), vypůjčíme-li si termín Arjuna Appaduraie (Appadurai 1996).

Citát na začátku tohoto editorialu, který ani v tom nejlepším případě nemůže učinit zadost pestré paletě poznatků, názorů a vědeckých a osobních zkušeností autorek a autorů, patrně nejlépe vystihuje podstatu toho, co před vámi leží – soubor příspěvků, který spatřil světlo světa jen díky úžasným a odvážným vědkyním, které se zabývají otázkami žen v islámu, islámským feminismem, genderem a náboženstvím, islámem a modernitou atd. Jim vděčíme za komplexnost a hloubku znalostí, o něž se tu s námi podělily, a za otevření složité diskuse, s níž se ostatně samy při psaní statí potýkaly. Ne vždy se všechny shodnou v pohledu na dané téma, a právě tak by tomu u veškerého vědeckého úsilí mělo být. V tomto editorialu se budeme snažit vyzdvihnout rozpory, neshody či neujasněnosti, jež přetrvávají v literatuře o ženách v islámu či islámském feminismu, ale také tak říkajíc stavět mosty mezi těmito různými stanovisky. V obecné rovině je ovšem naším cílem připomenout si, že kdykoli „slyšíme mluvit marginalizovaného člověka", tedy někoho, kdo byl historicky, geograficky a kulturně vytvářen jako podřadný či doslova umlčený, jak to popisuje Gayatri Ch. Spivak (Spivak 1988), o záležitostech islámské víry, rovnosti, spravedlnosti, feminismu atd., měli bychom udržovat svoji mysl otevřenou, neboť konkrétní artikulace a pojímání těchto konceptů se mohou lišit napříč kulturami a v čase. Tato intelektuální a vědecká otevřenost, třebaže je nezbytná v jakékoli vědecké debatě, je o to nezbytnější, přijde-li řeč na tak „nesnadné" téma, jakým je islámský feminismus.

Sotva bychom mohli najít kontroverznější výzkumný projekt. Mnohé a mnozí jsou přesvědčeni, že islám a feminismus představují binární protiklady, vzájemně se vylučující kategorie, neboť islám odsuzuje ženy k podřadnějšímu postavení v rodinných

a společenských záležitostech a feminismus obhajuje rovnost žen a mužů ve všech aspektech života. Možná se ptáte, jak tedy mohou být islám a feminismus spojovány dohromady? Mohou se spolu domluvit? Některé západní feministky obviňují islám z popírání práv žen. Sekulární feministky z muslimského světa tvrdí, že islám je patriarchální, misogynní a je odpovědný za podřízené postavení muslimských žen. Kdo jsou tedy tzv. islámské feministky? Jaký mají program? Jaké je jejich ontologické a epistemologické východisko? Proč svůj čas a intelektuální úsilí věnují novému čtení a reinterpretování muslimského svatého písma – Koránu? Co se vlastně v Koránu píše o ženách, že to vyvolává tak vzrušené debaty? Posvěcuje Korán podřadné postavení žen? Tyto otázky jsou vskutku fascinující a neexistují na ně jednoduché odpovědi. Pokud máme nabídnout zjednodušenou odpověď, nechť je jí odpověď, která definuje islámské feministky jako muslimské intelektuálky a aktivistky, jež se snaží propojit víru a praktikování islámu s feminismem s ohledem na genderovou rovnost a spravedlnost, přičemž některé dokonce tvrdí, že nejprve se o genderové rovnosti dočetly v Koránu a až později ve feministické literatuře.[3]

Cílem tohoto tematického čísla však není zjednodušovat, ale spíše problematizovat onen příliš jednoduchý narativ o ženách v islámu poukazem na různé směry ve výzkumu, který se provádí již řadu let ve snaze rehabilitovat islám jako vůči ženám přátelské náboženství a upozornit na další proměnné, jako je ekonomika, modernita, budování národního státu, kolonialismus, západní intervence atd., které – spíš než samotné náboženství – určují volby žen a redefinují pravidla a normy náboženské praxe, ať už v muslimském světě nebo v diaspoře (Moghadam 2002). Je to právě složitost politických, ekonomických a společenských faktorů působících na místní i celosvětové úrovni, mnohem spíše než redukcionistický, myopický a orientalistický narativ o islámu (Said 2008), co spoluutvářelo a spoluutváří životy muslimů a slouží jako mechanismus změny a přeformulování genderových norem a postojů k postavení žen a jejich roli v islámu. Proto je nanejvýš důležité mít vždy na paměti ony měnící se historické a lokální/globální souvislosti, v nichž je třeba vidět nové definice, nové přivlastnění a přeformulování genderových norem v islámu a posléze práv žen, a to platí jak pro věky dávno minulé, tak pro dnešní dobu.

Očekáváme, že nadnesené téma podnítí četné diskuze a poskytne tolik potřebné podklady k zamyšlení nad islámem a feminismem. Chceme přesvědčit ty, kteří se zdráhají přijmout myšlenku, že islám a feminismus spolu mohou rozmlouvat a také tak činí, a byly bychom rády, kdybyste si z četby odnesli alespoň jedno: přiznejme si existenci rozličného spektra hlasů a aktivit muslimských žen a uznejme legitimitu jejich rozdílných stanovisek a jednání, místo abychom jim přisuzovali role oběti a pod-

3 „Došla jsem k závěru, že ženy a muži jsou si rovni, nikoli na základě čtení feministických textů, ale četbou Koránu," cituje Zora Hesová Asmu Barlas ve své stati uveřejněné v tomto čísle.

řízenosti. Snad nejdůležitějším poselstvím tohoto úvodního slova a tematického čísla, jak se nám jeví, je nutnost odolat tendenci delegitimizovat postoje muslimských žen a znevažovat jejich intelektuální a tvůrčí úsilí, pokud neodpovídají našim vlastním normám boje za genderovou rovnost a za právní, společenskou a ekonomickou spravedlnost. Měli bychom se naučit posuzovat historické a současné okolnosti, v nichž muslimské ženy působí, ať už na úrovni státu, veřejnosti, kmenového společenství či rodiny, a naučit se respektovat tyto rozdílné hlasy volající po rovnosti, byť používají vztažné rámce odlišné od našich.

Nesmíme zapomínat ani na to, že islám není izolované náboženství. Islám nebyl a není statický, ať už v minulosti v dobách svého vzniku, v období kolonialismu, následné dekolonizace a později sekularizace a modernizace či v posledních letech v souvislosti se západními vojenskými intervencemi v konfliktních zónách Blízkého východu. Islám se proměňoval v důsledku svých styků s pohanstvím, tribalismem, křesťanstvím, judaismem, západním kolonialismem a orientalismem a později s modernizačními programy nezávislých národních států, sekularizací a v neposlední řadě v reakci na vojenské invaze Západu. Všechny tyto historické a soudobé faktory daly vzniknout dnešní podobě islámu. Styky mezi civilizacemi již od středověku v oblastech vědy, umění, literatury, hudby, architektury, ba dokonce válečnictví a migrace se dotýkaly životů lidí na obou stranách. Samuel Huntington se mýlí, když pokládá kultury a civilizace za homogenní a statické útvary (Huntington 1997). Také líčení islámu a Západu jako oddělených útvarů je ve skutečnosti problematické, jelikož se nám tím jakoby naznačuje, že stojí na opačných koncích hypotetického civilizačního kontinua, zatímco ve skutečnosti se vzájemně intenzivně ovlivňují a v posledku i mění, i když to nemusí být vždy zřejmé či dokonce vítané. Kulturní přejímání a hybridizace jsou nedílnou součástí lidské činnosti. Každá identita, každá civilizace vznikla v reakci na předchozí identity a civilizace, distancujíc se na jedné straně od některých jejich prvků, ale na druhé straně naopak začleňujíc mnoho jiných, včetně mravů a norem. Také islám, jak výtečně doložila Leila Ahmed ve svém výzkumu (Ahmed 1991), se ukázal být velmi vnímavý k normám a mravům starších kultur (například perské či byzantské), jež si podmanil a jejichž některé zvyky či genderové normy převzal (polygamie, harém, závoj), a tuto jeho „tvárnost" bychom měli vyzdvihnout, protože vybízí k hledání nových významů těchto zdánlivě „přirozených" islámských genderových norem. Právě tímto vyjednáváním a zpochybňováním významů klíčových islámských praktik, či přinejmenším těch, které považujeme za islámské, se zabývají autorky v tomto tematickém čísle, v celé složitosti, jakou tyto snahy zasluhují. Jejich články jsou skutečně podnětné, velmi erudované, odrážejí rozmanitost přístupů a postojů a zároveň prezentují výsledky nejnovějších výzkumů týkajících se problematiky islámského feminismu.

Feminismus a jeho snahy o demontáž patriarchátu v lokálních a globálních kontextech poskytují užitečný metodologický nástroj i analytický přístup k dekonstrukci,

k představování si jiného možného světa i k přesvědčivému argumentování pomocí historických důkazů, že jak v islámu, tak na Západě byly ženy odsunuty stranou, jejich činy a jednání byly znevažovány a navzdory svým úspěchům se staly neviditelnými. Struktury patriarchátu nepůsobí pouze v muslimském světě. Není bez zajímavosti, že například Cynthia Enloe ve své průkopnické knize *Banány, pláže a základny* (Enloe 2014) vyzdvihla práci manželek amerických vojáků, které byly pro kariéru svých manželů a jejich společenský přínos nepostradatelné, třebaže se nedočkaly většího uznání. Právě politiku uznání se islámské feministky snaží včlenit do své práce, obnovit hodnotu a důstojnost muslimských žen vzhledem k tomu, čím jsou – matky, pracující, vědkyně, političky, a někdy dokonce válečnice.

Prvním příspěvkem v tomto čísle je článek Zory Hesové nesoucí název *Sekulární, islámský nebo muslimský feminismus? Místo náboženství v pohledu žen na rovnost v islámu*, ve kterém se věnuje velmi obtížným analytickým otázkám: Jakou roli hraje náboženství při vytváření feministické perspektivy v islámu? Může z islámu vzejít emancipační projekt? Jsou sekulární a islámský feminismus protikladnými, anebo doplňujícími se projekty? Autorka tvrdí, že „islámský feminismus je ve skutečnosti oblastí, v níž se světské a náboženské prvky neustále ovlivňují. Soustředěný pohled na muslimské feministické psaní a strategie umožňuje vykreslit komplexnější obraz náboženských emancipačních strategií, které fungují jak se sekulárními, tak s náboženskými prvky" (str. 27). Hesová nám připomíná, s odkazem na projekt WLUML (*Women Living under Muslim Laws* – Ženy žijící pod muslimskými zákony), že „v muslimském světě najdeme mnohé rozdíly, místní odlišnosti a zahraniční vlivy v uplatňování rodinného práva" (str. 7). Hesová ve svém textu čerpá z myšlenek marocké islámské feministky Zakie Salime, která razila tezi, že ženy nemají ani tak problém s islámem, jako s muslimskými muži, kteří si islám přivlastnili (str. 35). Hesová podtrhuje význam použití metodologie islámské feministické hermeneutiky při studiu a výkladu Koránu, jež se opírá o *idžtihád*, tj. osobní deduktivní rozvažování, dobírající se k významu textu pomocí vlastního intelektuálního úsilí a na základě genderově citlivé interpretace textu.

V této souvislosti je důležité zabývat se otázkou, kdo byl u moci a kdo ve skutečnosti interpretoval svaté písmo, a v jakých dobách k tomu docházelo. Jinými slovy, je třeba vzít v úvahu historicitu a z toho vycházející skutečnost, že analýzy zjeveného písma vždy podléhaly mocenským vztahům. Je-li vědění moc, pak ti, kdo byli u moci (muži), proměnili své vědění v právní praxi, jež upřednostnila mužská práva a zájmy před ženskými. Na základě těchto patriarchálních interpretací bylo stanoveno, že islám vymezil ženám podřadný status, že žena musí muže poslouchat nebo bude potrestána. Archivní prameny však naznačují, že mnoho muslimských žen, třebaže zástupkyň elity, ve skutečnosti mohlo podat žádost o rozvod, předložit návrh předmanželské smlouvy a uplatňovat svá zákonná práva v dědických sporech. Zde se setkáváme nejen s problémem toho, kdo se ujímá interpretace, ale také s rozpo-

rem mezi zákonem a vlastní praxí, která umožnila muslimským ženám vstupovat do veřejného prostoru a dožadovat se svých práv. Tyto důkazy o působení muslimských žen ve veřejné sféře, jejich aktérství, chcete-li, například jejich možnosti jednat samostatně v rámci soudního řízení, svědčí o významných mezerách v našich „znalostech" o islámu a roli žen v něm.

Metoda nového čtení a znovu-přivlastnění, kterou Hesová ve své stati zdůrazňuje, z velké části rezonuje i s přístupem autorek dalších článků publikovaných v tomto čísle. Například ve druhém příspěvku *Feministický aktivismus v Iráku: Překlenutí propasti mezi náboženským a sekulárním feminismem* se jeho autorka Zahra Ali zabývá hlouběji rozporem mezi sekulárním/islámským ve feministických přístupech k náboženství v muslimském světě a nabízí nám empirickou případovou studii z Iráku o tamějším ženském aktivismu, na kterém je možné ukázat různé feministické tendence, které jsou tam patrné. Na tomto článku je obzvlášť důležité, že upozorňuje na kontinuum mezi náboženstvím a sekularismem, na tyto kategorie nenahlíží jako na dva binární a vzájemně se vylučující protiklady, což skýtá prostor pro rozmanitý a ne vždy do kategorií snadno zařaditelný ženský aktivismus v muslimském národním kontextu. Autorka pracuje s konceptem diskursivních prostorů (*in-betweenness*), čímž chce zdůraznit přesahy mezi kategoriemi (islámský/sekulární feminismus) na rozdíl od jejich rigidního vymezení se proti sobě navzájem. Toto nazírání je obzvláště důležité pro naše další uvažování, pokoušíme-li se pochopit složitý vztah mezi náboženstvím a sekularismem a mezi islámem a sekulárním feminismem.

Ali také ve své stati přibližuje pojem „zbožně moderní", který je relevantní pro postoje mnoha žen k náboženství a feminismu, neboť výtečně vystihuje vzájemnou propojenost obojího v muslimském kontextu. Mnoho muslimských žen totiž do určité míry přijímá náboženství, například se během Ramadánu postí a nejí vepřové maso, avšak nezakrývají si hlavy a nechodí se do mešity modlit, a zároveň se nebrání modernímu způsobu života, právě naopak, nezřídka pracují v moderním povolání – jako lékařky či inženýrky. Kde tedy v tomto složitém historickém, politickém a kulturním prostředí hledat islámský feminismus? Právě na tuto otázku Ali hledá odpověď ve své etnografické práci. Její tvrzení, že „představy irácких žen o tom, co je zbožné, morální a úctyhodné, čerpají z přesahů společenské, politicko-sektářské a náboženské dynamiky" (str. 52), je velmi poučné. Existuje rovněž pojem islámské modernity, na který Ali ve svém textu sice výslovně neodkazuje, ale který je vhodné si připomenout. Islámskou modernitu podporují nově etablované islámské elity, například v Turecku, kam se řadí konzervativní muslimky z rodin středních a vyšších středních vrstev z městského prostředí, které žijí v Istanbulu nebo v Ankaře, ale se silnými rodinnými pouty na venkově ve vnitrozemí Anatolie, které získaly západní vzdělání, a co je nejdůležitější, drží se kapitalistického spotřebitelského étosu, nakupují velmi drahé oblečení, čímž přijímají islamismus i kapitalismus, který je spojován s modernitou. Turecké badatelky

Özlem Sandıkçı a Güliz Ger ve svém výzkumu skvěle vykreslily tento nový islámský vkus pro islámskou kapitalistickou modernitu (Sandıkçı, Ger 2007).

Další autorka Nafiseh Sharifi se ve své stati *Náboženská sexuální výchova v postrevolučním Íránu: Nová definice* tamkinu *a kontrola sexuality* věnuje rozboru svého etnografického výzkumu v Teheránu. Sharifi zde popisuje, jak se v íránském náboženském sexuologickém diskurzu nově definují tradiční náboženská pravidla, mezi jinými i *tamkin*, sexuální podřízení manželek manželům. Uvádí zde příklady žen navštěvujících semináře věnované sexuální výchově, které pořádal duchovní Dehnavi, jenž míval také svůj televizní pořad vysílaný naživo. V něm velmi otevřeně diskutoval o sexuálních problémech párů a tvrdil, že i ženy mají sexuální potřeby. Sama Sharifi se zúčastnila několika seminářů, na nichž íránské ženy dostávaly různé rady, mimo jiné, jak si užívat sexu v manželství, aniž by se upouštělo od aspektu „povinnosti" spojené s pohlavním stykem. Tvrdí, že „porozumění změnám dominantního islámského diskurzu otevírá feministickým vědkyním a vědcům prostor pro to, aby trvali na nových interpretacích náboženských textů a následně se dožadovali novelizace platných zákonů, které udržují ženy v podřízeném postavení" (str. 70). Sharifi hovoří o měnících se normách a náboženském diskurzu o pohlavním životě v postrevolučním Íránu a uvádí, že „na rozdíl od starších generací íránských žen mladší ženy očekávají, že jejich manželé budou respektovat jejich přání a uspokojovat i jejich [sexuální] potřeby" (str. 80). Třebaže *tamkin* je v novém celonárodním diskurzu o pohlavním životě stále ženinou povinností v manželství, ženy si ho nyní musí také užívat, ne ho jen strpět. Sharifi takovou praxi, s odkazem na Foucaulta, nazývá jak emancipační, tak ukázňující. Dokládá, že muslimské genderové normy sexuálního chování a očekávané role žen v manželství postupem času procházejí změnami, například v reakci na globální filmový průmysl. Zmiňuje hollywoodské filmy zobrazující romantickou lásku mezi manželi, které ukazují, o co mohou íránské ženy usilovat.

V rubrice stati je v neposlední řadě zařazen článek *Politická ztělesnění* hidžábu *v příbězích iráckých migrantek v diaspoře*. Nadia Jones-Gailani se v něm zabývá rozmanitými významy a symboly, s nimiž je *hidžáb* – muslimský ženský šátek – spojován mezi irácKými migrantkami v severní Americe, jmenovitě v Detroitu a Torontu. Toto je jediný příspěvek v tomto čísle, který se zabývá genderem a islámem v souvislosti s migrací, konkrétně v muslimské diaspoře na Západě. Jde o velmi důležitý počin, jelikož upozorňuje na to, že zkušenost migrace a života na Západě představují nový kontext, ve kterém se formují významy *hidžábu*. Slovy Jones-Gailani: „Nejen, že *hidžáb* je náboženský symbol, je také – podle vyjádření žen, s nimiž jsem dělala rozhovory – formou politického aktivismu namířeného proti tomu, co muslimské ženy vnímají jako rasismus a marginalizaci" (str. 85). Jones-Gailani popisuje, jak se její sestra po příjezdu do Kanady rozhodla začít nosit *hidžáb*, a to k nelibosti jejich otce, poněvadž on sám, ač Iráčan, považoval *hidžáb* za symbol tradice a zpátečnictví, a požádal ji proto, aby

přijela sestře domluvit jakožto feministka, tedy někdo, kdo má být podle očekávání zásadně proti *hidžábu*, který má představovat útlak žen. Jones-Gailani zjistila, že její sestra se stala „součástí malého, ale rostoucího trendu mezi iráckými sunnitskými muslimkami druhé generace po migraci ve své věkové skupině (18 až 29 let), které v severní Americe začaly nosit *hidžáb*" (str. 87). V této souvislosti je *hidžáb* nositelem mnohočetného symbolismu: přináležitosti k muslimské komunitě a znakem zbožnosti v nemuslimské společnosti. *Hidžáb* je v muslimské diaspoře velmi úzce spjat s ženským tělem a právem žen na zahalení, díky čemuž je zachována jejich skromnost v cizí společnosti, ale je vnímán i jako identifikační znak. Jones-Gailani nám rovněž prozíravě připomíná generační rozdíl v postojích k *hidžábu*, kdy mladé Iráčanky přijímají *hidžáb* navzdory nesouhlasu svých otců, matek, a dokonce i babiček.

Na podobný jev nás upozorňuje například Arlene MacLeod, a to pro změnu mezi mladými Egypťankami, které se rozhodly nosit závoj poté, co začaly pracovat, tedy vstoupily do veřejného prostoru, aby se cítily komfortněji, protože je chránil před slídivými zraky egyptských mužů (MacLeod 1993). Vstup žen do veřejné sféry kvůli zaměstnání – což je ostatně samo o sobě výsledkem migrace z venkova do městských oblastí a produktem ekonomických nesnází vyvěrajících z kapitalismu, kdy muži přestali být jedinými živiteli rodiny – přinesl nové výzvy pro muslimské ženy a jejich rozhodování o zakrývání svých těl. Některé z nich se rozhodly nosit na veřejnosti a v práci *hidžáb*, který předtím nenosily, protože jim zahalování poskytlo, co Hanna Papanek nazvala „přenosné soukromí" (*portable seclusion*), tedy možnost pohybovat se ve veřejné sféře a zároveň mít „komfort" domácího soukromí (Papanek 1971). Zahalená žena je pro muslimské muže *haram*, tedy zakázaná, a zároveň jí muži vyjadřují větší respekt, neboť se předpokládá, že je vdaná a má děti. Podobné studie byly rovněž provedeny v turecké diaspoře v Německu, ve Francii mezi migranty a migrantkami ze zemí Maghrebu či mezi Pákistánci ve Velké Británii. *Hidžáb* na Západě se stal znakem kulturní i etnické identity. Neexistuje jeden styl nošení šátků; šátkování reflektuje pestrou škálu přístupů a stylů. Jak již bylo řečeno, některé muslimské ženy se rozhodnou nosit šátek jako vyjádření své identity a odlišnosti, a také proto, aby si zajistily komfortní zónu na veřejnosti.

Na výzkumné stati navazuje esej Ziby Mir-Hosseini *Výzvy islámského feminismu,* v níž autorka poukazuje na možnost symbiózy mezi islámem a feminismem, čímž se odklání od tradičního vnímání islámu a feminismu jako dvou binárních protikladů, které je rozšířené jak na Západě, tak v muslimském světě, a podle nějž platilo a stále platí, že nelze mít feminismus v islámu a islám nemůže být feministický. Mir-Hosseini čtenářům a čtenářkám přibližuje skupinu muslimských právniček *Mussawah*, které představují globální hnutí za rovnost a spravedlnost v muslimském rodinném právu, jež zahájilo svoji činnost v roce 2009 v Kuala Lumpur v Malajsii. Skupina prosazuje změny v patriarchálních a misogynních právních normách dotýkajících se zejména muslimského sňatku, který se opírá o koránský verš 4:34, v němž je autorita a moc mužů

nadřazena ženám (Mir-Hosseini 2005: 2).[4] Mir-Hosseini argumentuje tím, že pojem *tamkin* (přístup k pohlavnímu styku), jemuž se v tomto čísle věnuje Nafiseh Sharifi, je definován jako povinnost manželky oplátkou za *nafaqu* (zaopatřovací povinnost mužů). Pokud žena odmítne *tamkin*, tj. projeví neposlušnost, může být potrestána dle zákona výpraskem či upřením zaopatřovací povinnosti. Muslimská jurisprudence, zejména rodinné právo a občanský zákoník, vychází právě z tohoto koránského verše. Jeho reinterpretace je hlavním úkolem islámských feministek, mezi něž patří například Ziba Mir-Hosseini, ale také Asma Barlas (Barlas 2002) a Amina Wadud (Wadud 1999), které usilují o dekonstrukci pojmů *tamkin* a *nafaqa* tak, aby odpovídaly genderově egalitárnímu čtení. Poukazují při tom na skutečnost, že to byli ve své době patriarchové, kteří překládali a včleňovali tyto verše do zákonů, jež by měly být nyní zbaveny svého misogynního charakteru.

Zvýšené napětí v USA a Kanadě po 11. září 2001 s sebou přineslo zdůrazňování rozdílů mezi muslimy a ostatními, a to jak v médiích tak ve veřejných projevech politiků, kteří neustále znovu-vytvářejí představy nepřekonatelné propasti mezi oběma skupinami, když označují muslimy za barbary (protože islám je barbarský) trpící pod útlakem despotických vládců (islám je v jejich diskursu v rozporu s demokracií), což následně slouží jako rádoby morální ospravedlnění jejich „civilizačních" misí [rozuměj vojenských intervencí], které mají za cíl zajistit změnu režimu a zachránit a zbavit muslimy vlády autokratických vůdců. Lila Abu-Lughod si v této souvislosti položila (rétorickou) otázku, zda muslimské ženy skutečně musí být zachraňovány (Abu-Lughod 2013) bílými západními muži před muslimy, a zpochybnila tím „sekulárně-liberální předpoklad o patriarchálních a misogynních rysech islámu" (Jones-Gailani cituje Sabu Mahmood v *Politice zbožnosti*, str. 23).

Migrace a život muslimů v diaspoře, jakož i zkušenosti z válek a revolucí nám osvětlují významné souvislosti, v nichž bychom měli gender a islám studovat, neboť se díky nim dobíráme cenných poznatků o měnících se genderových rolích, což zase podtrhuje skutečnost, že genderové normy a praktiky v islámu se mění v reakci na společenské a politické okolnosti na lokální i globální úrovni. Stejně jako druhá světová válka doslova vymrštila západní ženy do profesní sféry poté, co nahradily muže ve vojenském a obranném průmyslu, a díky své ekonomické nezávislosti dosáhly emancipace, a odmítly se pak po skončení války vrátit ke *Kinder, Küche, Kirche*, podobně válka v Sýrii nyní ukazuje, jak také muslimské ženy nahradily své manžele coby živitele rodiny – kteří buď zemřeli nebo přišli o zdroj obživy a rozhodli se emigrovat –, když

4 Verš 4:34 zní: „Muži zaujímají postavení nad ženami proto, že Bůh dal přednost jedněm z vás před druhými, a proto, že muži dávají z majetků svých (ženám). A ctnostné ženy jsou pokorně oddány a střeží skryté kvůli tomu, co Bůh nařídil střežit. A ty, jejichž neposlušnosti se obáváte, varujte a vykažte jim místa na spaní a bijte je! Jestliže vás jsou však poslušny, nevyhledávejte proti nim důvody! A Bůh věru je vznešený, veliký." (Mir-Hosseini, Al-Sharmani, Rumminger 2015: 2).

dokázaly najít zaměstnání v nelegální a neformální ekonomice v nových zemích snadněji než jejich manželé, kteří tak byli zbaveni své „mužnosti". Rostoucí moc a aktérství syrských migrantek je známkou proměny patriarchálních rodinných, společenských a politických vztahů, které do té doby v syrském společenství panovaly. Toto v žádném případě není triviální záležitost, neboť se ukazuje, že aktérství a posílení postavení žen jdou ruku v ruce se zbožností a že bychom si měli uvědomit, že feminismus, jakožto program genderové rovnosti a spravedlnosti, není ženám v islámu nedostupný.

Závěrem zbývá říci, že cílem tohoto tematického čísla zaměřeného na feministické reinterpretace islámu bylo věnovat se obecně otázkám genderu a náboženství a konkrétně islámskému feminismu, a nabídnout tak jemnější vhled do uvedené problematiky. Jednotlivé články v tomto čísle zkoumají vztah islámu a feminismu s ohledem na historické a místní souvislosti a otevírají tím prostor pro různorodé názory, zkušenosti, postoje a normy, které jsou nedílnou součástí tohoto komplexního vztahu. Napříč různými muslimskými komunitami, ať už v muslimské části světa nebo na Západě, se sociální, kulturní a náboženské zvyky vztahující se k zahalování, polygamii a zákonům o rozvodu a dědictví odlišují a neměli bychom předpokládat, že jsou stejné v celém muslimském světě. Z četby tohoto čísla nepochybně stojí za to si odnést myšlenku, že sekularismus a modernita nejsou s náboženstvím a tradicí v rozporu, ale že ve skutečnosti vzájemně interagují, střetávají se, sdílejí podobná hlediska a strategie. Místo toho, abychom tyto koncepty vnímaly jako vzájemně se vylučující kategorie, měli bychom je považovat za vzájemně propojené a navzájem se ovlivňující, a to i navzdory rozdílům, jež mezi nimi existují.

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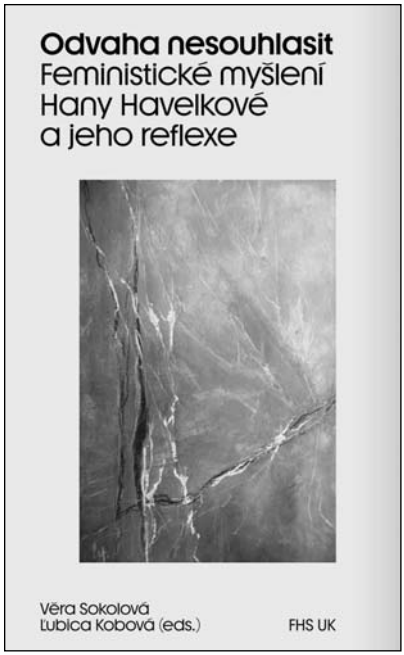
Odvaha nesouhlasit

Feministické myšlení Hany Havelkové a jeho reflexe

Věra Sokolová, Ľubice Kobová (eds.)



Kniha souhrnně představuje hlavní myšlenky celoživotního díla Hany Havelkové, přední české sociální vědkyně a feministky. Obsahuje šestnáct textů z její rozsáhlé bibliografie od začátku devadesátých let 20. století do současné doby, v nichž formulovala své stěžejní argumenty a teoretické koncepty. Původní texty Hany Havelkové jsou doplněny dvaceti pěti příspěvky jejích kolegyň a kolegů, kteří navazují na témata, jež Hana Havelková rozpracovala, rozvíjejí její myšlenky a vyjadřují poctu její vědecké i pedagogické kariéře a osobnosti. Hana Havelková se věnuje feministické politické filozofii, genderové teorii kultury a společnosti, feministické epistemologii, otázce žen ve vědě a reprezentaci žen v politice, médiích a veřejném diskurzu.

Praha, Fakulta humanitních studií UK 2019.

Secular, Islamic or Muslim feminism? The Place of Religion in Women's Perspectives on Equality in Islam

Zora Hesová

Abstract: The Western focus on 'Islamic feminism' takes two extreme forms: it is often dismissed as an oxymoron for attaching a religious (patriarchal) adjective to an emancipatory feminist project, or it is hailed as a road to a liberal, reformed Islam. Many Muslim feminists refuse to use this term; some reject feminism outright. There is consequently a tension within the term that many Muslim women activists acknowledge. In order to gain a better understanding of how religious and secular discourses combine in 'feminism in Islam', this text aims to examine the place of religion in women's emancipatory strategies.

When we look at the history, strategies, discourses, and especially at the concept of 'religion' Muslim women activists and thinkers deal with, a complex landscape emerges. 'Islam' ceases to be a reference to a given religious paradigm but becomes itself a contested terrain, one with religious, but also political, legal, and institutional actors. Theological, hermeneutical, post-foundationalist, reformist, legal, and social activism all envisage 'Islam' from different perspectives and locate the discriminatory aspects they resist in different fields of the Islamic paradigm or practice. The aim is to explore the meaning and practice of 'feminism in Islam' while taking a critical approach to an essentialist understanding of both Islam and Islamic feminism.

Keywords: Islamic feminism, Islam, secular feminism, secularity

Hesová, Zora. 2019. 'Secular, Islamic or Muslim feminism? The Place of Religion in Women's Perspectives on Equality in Islam.' *Gender a výzkum / Gender and Research*, Vol. 20, No. 2: 26–46, http://dx.doi.org/10.13060/25706578.2019.20.2.482.

While gender equality has been a persistent demand in Muslim societies for more than a century, and while feminist activism was at the forefront of many recent social movements in Muslim societies, the notion of 'Islamic feminism' remains veiled in a series of questions and doubts. Not only sceptical Westerners but also Islamists and

some women activists in Muslim countries themselves question the accurateness and legitimacy of the term.

'Islamic feminism' may indeed appear as an 'uneasy' notion. First, the focus on Islam immediately raises questions about feminism's relation to religious authorities, references, and traditions that are often used to normalise, justify, or sacralise gender inequalities. It is sometimes dismissed as an oxymoron from Islamist and secularist perspectives. Both presuppose that a conservative (patriarchal) religion cannot be a part of liberal and emancipatory projects. At the other extreme, 'Islamic feminism' is readily hailed as an example and proof of the possibility of a liberal, reformed Islam – thus reaffirming the stereotype of Islam as a discriminatory religion. Hence the tension that exists within the term 'Islamic feminism'.

The uneasiness with Islamic feminism may have to do with the concept of religion. Yet what role does 'religion' really play in the construction of a feminist perspective in Islam? Must feminism be a project antagonistic to religion or can an emancipatory project stem from Islam? Are secular and Islamic feminism opposing or complementary projects? What 'religion' is really at stake? Religion as faith, or religion as a legal code and social institution? Religious dogma, theology, tradition, or the Islamic legal system?

The aim of this article is to look at 'Islamic feminism' from the perspective of a student of religion in modernity and to explore the place of 'religion' in Islamic feminism. The article will argue that the uneasiness about 'Islamic feminism' and the seemingly paradoxical nature of the concept are a product of a false dichotomy between the religious and the secular. This may indeed seem banal. Still, the difference between the religious and the secular is a persistent social and intellectual reality that theorists and activists have struggled with, and it cannot be simply dismissed. This purported dichotomy is never firm: Islamic feminism is indeed a field in which secular and religious elements constantly interact. A focused look at Muslim feminist writings and strategies will allow a complex picture to be painted of the religious emancipatory strategies that work variously with secular and religious elements.

After explaining the uneasiness surrounding the term Islamic feminism in the first part, the second part will elaborate the differences and also the mutual borrowings from and dependencies between the secular and the religious dimensions of Islamic feminism. The third chapter will then examine Islamic feminism's various types of religious reference by distinguishing between theological, legal, and social reformist strategies.

Locating the Question

At first glance, 'Islamic feminism' is an attractive but 'uneasy' notion, in the words of Margot Badran (Badran 2005: 15), a prominent historian of Islamic feminism. The term carries many connotations. Islamic feminism locates women's search for equality

within a religious tradition but is also used as an example of a 'reformed' Islam. Because of the expectations that feminism will lead to a liberal Islam, some feminists reject being labelled as such. Asma Barlas), a Pakistani-born American Islamic scholar who without any doubt partakes in feminist discourse, has refused to call herself so: 'Calling myself a feminist was never a choice I was given. And, as I said, perhaps it was the combination of a perverse post-colonial sensibility and personal stubbornness that kept me from giving away my right to even name myself.' (Barlas 2006: 20)

Claiming a public identity as a 'feminist' may indeed be problematic in relation both to the West and to Muslim societies. First, women thinkers like Asma Barlas want to resist using Western terms such as feminism in order to avoid a Western appropriation of their work. Barlas perceives Western discursive encroachment as violent because the term is a vehicle of colonial projection: Any liberation is expected to come from the West towards the unfree East. 'To the extent that feminism in any form is complicit with this violence – which I believe it is when it reads oppression into Islam and reads liberation out of the West's imperialist depredations – I feel the need to resist it in all its forms.' (Barlas 2006: 20) Insofar as women's liberation is perceived as primarily of Western origin, the term 'Islamic feminism' may indeed carry stereotypes, that is to say, it may 'read oppression into Islam'. In their attempts to develop an egalitarian, non-discriminatory interpretation of Islam, Muslim women activists work to reject this oppression thesis.

Secondly, feminism's perceived Western origin weakens Muslim women activists' legitimacy in their own societies, by linking them to foreign, colonial projects. Such a perception is widespread among nationalists and fundamentalists; both fear that women's emancipation would lead to moral depravation and a loss of social identity. In this logic, the Moroccan women's mobilisation of the early 2000s was perceived by the Islamists as a West-inspired, secularist, individualist, and Westernising project (Salime 2011: 24)

Further, contemporary women activists reject the public identity of Islamic feminism for very different reasons too. In her research on Lebanese women activists and thinkers, A.-K. Steger has encountered only one interlocutor who would accept the term. Another chose to call herself a 'Muslim theologian' for being primarily focused on theological issues and not on feminism. Yet others called themselves feminists but rejected the adjective 'Islamic' because religion was not their only inspiration. Yet others refused the term 'feminism' as it would mean that they were seeking only the betterment of women and not social improvement for everyone (Steger 2017). The acceptance of the term may also be low because of its perceived secularist character. Asma Barlas explains that 'for the most part, feminism has secularized the idea of liberation itself such that feminists often assume that to be a believer is already to be bound by the chains of a false consciousness that precludes liberation'

(Barlas 2015: 164). Thus, the sole focus on women's issues seemed too narrow for a theologian, and an insistence on religion seemed restrictive to secular thinkers. Still, in the Lebanese case, all interlocutors accepted the strategic need to address women's issues within a religious context and many did use the term Muslim feminist (Steger 2017: 18–19).

'Feminism' is thus a term that is tainted with unwanted connotations: Western appropriation, non-religiousness, a narrow focus on women's issues. For others the adjective Islamic is the problem. Yet 'Islamic feminism' remains a widely used term, rather than, say, 'Muslim feminism', 'Qur'anic feminism' or 'feminist hermeneutics'. Islamic feminism seems to be 'a catch-all term' that is used in reference to different actors, even to those who may not accept it (Rhouni 2010: 22)

If the term itself is very general, it does represent a connexion between an egalitarian project and religion. Even such a general term still raises questions: Is the feminist interpretation of Islam – or Islamic feminism – something altogether different from secular feminisms in Muslim countries? Islamic feminism seems to combine two different sets of discourses: religious legitimation or a religious mandate (implying a normative heteronomy), and secular rights (implying personal autonomy). Rather than postulating a dichotomy between the two, the aim of this analysis is to explore the various positionings of religion (Islam) in various types of feminism. A first distinction that needs to be explored is Islamic and secular feminism; afterwards, we can ask if there is a difference between Islamic and Muslim feminism.

Secular or Islamic Feminism?

According to Margot Badran, the first feminism to develop in Egypt since the early 20th century was secular feminism, and an 'Islamic' feminism emerged as a phenomenon identified as such only at the end of 20th century (Badran 2009). The secular/religious distinction is crucial because it helps to locate 'Islamic feminism' within the broader and older sphere of the secular feminist movement. Here, secular and Islamic are not necessarily in opposition to each other: Badran's distinction between secular and Islamic feminisms rests on the strategies that women activists use, rather than on their intellectual references. Secular feminism seeks to achieve civic equality (e.g. in politics/the political sphere, labour rights, and education) and Islamic feminism works towards an egalitarian theology.

Secular feminism

The first feminist positions that developed in Egypt were secular in the sense that they were formulated within the frame of a (nascent) national state and in terms of equal rights for men and women in the public sphere. Secular feminism was part of

a modernisation effort that aimed to bring civic and political rights to colonial subjects with the intention of including women in the modernisation process. Women were fighting for the right to get an education, to work, to vote, to be active in the public space, and generally for the right to personal self-determination.

In the beginning, feminist positions in Egypt were conceived independently of any religious affiliation and feminist groups included Coptic women. This is not to say that they were all *secularist* in the sense of conceiving of a public sphere without the influence of religious authorities or even of being militantly hostile to religion. On the contrary, the first generation of *secular* feminists made use of a broad range of humanist, secular-nationalist, and Islamic-modernist discourses. Most crucial among the concerns of Muslim secular feminists was the reform of Muslim family law. The first generation of Egyptian feminists drew upon a modernist Islamic discourse to seek reform of the patriarchal family and argued for a more egalitarian status law, focusing especially on the abuse of unilateral divorce and polygamy (see Badran 2009: 55–64). They were inspired by reformist figures such as Mohamed Abduh and Qasim Amin and their efforts to reform Islamic law and practice in light of the requirements of modern times (Badran 2009).

The same mobilisation to reform the civil code motivated Moroccan secular feminists (Salime 211: 23). In most countries, including those most advanced in women's issues, feminist demands continue to be articulated in terms of social and civic rights and buttressed by a varying mixture of humanist, secular, and Islamic arguments. Rights-based feminism did not stop developing in Muslim in modern national states after decolonisation. Independent states did fulfil feminist demands to a certain degree, often formally (giving women vote and right to education), while curtailing others (as we shall see later).

Islamic feminism

Islamic feminism has a different take on women's emancipation. In the widely accepted definition by Margot Badran, Islamic feminism is 'a feminist discourse and practice articulated within an Islamic paradigm. Islamic feminism derives its understanding and mandate from the Qur'an, seeks rights and justice for women, and for men, in the totality of their existence' (Badran 2009: 242). It differs in several respects from 'secular' feminism: While secular feminism constituted a social movement accompanied by academic feminist texts, Islamic feminism in the beginning was rather an intellectual endeavour. It was a new, modernist discourse seeking to ground gender equality in the very source of the religion, the Qur'an.

According to Margot Badran and other writers, Islamic feminism started to emerge in the 1990s or was only then identified as such by Western academia. The contributors to the Teheran women's magazine *Zanan* developed a self-understanding of being

Islamic woman activists between 1992 and 2008 (Mir-Hosseini 2006: 640–641). The term was also used in reference to the veiled Turkish Islamic activists who were consciously resisting their secondary social roles in the industrialising, secularist Turkey of the 1990s (Göle 1996: 121–125).

Looking back at the emergence of Islamic feminist thought, M. Badran has reconstructed a history of religion-inspired feminism to show that the female religious voice has been present all along since the early 20th century (Badran 2009: 313). Yet as a distinct and influential phenomenon, it really appeared in the late 20th century in a specific context. While the modern national state was the context in which secular and rights-based feminism first developed, rising Islamism was the context in which Islamic feminism emerged. It was caused by a resurgence of patriarchal and conservative thought in political Islam – whether in the Iranian theocracy, where the authoritative state came to control women's issues, or within socially conservative Islamist movements elsewhere. Women living in such newly explicit patriarchal contexts sought to formulate their positions no more in terms of civic rights, but in a religious language. They were the new 'religious women' (*al-mutadayyinat*) – like, for example, the Egyptian Islamist activist Zeinab al-Ghazali, and the Iranian reformists grouped around the aforementioned Iranian magazine *Zanan* (Women).

In the 1990s a series of books were published on the issue of women in Islam from a feminist perspective that sought to ground women's liberation from oppressive norms in the very source of the religion, the Qur'an. First, it was the Moroccan sociologist and academic Fatima Mernissi's reconstruction of the patriarchal bias in the hadith science throughout Islamic history (Mernissi 1991a). Then, the North American Islamic scholar Amina Wadud published an original feminist view on *Qur'an and Woman: Reading the Sacred Text from a Woman's Perspective* (1999) with the aim of showing that the Qur'an contained a message of gender equality and justice. Her work was carried to a deeper level in 2002 by the Pakistani-American scholar Asma Barlas in the book *'Believing Women' in Islam: Un-reading Patriarchal Interpretations of the Qur'an*.

Since then, many Muslim activists have been inspired by the foundational work of Islamic feminists to develop their own feminist thought in various contexts. The Bosnian Islamic scholar and activist Zilka Spahić-Šiljak attests to the importance of the perspective of gender justice within religion that was introduced by the above-mentioned writers. She and her activist colleagues found confirmation and inspiration while working in post-war healing and reconstruction from a religious women's perspective (Spahić-Šiljak 2017).

The radicality of religious feminism

Yet, Muslim women writers and activists are not always open to the term feminism. Asma Barlas, whose reservations were quoted above, only came to accept Margot Badran's definition cited above because it avoided the inner tension usually invested in this term by locating feminism within religion. The reason is that 'Badran offers something tempting by de-secularizing the project of women's liberation. As she makes clear, it is not only Westernized secular humanism but, also a specific mode of God-consciousness that can lead us to emphasize justice and rights for all human beings by affirming the unity and equality of human life' (Barlas 2008: 20). The anchoring of religious feminism in a 'specific mode of God-consciousness' marks a different kind of approach. And, according to Margot Badran, it is in some ways more radical.

While secular feminism was decidedly socially reformist, it concentrated on the public sphere and on the struggle for related rights and failed to conceptualise equality in the private sphere. It left the religious aspect and the private aspect of social life unattended, accepting unequal rules and religiously defined gender complementarity within religious institutions and in family relations, respectively. Islamic feminism on the other hand extended the demand of equality to those spheres, too. Some feminists questioned male dominance of Islamic functions and demanded access to the positions of judge and mufti. Arguing for the Islamic permissibility of female magistrates, they have partly succeeded in some Muslim states. In seeking equality in the private life, religious feminists had to develop arguments that went beyond early Islamic modernist thinking. Asymmetrical gender roles, with men possessing all the power, were rooted in a conception of gender complementarity regulated by shari'a rules and religious habits (Badran 2010: iv-v).

Religious feminists set out to question the foundational texts of religion and to reconstruct the history of female subjugation in the Islamic legal tradition. In doing so, Islamic feminist brought down the disconnection between the public and private sphere and conceived of a more radical human equality that transcends tribe, class, race, and gender (Badran 2008: 33). The private sphere indeed proved much more resistant to modernisation than public rules about access to education or political rights. Discriminatory rules and beliefs have not vanished with the emergence of modern states and republics, but they were most often (except possibly for Turkey and Communist bloc Muslim countries) integrated into the modern state's personal status laws. Precisely because of their religious and cultural grounding they proved difficult to reform even in modern secular states. Marriage, inheritance, divorce, custody, and so forth, remained the last legal sphere under the authority of religious principles.

The fact that many modern family laws in Muslim countries contain and implement principles of gender hierarchy and complementarity has prompted an Islamic

feminist response. In post-revolutionary Iran, shari'a principles became codified into conservative, discriminatory state laws, while, on the other hand, women were being pulled into social and religious activity by the same regime. This paradoxical situation led feminist activists to challenge the Islamic foundation of what they perceived as discrimination (Mir-Hosseini 2006). The prominent feminist thinker and legal anthropologist Ziba Mir-Hosseini recounts that she came

> to confront these questions in 1979, when a popular revolution in my country, Iran, transformed my personal and intellectual life. Like most Iranian women, I strongly supported the 1978–79 revolution and believed in the justice of Islam; but when the Islamists strengthened their hold on power and made the shari'a (or their interpretation of it) the law of the land, I found myself a second-class citizen. This brought the realization that there can be no justice for me, as a Muslim woman, as long as patriarchy is justified and upheld in the name of Islam. The prevailing interpretations of the shari'a do not reflect the values and principles that I hold to be at the core of my faith (Mir-Hosseini 2006: 629).

From the end of the 1980s onwards, Iranian thinkers have embraced methodologies developed in the new religious thought in Iran to innovatively debate the Islamic foundations of the legal and social order.

Complementarity and cooperation

Margot Bradan's conceptualisation described above defines rights-based feminist activism as secular and theological feminist reasoning as Islamic. This distinction is not meant as a dichotomy, but as a tool intended to describe the historical development of various feminist discursive strategies. Secular does not mean 'secularist', and Islamic does not mean anti-modern. Secular and Islamic feminisms have indeed been complementary of each other, and they have increasingly inhabited shared spaces.

Seeking an extension of the agency of educated women in the public space, secular modernist feminists were not necessarily radically secularist – nor were they consistently radically emancipatory. Once modern independent republics were founded, secular feminism was integrated into a kind of state feminism. In Kemalist Turkey and in post-independence Egypt certain feminists were made part of state-sponsored and state-controlled women's advisory bodies that had to accommodate a series of discriminatory provisions and practices cloaked in a secular language. State feminism represented a kind of deal – some activists accepted the limitation of their autonomy within a nominally secular state in exchange for entrusting the state with implementing social reforms (such as a banning and a campaign against female genital mutilation in Egypt). Yet state-feminism has also all too often led to

their co-optation and a loss of legitimacy (Abou-Bakr 2015) – with notable exceptions of course.[1]

Secular feminists are often engaged in campaigns related to religious stipulations and political forces. If advancing religious equality means questioning legal provisions based on religious arguments, it also means confronting the institutions that rule on the basis of shari'a principles. In modern Muslim societies, these principles are mostly incorporated into state family laws and personal codes. Therefore, the state exercises the power to interpret the religious law. Under the influence of humanist thinking, international law, and religious arguments, modern Arab states have, for example, put *hudud* sentences on hold, banned polygamy (Tunisia), or reformed older personal status laws in direction of a more egalitarian law. The most notable change was the reformed Moudawana code in Morocco, adopted in 2004, which stipulates legal equality between the sexes. Moroccan activists keep pushing for an even more egalitarian state law: for the abolition of inheritance inequality – a shari'a provision – that persists in the Maroccan personal status code. In March 2018, prominent intellectuals, including the feminist writer Leila Slimani, but also the prominent Moroccan Islamic feminist and physician Asma Lamrabet, have signed a petition for inheritance equality. Lamrabet has argued for full equality based on Qur'anic principles in several books before. Yet, after some states have embarked on a more liberal course, the conflict concerning women's rights has moved onto a religious field, into a standoff between conservative Islamic authorities and Islamist parties on the one hand, and liberal or reformist Islamic and lay activists on the other. Asma Lamrabet was eventually forced to resign from a state position under pressure from conservatives.[2]

Because of the conflation of legal and Islamic argumentation, the need for cooperation between secular and religious approaches has increased. For two dozen years, indeed, secular activists have been reflecting on the results of Islamic feminist thought and Islamic activists have adopted secular strategies to challenge state laws and to seek reform through public activism. Resistance to discriminatory family law codes was also the main motivation for early projects of sharing experiences and strategies in first transnational Muslim feminist networks such as Women Living under Muslim Laws (WLUML) founded by Maghrebi, African, Central and South Asian, and French feminists in 1984. It has since extended to include 70 countries across the globe – to Muslim majority countries, but also to secular states with religiously inspired

1 One was the Egyptian feminist Nawal al-Saadawi, who first worked for the Egyptian Ministry of Health before falling out over her criticism of female genital mutilation and being imprisoned and forced to leave the country.

2 'Feminist Asma Lamrabet under Pressure', Qantara.de, accessed on 5 April 2019: https://en.qantara.de/content/islamic-inheritance-law-in-morocco-and-tunisia-feminist-asma-lamrabet-under-pressure.

family laws or Muslim minorities who perpetuate conservative social principles. In 2006 WLUML published a compendium titled *Knowing Our Rights: Women. Family, Laws and Customs in the Muslim World*,[3] showing the disparities, local variations, and foreign influences in family law applications in the Muslim world. The compendium helped demystify the idea of a unique and immutable Islamic law.

Another group, founded in the late 1980s, called the Sisterhood Is Global Institute (SIGI) published a religiously inspired handbook in 1996 focusing on the way women rights are anchored in the Qur'an and hadith. *Claiming Our Rights: A Manual for Women's Human Rights and Education in Muslim Societies* was translated into a dozen languages and was used by various activist NGOs across the Muslim world as the basis for extensive human rights educational and empowerment programmes (Moghadam 2009: 158). Here, religious reasoning was recognised as a practical and indispensable tool for emancipation and legal reform.

Other groups, such as the Indonesian Muslim organisation and the transnational network WISE (Women's Islamic Initiative in Spirituality and Equality, founded in Malaysia in 2010) include Muslim Islamic and Muslim secular feminists and have religious and secular members. The WISE network seeks a religious influence, if not informal religious authority, through its 'shura' (advisory council), which formulates statements on women's issues in Muslim countries. Although WISE is primarily active in the religious field (also, for example, by providing trainings for imams on gender issues), self-identification as Islamic and feminist occurred after a period of questioning about the use of language. Would the 'E' in WISE mean outright 'equality' or the more accommodating and vague notion of 'Equity'? The WISE network eventually opted for Equality, that is, it chose a secular framework for its (most often) religious activism (Badran 2010: xix).

In sum, it is possible to identify various feminist strategies (social reformist, egalitarian, religious, theological), but it has become hard to construct opposites between the two types of feminism. Islamic feminists engage also in secular struggles while secular activists promote a consciousness of the diversity of Islamic law and its interpretations. Examples of cooperation abound: Turkey's secular feminists have supported the right for women to veil in state facilities; in Yemen, Islamist and secular activists have supported the political participation of women; in Morocco, secular and Islamist women feminists have ended up directly influencing each other (Salime 2011).

Mutual dependence

While women's Islamic strategy towards emancipation needs to be recognised as original, it is hard to imagine that it could have developed without a series of secular imports and conceptual tools, that is, outside the context of feminist critique,

3 Available at the WLUML page: http://www.wluml.org/node/588.

discourse, and consciousness. Even primarily religious arguments are based on non-religious methodologies and conceptual tools. The perspectives of modern social theory – above all the constructedness of gender, the historicity of traditions, and the discursivity of power – seem as crucial for the development of the Islamic feminist perspective as they are in Western feminist thought.

Feminist vocabulary and a corresponding perspective are the central arguments of the founding texts of modern Islamic feminism. The concepts 'misogyny' (Mernissi 1991), 'patriarchy' (Wadud 1999), and 'gender' (Wadud 2006), the differentiation between biological sex and socially constructed gender roles, the concepts of gendered language, gender bias, gender politics, gender justice, and gender parity are all fundamental to the critical perspective of Islamic feminists; so are the modern interpretative disciplines and methods – such as hermeneutics, intertextuality, historicity – to which Islamic feminists themselves refer.

Amina Wadud introduced 'gender' as the absent 'principle category of thought and as an aspect of analysis in the articulation of Islamic ideals' (Wadud 1999: xi). She based her Qur'anic interpretation on a gender perspective in her research that would result in *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective* (1999). She went on to write a book on Islamic feminism called 'Inside Gender Jihad: Women's reform in Islam' in 2006 – avoiding 'feminism' but confirming the importance of the notion of 'gender'. Since then, 'gender' has come to be widely used as an analytical category by religious scholars and theologians who seek to offer an alternative understanding of the religious tradition and a critique of its patriarchal construction.

Asma Barlas sought to unread 'patriarchal' interpretations of the Qur'an. In *Believing Women in Islam*, she developed two definitions of patriarchy: patriarchy as a tradition of father-rule, and as a politics of gender inequality based in theories of sexual differentiation in the patriarchal religious hermeneutics (Barlas 2002: 2). In *The Veil and the Male Elite* (1991), the Moroccan pioneer feminist Fatima Mernissi showed how a 'misogynous' law had developed out of the selective ue of certain weak hadiths.

A gender perspective has entered even Islamist activist circles. Raja Rhouni cites a critical statement made by Nadia Yassine, a prominent Islamist activist and the daughter of a leading Moroccan Islamist leader, in an interview for Oumma in 2003, where she said that 'La jurisprudence musulmane est machiste' (Muslim jurisprudence is macho) (Rhouni 2010: 23). Obviously, she would not say that she is an Islamic feminist: she led the Islamist demonstration against the secular feminists' campaign for the reform of the civil code in Morocco and took a stance against 'feminism' (Salime 2011:19). But critical terms and ideas have permeated the Islamist realm too, as Zakia Salime shows by quoting Nadia Yassine saying: 'For years, I kept repeating that women did not have problems with Islam. Now I am saying: we do have problems; I mean with the way Muslim men stole this religion from us' (Salime 2011: 19).

This is not to say that feminism in Islam originated as a Western import. But Western social science provided some of the tools for women's theological critique, as noted by Fatima Mernissi: 'Our liberation will come through a rereading of our past and a re-appropriation of all that has structured our civilization.' (cited in Rhouni 2010: 22) Asma Barlas, in a personal note, confirms the role of Western feminist theory as one source of the instruments applied to specifically Muslim issues:

> My resistance to feminism stems not from its central premise that women and men are equally human and deserving of equal rights, but from two facts: First, I dispute the master narrative of feminism that claims this insight as a peculiarly feminist discovery. In my own case, for instance, I came to the realization that women and men are equal as a result not of reading feminist texts, but of reading the Qur'an. In fact, it wasn't until much later in my life that I even encountered feminist texts. But I do owe an intellectual debt to feminist theorizing about patriarchy and for having given me the conceptual tools to recognize it and talk about it. (Barlas 2015: 164)

'Secular' and 'Islamic' feminisms are thus imperfect descriptions for a variety of women's emancipatory positions in Muslim contexts. While denoting two separate strategies, they feed on shared instruments and have increasingly entered into a relationship of cooperation and complementarity. In the words of Margot Badran: 'Secular feminism and Islamic feminism appear to be increasingly blending: thanks to the above mentioned cooperation but also due to a sort of "continuum" there is between religious inspired and secular informed feminism.' (Badran 2010: xix). Thus her preferred choice of words was feminism *in Islam*.

Islamic Feminism, Muslim Activism, Feminist History

Even as secular Muslim feminism and Islamic feminism increasingly converge in their actions and complement each other in their types of discourse, they must differ in their understanding of religion and women's issues. Otherwise there would be no reason to use those adjectives. Yet, what kind of relations do different types of feminisms entertain with religion and what does religion mean for them?

According to Badran's widely accepted definition, Islamic feminism is a 'feminist discourse and practice articulated within an Islamic paradigm. Islamic feminism derives its understanding and mandate from the Qur'an, seeks rights and justice for women, and for men, in the totality of their existence' (Badran 2009: 242).[4] Notably, Badran

4 Also available at the website of al-Ahram, where it first appeared. Accessed on 5 April 2019. http://weekly.ahram.org.eg/Archive/2002/569/cu1.htm.

does not speak of religion, but of the Qur'an and of the 'Islamic paradigm', that is, she refers to the revealed source of Islam and to the religious matrix through which Qur'anic principles come to life in a historical process. It is precisely the distinction between foundation and reception, between religion and religious thought, and between religious tradition and modernity that allow Muslim feminist thinkers to open space for contestation and reform.

Consequently, when speaking of 'religion' in Islamic feminism, we refer to a general 'Islamic paradigm'. There are three principal ways to critically approach the 'Islamic paradigm': through critical theology and ijtihad, through critical religious thought, or through critical readings of legal history.

Islamic feminism as theological discourse

The best known and most influential works of Islamic feminism are projects of a 'theology-driven feminist discourse' (Badran 2010: 2) that engage in a radical interpretation of the revealed sources and of the religious tradition itself. While all founding Islamic feminist thinkers were 'lay' thinkers, that is, women (and fellow male reformist thinkers) primarily educated outside of traditional centres of learning, they sought to reconnect with the Islamic tradition. They engaged in a specific approach to religious sources and to tradition: i.e. in attempts at 'rereading' and 're-appropriation'. Through traditionally sanctioned methods of interpretation they sought legitimacy in the eyes of believers and the authorities.

One of them is *ijtihad*, a personal effort to rationally deduce principles from the Qur'an (as opposed to a reasoning based on analogies or collective deliberation). It was commonly accepted that ijtihad as a practice was largely abandoned in the Sunni Islamic tradition after the corpus of Islamic law was put together in the Middle Ages. Especially from the 18th century on it was deemed that it was increasingly difficult to infer authoritative norms from a revelation whose occurrence was retreating into the distant past. Consequently, the number of 'mujtahids' who engaged in rational inquiry declined (although the practice never fully disappeared; see Hallaq 1984). Yet, since Islamic law came to be codified in the modern state's Personal Status laws, every reform to it has needed some degree of ijtihad (Mir Hosseini 2007). Since the beginnings of Islamic reformism and its revival in the 1990s, modern religious thinkers have taken to ijtihad again and developed independent, personal, rational, and critical approaches to Islamic theology, Islamic history, and the whole Islamic 'legacy' based on an array of critical Muslim and non-Muslim sources.[5]

5 Barlas (2002) refers to critical thinkers such as E. Said, T. Asad, F. Rahman, A. an-Naimand M. Arkoun; A. Wadud (1999) refers to F. Rahman, A. Qasim and post-positivist philosophers John Austin and John Searle; Mir-Hosseni (2006) refers to A. Soroush and others.

Islamic feminism revived the practice of ijtihad to engage in feminist or gender-sensitive *tafsir*, the Qur'anic interpretation or exegesis of revealed text (Hidayatullah 2014). By resorting to modern hermeneutic exegesis, they challenged the received interpretations of the part of the Qur'an that relates to male-female relations. Resituating the letter of the Qur'an into its historical, literary, and linguistic context, they showed how its reception was historically constructed: usually drawing upon a selection of prophetic traditions, hadiths, a traditional interpretation that emphasised the patriarchal meaning of the text (Mir-Hosseini 2013). By proving the historical contingency of such a traditional patriarchal reading, Islamic feminists made a case for a reformed, egalitarian Islam.

For Amina Wadud, the hermeneutical model allowed for different readings depending on the chosen emphasis between the grammatical and the literal, the contextual and the ideational aspect of the text (the world-view contained in the text, Wadud 1999:3). Fatima Mernissi used 'an original and contextualizing methodology to approach gender in Islam, which foregrounds the historicity of Islamic texts and the contingency of some gender norms' (Rhouni 2010: 12). In doing so, Islamic feminists 'challenged oppressive readings of the Qur'ān' and also 'offered a reading that confirms that Muslim women can struggle for equality from within the framework of the Qur'ān's teachings, contrary to what both conservative and progressive Muslims believe' (Barlas 2002: xi).

These re-interpretation efforts have been criticised for apologetic tendencies as well as for what Rhouni refers to as 'foundationalism' in their relation to religion. In her view, Islamic feminism of Mernissi and Wadud is focused on a rereading of the Qur'anic message with the aim to 'retrieve gender equality as a norm established by the Qur'an' and to retrieve 'an egalitarian Islam' from it (Rhouni 2010: 253, 254). Yet this amounts to seeking a true and solid foundation in the text that is conceived as a 'repository of truth' (Rhouni 2010: 272). Explaining away its problematic passages through egalitarian hermeneutics testifies to 'a tendency to remain captive to the very (patriarchal) scholarly tradition they wish to disrupt' (Badran 2010). Rhouni calls for a 'post-foundationalist islamic gender critique [lower case intended]' (Rhouni 2010:37). A radical ijtihadi approach would deconstruct the habitual interpretation strategies, strengthen the contextual approach to the text and go 'beyond the dogma of Islamic feminism that gender equality is foundational to the Qur'an' (Rhouni 2010: 272).

While the Islamic feminist efforts were intended to show that the message of the Qur'an was egalitarian, post-foundationalist interpreters would not content themselves with proving that the religious foundation guarantees full equality of all human beings; they would rather seek to re-interpret the concept of revelation, to review the 'androcentrism' of the Qur'an, and generally to rethink the status of the revealed text. Such radical ijtihadic endeavours would not necessarily be feminist

anymore. An example of such a post-foundationalist approach is Jacqueline Chabbi's radical historical-anthropological reading of the Qur'an (Chabbi 2016). She attempts to replace the revelation in the context of orality, tribal relations, and related 'modalities of faith' and to show how 'men (people) make texts speak' (Chabbi 2016: 9). Without writing 'the three pillars of Islam' with a feminist or egalitarian intention, her anti-foundationalist approach may be one of the many crucial contributions to a more humanist understanding of the revelation's message.

Religious resistance to patriarchal norms

Besides feminist theology there is also a feminist Islamic practice of lay people, publicists, and activists who are trying to formulate practical women's concerns in a religiously legitimate language. An example is post-war peace activism on Bosnia. A feminist religious practice became a necessity for believing women when they needed to make sense of an unjust or unprecedented situation and find religious responses to it. Zilka Spahić-Šiljak recounts that after the 1992–1996 war in Bosnia-Herzegovina, Islamic feminist practice emerged among women engaged in psychological assistance and reconstruction. There were questions and needs that the existing religious authorities were unable to respond to, so women took the initiative to find women-centred Islamic solutions themselves – for example, by assisting victims of trauma: 'We applied ijtihad or independent reasoning to comfort human beings who experienced terrible pain just because they belonged to a particular ethnic and religious group.' (Spahić-Šiljak 2017: 170) Later, once Western, secular and Islamic feminist literature became available, Spahić-Šiljak made sense of this experience in light of various feminist theories.

Different feminisms do indeed respond to different situations. Thus, the 'secular' feminism of public rights emerged in the modernisation process that occurred at the beginning of the 20th century; Islamic feminism was paradoxically a reaction to policies of state-imposed Islamisation of legal norms (Mir-Hosseini 2007). As a retraditionalisation process was under way in the 1980s and 1990s, feminists had to engage with religion to bring about change and rethink the role of religion in the modern state and in modern ideologies. Hence, a disillusionment with politicised religion brought about a religious response.

The shari'a-based regime in Iran, according to Ziba Mir-Hosseini, has not led to progressive development for women. If anything, codifying shari'a meant the elevation of tribal laws and patriarchal habits into a religiously sanctioned rule – for example, by curtailing the right of women to consent to divorce. The Iranian theocratic republic has remained very much 'out of touch with modern society' and with evolving social realities such as women's aspirations and people's sense of justice (Mir Hosseini 2006: 634). A feeling of injustice led women to 'voice their discontent'. Ziba Mir-Hosseni

recalls that during some of her visits to Iranian courts 'the Islamic judges in whose courts I sat in the 1980s often told me that I had chosen the wrong place to learn about the shari'a. I should go to the seminaries, they said, to read *fiqh* texts and discuss them with the *ulama*; the courts had nothing to teach me about the shari'a (Mir-Hosseini 2006: 635).

Intellectuals and publicists with a secular, reformist perspective (but also with a religious education and/or inclinations) entered the space of legal Islamic discourse with a critical view of law and jurisprudence – for example, in campaigning against stoning. They have engaged in a more substantial kind of reflection on the religious legitimacy of discriminatory social norms imposed in the name of the shari'a. Iranian feminism has developed a response in the framework of the so-called New Religious Thinking or religious intellectual reformism (Mir-Hosseini 2006: 636). In the view of its best-known representative, the philosopher of religion Abdolkarim Soroush, religious knowledge evolves, contracts, and expands, because it is a human product (Soroush 2008). In the reception of his thought by Iranian feminists, an important distinction was made: between *shari'a* and *fiqh*. The former stands for revealed divine will and guidance, while the latter for Islamic jurisprudence. In Soroush's view, only the first is immutable and absolute. Religious knowledge and applied Islamic law, on the other hand, are man-made, human perspectives on the revelation. So *fiqh* is the result of the human endeavour to deduce principles and legal rules from the revealed sources of religion. As such, it is neither immutable nor sacred; it is subject to change. Patriarchal norms are also a matter of *fiqh*, literally human discernment, and not of shari'a, that is, divine will. The distinction creates a space for reform, as the confusion between shari'a and fiqh needs to be undone; legal provisions concerning gender hierarchy and gender roles can be challenged without challenging religion itself.

Post-revolutionary Islamic feminism in Iran was thus employing a different strategy than intellectual Islamic feminism. It dealt with the Islamic paradigm by critically reflecting on religion, revelation, truth, and human religious knowledge. It made it possible to question retraditionalisation based on the confusion of patriarchal social norms with shari'a. Such a strategy can be extended to responding to Islamism: it has a tendency to sacralise fiqh into legal norms too. Islamists claim a shari'a mandate for themselves while sanctifying a discriminatory social order. Critical Islamic thinking aims, on the contrary, to de-sanctify and secularise fiqh (Mir-Hosseini 2006: 637), while preserving an absolute, politics-free status for revelation.

Feminist scholars of legal history and practice

The last example of a critical take on religion's role in legitimising the discriminatory social order comes from Islamic feminists who look at the interplay between religious legal norms and modernity. Religious rules are mostly 'exercised' in the sphere of the

social enforcement of normative systems. This sphere of courts, judges, laws, and fatwas is opaque and complex. Its modes of functioning owe as much to religious principles and ideologies as to the institutions themselves.

Amira Sonbol, an Egyptian-born professor of Islamic history at Georgetown University, has reversed some of the received opinion on gender norms in the legal history of Egypt. She has shown that traditional fiqh had a great degree of flexibility with regard to female activity in the public sphere and female agency in general. Ottoman era court records in Egypt reveal women as being socially and economically active, present, and vocal in the courts, pursuing their rights and large numbers of women obtaining divorce (Sonbol 2002:113). According to Amira Sonbol, modernisation has led to a deterioration of women's position by codifying the largely horizontal and flexible legal practice of the former shari'a courts into rigid modern family codes. National codes have been constructed selectively: they have effectively picked and chosen provisions that cement men's control over women and thus closed the door on spaces that were previously open to be negotiated and formalised rigid and patriarchal systems (Sonbol 2002: 112–113).

In this view, the problem with 'religion' legitimising patriarchy has less to do with its foundational texts or even with shari'a or fiqh itself and more to do with the institutions that realise justice in the name of religion. Sonbol challenged the received view on the conservativeness of shari'a: looking at the legal practice, patriarchy may not be primarily a vestige of the past, but may equally be a product of modernity (Sonbol 2002:144).

Even before the recent trend towards re-traditionalisation among Islamic fundamentalists, modern states, sometimes even nominally secular states such as Egypt, have brought about a rigid, simple, and homogenising system of state application of the religious law. In doing so, secular forces – state legislatures – have engaged in a very non-traditional kind of fiqh. This understanding of the complex relations between religion, modern states, and social conservativism displaces the attention yet further away from 'religion' and even away from the Islamic law per se, towards the state institutions that apply fiqh.

The Moroccan scholar Souad Eddouada, demonstrated the even subtler role of state-organised jurisprudence in maintaining discriminatory practices. In her work on recent family code reforms in Morocco, she concurs with Amira Sonbol in seeing the traditional *fiqh* system as pluralistic to a certain degree and modern colonial states' bureaucracies as motivated by gaining control over populations through law. She analysed the persistent discriminatory jurisprudential practice even in a state whose laws have finally recognised a measure of gender equality (Edouada 2008: 39). When Morocco adopted the revised Family Code in 2004, the act was hailed as a unique sign of progress in the Muslim world and as a victory of the women's movement. Not

only did it restrict polygamy and give women the right to divorce, it also recognised legal equality between men and women. Yet the actual implementation of equality falls far behind the state's purpose. S. Edoudada shows that jurisprudential practice is very often not egalitarian. She observed many 'exceptions' that were granted in recognition of local habits (for example, in matters of underage marriage) and documented cases of impeded access to divorce, alimony, and custody (Eddouada 2008: 43–44).

Not surprisingly, patriarchy is engrained in legal practice the code's advancement notwithstanding. Feminist efforts to create a movement and to advocate against discriminatory legal provisions is thus just one aspect of feminist action. Another is to empower women to be able to claim and obtain their rights. Consequently, in parallel to legal activism, women's groups in Morocco have established so called 'listening centres' to provide legal advice for individual cases of discrimination or misuse of the law (Eddouada 2008: 42). Besides discriminatory legal practices, socio-economic realities are in themselves a yet deeper root of discrimination. Social empowerment of the weak is (evidently) as important as legal empowerment.

S. Eddouada's conclusion echoes a similar reflection on women's activism in Iran. According to Fatemeh Sadeghi, the impressive intellectual feminist group around the journal *Zanan* (1992–2008) became weaker after 2008, but not only because of the conservative authorities' crackdown on the liberal 2009 movement. Sadeghi explains that the group had succeeded in making 'gender equality' and women's participation a political issue, especially in reformist Iranian circles. Yet, Islamic feminism came to be seen as elitist. Above all, it achieved little when it comes to the social situation of women struggling with high unemployment, inflation, a drug crisis, and marginalisation (Sadeghi 2010: 217).

In conclusion, the historians, social scientists, and activists mentioned above can hardly be called primarily Islamic feminists. Nevertheless, like the Islamic theologians, they are engaged in efforts to bring about a more egalitarian reality with respect to Islamic thought, national history, legal systems, court practices, and social life. Many of them are simply Muslim or are defined primarily by their profession. They are all engaged with some aspect of religion; yet only certain among them do so in a normative way. The term 'Islamic' seems more fitting for the theologians, who are primarily concerned with the message of Islam. Yet, the fact is that they all fall under the catch-all term of Islamic feminism, as Islam in its normative, legal, institutional, and discursive aspects continues to affect many fields of social reform.

Conclusion

The term 'Islamic feminism' covers a large variety of approaches to gender equality in Muslim contexts. There may be no single paradigm with which it would be possible to capture the variety of theological, *ijtihadi*, intellectual, legal, and social discourses and activism strategies that exist. The functional differentiation between a 'secular' Muslim feminism and a 'religious' Islamic feminism seems to be analytically interesting and useful for historical purposes, but it hardly reflects a distinction in real terms. In feminist practice, Islamic and secular approaches overlap: Islamic feminist thinkers rely on social science concepts and social activists work with religious knowledge produced by Islamic feminists. Also, as a gendered perspective becomes widespread among hermeneutical and universalist theologians and thinkers, it may eventually become less important to stress the adjective 'feminist'.

If the term Islamic feminism seems contradictory in the abstract, a closer look at the various Muslim feminist trends helps to overcome any uneasiness about it. The problem with the term 'Islamic feminism' lies in the tendency to (sometimes unwittingly) essentialise Islam – to see 'Islam' as a given religious paradigm. Outside observers as well as fundamentalist ideologues use it in this sense. Yet it is exactly the essentialisation of the paradigm that Islamic feminists have sought to deconstruct. They see inequality as a result of historical, intellectual, and political processes that reflected a certain distribution of power. The discriminatory effects of Islamic laws may be traced back to a certain male-dominated tradition of interpretation, but also to the modern practice of secular and theocratic national states.

When we look for the place of religion in Islamic feminism, we cannot find it in any single dominant role. Many Islamic feminist are motivated by Islamic values, but their approach to religion varies: they concentrate on the revealed foundation and its interpretation, on law and jurisprudence, on abstract religious thought, or on state-imposed legal provisions. What unites all Islamic feminist thinkers is that they are introducing an original perspective into the sphere of intellectual or social reforms that in some way have to do with religion, religious law, institutions, philosophy, modernity, etc. Hence, 'religion' in Islamic feminism means many different things.

The above reflections argue that Islamic feminism cannot be regarded as primarily religious if we are to avoid adopting an essentialised view of Islam. Rather, Islamic feminism works with the social reality of religious norms and discourses, be it in the hermeneutical practice of an ijtihadi and her or his critique of the received Islamic tradition, in the reformist's efforts to offer an answer to the ideologisation of religion, or in legal activism aimed at the practical realisation of equality. Islam and Islamic refer to what individual actors themselves invest in the term; not to a given paradigm. From this perspective, there should be as little in the way of preconceptions or unease

around the concept of Islamic or *islamic* feminism (as Rhouni writes) as there is around that of 'Christian' or 'Jewish' feminism.

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Feminisms in Iraq: Beyond the Religious and Secular Divide

Zahra Ali

Abstract: This article explores feminisms and women's activisms in today's Iraq and highlights the heterogeneity of both their religious and secular expressions in analysing them in relation to each other rather than as distinct. I argue that not only do we need to go beyond the Islamist/secular dichotomy but we need to analyse what's *in-between* these categories. In order to understand their *in-betweenness*, Iraqi women's activisms and feminisms have to be examined in their imbricated and complex social, economic and political contexts both discursive and material. I start by reflecting on conceptual considerations regarding the relationships between feminisms, Muslimness, and Islam(s) and examining notions of piety and morality in contemporary Iraq. Then I explore the context and nature of women's social and political activisms in Baghdad, Erbil, and Sulaymaniyah and provide an ethnographically informed examination of the different trends of feminisms and women's political activisms in Iraq and the ways these trends overlap. In doing so I introduce an alternative way of understanding the too often argued secular/Islamist opposition and analyse the relevance and meaning of 'Islamic/Muslim feminisms' in the Iraqi context.
Keywords: feminisms, Iraq, women's rights, secularism, Muslim feminisms, Islam, piety

Ali, Zahra. 2019. 'Feminisms in Iraq: Beyond the Religious and Secular Divide.' *Gender a výzkum / Gender and Research*, Vol. 20, No. 2: 47–67, http://dx.doi.org/10.13060/25706578.2019.20.2.483.

Since the 1990s, scholarship on women and gender in the Middle East has paid particular attention to the emergence of women's activism within groups and movements affiliated to political Islam or Muslim pietist movements (Ahmed 1992; Deeb 2006; Göle 1993; Karam 1998; Mir-Hosseini 2000; Mahmood 2005). Such literature presents Islamist or Islam-related women's activism as the manifestation of alternative experiences and definitions of modernity within religion and analyses Islamist women's activism and pietist women's movements as separate from or in opposition to secular forms of activism. My argument in this article is that both religious and

secular expressions of feminisms and women's activisms in Iraq are heterogeneous and need to be analysed in relation to each other rather than as distinct. I argue that not only do we need to go beyond the Islamist/secular dichotomy but we need to emancipate ourselves from these categories and analyse what's *in-between*[1] them. I also argue that in order to understand their *in-betweenness*, Iraqi women's activisms and feminisms have to be examined in their imbricated and complex social, economic, and political contexts, both discursive and material.

This article starts by reflecting on conceptual considerations regarding the relationships between feminisms, Muslimness, and Islam(s) in examining notions of piety and morality in contemporary Iraq. Then I rely on my ethnography of women's social and political groups in Baghdad, Erbil, and Sulaymaniyah[2] to provide an ethnographically informed examination of the different trends of feminisms in Iraq. I also explore how these different trends overlap and exist in relation to one another, challenging the too often argued secular/Islamist opposition. Finally, I highlight the importance of situating feminisms in Iraq within their broader social, economic, and political contexts.

On Muslimness, Islam(s), and Feminisms

The emergence of the 'woman question' in the context of the independence – as both a symbol of the progressive aspirations of a Westernised elite and the expression of 'authentic' Muslim/Islamic culture – has been widely analysed. Indeed, feminist/women's movements in the Middle East emerged within nationalist and anti-imperialist struggles (Badran 1995; Jayawardena 1986). Later, the rise of political Islam and its use of the 'woman question' in religious terms can also be read through this post-colonial approach. Since the 1980s, a wide range of research has focused on Islamist discourses on women and crossing between feminist aspirations and Islamism (mostly on Egypt and Iran). On that matter, special attention was drawn to unveiling and veiling processes; a focus that is still very common today (Ahmed 2011). The category 'Islamic feminist' is often put forward as developing an 'endogenous' form of feminism (Mir-Hosseini 2000). Despite its limitations, the merit of this approach

1 For the notion of *in-betweenness*, I am very grateful to the organisers and participants in the workshop 'Islamic Feminists, Islamist Women, and the Women Between' held in Paris in January 2013 and supervised by Lila Abu-Lughod, Katherine Ewing and Anupama Rao, as part of the project 'Gender, Religion and Law in Muslim Societies', Centre for the Study of Social Difference, Columbia University.

2 I conducted this in-depth ethnography between October 2010 and June 2012, I interviewed more than 80 Iraqi women activists of all ages and social, ethnic, religious, and political backgrounds from across women's groups, organisations and networks mainly in Baghdad and secondarily in Erbil and Sulaymaniyah in Iraqi Kurdistan.

is its capacity to break past the modern/tradition conceptual framework and place the rise of political Islam within processes of modernisation (Göle 1993; Mir-Hosseini 2000), alongside other studies on Islamism (Burgat 1996, 2005).

Sami Zubaida's critique (2011) of the use of the adjective 'Islamic' highlights the simplistic use of both 'Islam' and the 'West' in contemporary scholarship about the Middle East. In the context of Iraq, Zubaida shows that diverse and multi-layered realities are often portrayed as 'Islamic' despite belonging to different and sometimes competing legacies (Zubaida 1989). In *Beyond Islam* (2011) Zubaida convincingly recalls that capitalism has been one of the most essential motors of modernity, and the imposition of modernity during colonisation meant the imposition of a capitalist mode of economy that 'Islam' has been accommodating. Zubaida examines how the overemphasis on 'cultural' modes of resistance to modernity, often represented by Islamist movements, can be very misleading, as it considers only its discursive dimension and puts aside its concrete material condition of expression. Indeed, in the analysis of women and feminist activism in Iraq, it is essential to consider both discourses and the material realities in which they are grounded.

In her work on the Egyptian women's movement Al-Ali (2000) proposes to define 'secular-oriented' forms of feminisms as characterised by the acceptance of the separation between religion and politics and stresses that this definition does not necessarily denote 'anti-religious' or 'anti-Islamic' positions. According to Al-Ali, 'secular-oriented women' in Egypt do not support *shari'a* as the main or sole source of legislation; they refer to civil law and human rights conventions adopted by the UN as frames of reference for their struggle. However, she also highlights the heterogeneity of understandings and manifestations of secularism among Egyptian women activists and the necessity to analyse the continuum between religious and secular beliefs and practices in women's everyday lives, as 'secular-oriented women' in Egypt can also be practicing Muslims (2000: 130). Al-Ali also insists on the necessity to provide a complex reading of the continuum between religious and secular activism, staying away from dichotomous views: 'The very dichotomy of religious versus secular seems rather counterproductive as it only feeds into Islamist conceptualizations of secularists "being against religion"' (2000: 14). Al-Ali highlights how the Egyptian women's movement reflected the social and political postcolonial Egyptian context (2000).

Zakia Salime's research (2011) takes a different approach to the study of secular and Islamist women's rights activisms, analysing the debates around the *mudawwana* [family law] in Morocco; her work provides a relational, rather than a comparative, ethnographic study of feminist and Islamist women's movement. Salime argues that exploring feminist politics requires, on the one hand, an examination of how the feminist movement has been both enabled and circumscribed by Islamist women's

activism over the past two decades. On the other hand, such an exploration also entails the identification of the various ways in which feminist movements have shaped the politics of protest among Islamist women. Salime describes these changes as the *feminisation* of Islamist women and the *Islamisation* of feminist movements. In the same line, Afsaneh Najmabadi (2000) in the context of post-revolutionary Iran argues that the configurations of Islam, feminism, nationalism, and secularism have been hybridised by two decades of the Islamic Republic in power and thus cannot be analysed through the political paradigms that were dominant and accepted in the past. She insists on the fact that Islam, secularism, nationalism, and feminism are historically defined and in a changing relationship and should be analysed as such.

In line with Niamh Reilly, who proposes that we 'rethink secularism as a feminist principle' (2011), I argue here that the secular itself has to be contextualised and read within a complex framework in order to be understood. Here I argue that both secular and Islamist women's activism reflects the Iraqi social and political context. Akin to Salime's study of the Moroccan women's movement (2011), I explore Iraqi feminisms in relation to one another, not as separate entities, in order to highlight the diversity of both non-religious/secular and religious feminisms and the ways in which they overlap.

On Piety, Morality and Respectability[3]

Talal Asad's critique and questioning of the religious/secular dichotomy, in his seminal work *Formations of the Secular* (2003), can be applied to the conservative/progressive dichotomy – firstly because its meaning relies on the context in which it emerges, and secondly because it conforms to different dimensions that are porous as well as ambivalent. It is thus interesting to draw a comparison between pious Iraqi women's discourses on piety, gender, and modernity and Lara Deeb's exploration (2006) of gender and 'public piety' among pious Shi'a women loosely affiliated with Hizbullah in al-Dahiyya (southern Beirut). The comparison with Deeb's research is relevant due to both its theoretical approach and the closeness of the Lebanese context with regards to issues of sectarianism and gender. Deeb considers the definition of modernity to be an unproductive question, arguing that it is far more interesting to explore how pious Shi'a Muslims understand 'being modern' and how they deploy and engage various discourses and ideas about modern-ness. In maintaining an ethnographic

3 This section was inspired and developed with the organisers and participants of the workshop Gendering Faith: Islamist Women Activism, supervised by Muwatin, the Palestinian Institute for the Study of Democracy, and CMI - Chris. Michelsen Institute.

focus on the ways in which notions of modern-ness and piety are lived, debated, and shaped by 'everyday Islamists', Deeb demonstrates the complexity and underscores the inseparability of religion and politics in the lives of pious Muslims.

Like Mahmood (2005), Deeb rejects approaches that consider Islamist or Islam-related social and political engagements to be a strategy for coping with or resisting Westernisation; instead, she posits that faith is not merely a façade that hides what is 'really' going on, but that in fact faith is what is going on. She shows that the core of this enchanted modern is a dual emphasis on both material and spiritual progress as necessary to modern-ness. Spiritual progress, in particular, is viewed by pious Shi'as as a necessary component of a viable alternative to the perceived emptiness of modernity, as manifested in the West. Deeb suggests that when religiosity is incorporated into modern-ness in this way, the stakes of being pious change. The dualistic notion of progress and the global political context in which it has emerged have consequences for faith and morality on the personal level and on people's quotidian expressions and experiences of piety. In al-Dahiyya, women's public piety has been incorporated as both necessary to and evidence of the enchanted modern. Deeb argues that looking at these complex daily enmeshments of piety and politics makes it possible to show that Islam is not in the service of politics, nor are politics determined solely by Islam. She argues that it is only by holding both in view, and thus undoing their separation, that a more complete understanding of the pious modern can be grasped.

I concur with Deeb's approach to piety, which is grounded in the context of local and global political, social, and economic dynamics. I am also very much convinced of the importance of considering faith in and of itself, and not reducing it to a political anti-Western reaction or means of contestation, although I do also consider its inherent political dimension. Thus, I argue that Iraqi women's pietism, either Islamist or not, is guided by its own dynamics of faith that are imbricated with notions of politics, either anti-Western or anti-secularist. Interestingly, while still exploring al-Dahiyya, Deeb and Harb (2013) also analyse the relationship between leisure, morality, and geography, complexifying their analysis in a way that is very relevant to my research. By using the concept of 'multiple moral rubrics', they extended their critique of Mahmood's views. Using Schielke's analysis of Muslim youth in Egypt (2009), Deeb and Harb argue that Mahmood's privileging of piety as a 'primary motivator' is problematic. Mahmood's focus on religious piety does not do justice to the complex and often contradictory nature of everyday experiences and oversimplifies the complexities of the daily negotiations of moral practices. Following Schielke's analysis, Deeb and Harb consider that ethical subjectivities are based on the co-existence of various motivations, aims, and identities that can and often do conflict, but are not exclusive opposites. Thus, they define the concept of

'multiple moral rubrics' as the overlapping of the 'social rubric' (manners, values of social obligation, hierarchies shared across society), 'political-sectarian rubric' (reflecting the conflation of sectarian identity and different moralities associated with politico-sectarian communities), and 'religious rubric' (ideas of piety and religious commitments).

The concept of 'multiple moral rubrics' is very relevant for examining the Iraqi context. The 'social rubric' consists of the behaviours and duties considered part of what is commonly 'done' and 'approved' by society, that which is moral and respectable, which are the products of complex legacies and imaginaries. The 'political-sectarian rubric' is constituted both by local and global political dynamics that ended up with the sectarianisation of Iraqi political life and by the legacies of competitive national imaginaries exacerbated by the US invasion and occupation (Ali 2018). The 'religious rubric' is composed of the different dynamics of faith and religious practices, which obey their own rules and normative ideas and practices. Thus, Iraqi women's notions of what is pious, moral, and respectable are built upon the overlapping of social, political-sectarian, and religious dynamics.

Living and Mobilising in an Occupied and Fragmented Country

The invasion of Iraq, coupled with the bombing and fighting that occurred between March and May 2003, led to hundreds of thousands of civilian deaths.[4] After the occupation was established through the CPA and the Iraqi governing councils were set up based on communal quotas, Iraqis' daily lives began to be characterised by violence. The sectarian civil war that continues to haunt the country was the direct result of the CPA's de-Ba'athification campaign, which decommissioned 400,000 Iraqi soldiers and Ba'ath Party members undermining the state, the political marginalisation of the Sunni population, and the establishment of communal identities as the basis of the Iraqi political system (Ismael, Ismael 2015; Arato 2009; Dodge 2005, 2013). The US army's repression of uprisings against the occupation – especially in Fallujah – and the rise of political and party-associated militias benefiting from the power vacuum all took a sectarian shape. The exacerbation of sectarian conflict reached its extreme during the 2006–2007 sectarian war.[5] This civil war and all the associated events represented the second turning point after 1991 in Iraqi sectarian relations and reorganised society and territory along sectarian lines (Haddad 2014).

4 Estimated according to: *The Lancet* (2004); Iraq Body Count (www.iraqbodycount.org, last accessed 3 February 2017); and 'Iraq: the Human Cost' (http://web.mit.edu/ humancostiraq/, last accessed 3 February 2017).

5 Between 2006 and 2007, the sectarian civil war claimed at least 1000 lives per week, mostly civilian, and both internally and externally displaced around 2 500 000 people, according to the UNHCR.

This fracturing is visible in the division of Baghdad into homogeneously Sunni and Shia neighbourhoods, each separated by checkpoints and concrete walls (Ali 2018; Damluji 2010).

The sectarian dimension of the social retribalisation that started during the economic sanctions in the 1990s was pushed even further in the chaos that followed the invasion. As shown in my research, along with that of others, sectarian violence is gendered (Al-Ali, Pratt 2009; Ali 2018; Ismael, Ismael 2007). Most of the women activists I interviewed, especially public and media figures, have received death threats or been directly targeted by violence, including car bomb attacks in front of their offices or homes. Some had to flee the country, but the majority remain in Baghdad. Some moved into areas controlled by their sect, as their neighbourhoods were attacked by sectarian militias. Ibtihal I., in her early forties, a very active women's rights activist in the Iraqi Women's League (IWL), told me how, in an attempt to kill her in 2007, a group of men placed explosives in front of her house that then exploded. The event occurred after she had received several death threats from conservative Islamist militia groups in the form of phone calls and messages. Fortunately, no one was in the house at the time. Ibtihal recalls the police's incompetence and unwillingness to help her find the perpetrators of the attack and provide her with protection. She describes the atmosphere of Baghdad in 2006–2007 and her feelings about it:

> *You know, in 2006 and 2007, after 2 pm, the streets of Baghdad were empty. There was no life in Baghdad. The next day, everything opened at 8 am. But people were scared to go out very early or later than 2 pm. Violence was everywhere. Armed groups, death threats, militias, the everyday reality was terrible, frightful. Even till today, you know, the value of life is lost in Iraq. Any disagreement between political leaders ends up in street violence. We face death every single day, every Iraqi who leaves his house is not sure that he'll come back alive. Iraq has been transformed into a scene of death. Even when we have moments of joy, we feel that we are stealing these moments, and we then refrain ourselves, saying Allah yesterna [May God protect us]. The worst thig is that we do not even have a state, a government whom we could ask for protection or complain to.*

Many neighbourhoods were controlled by foreign soldiers, especially the US army, until 2011, which constituted an important barrier for women who wanted to move about freely and away from the harassing gaze of foreign armed men. In addition to the overall insecurity that led to the deaths of many Iraqi women activists, most of the women I interviewed noticed how the rise of conservative gender norms impacted their dress and ability to move freely in particular neighbourhoods of Baghdad. Today, many areas of the country and the capital are controlled by militias and armed groups

that are backed by conservative, sectarian Islamist parties, and many women have witnessed or experienced incidents relating to others' or their clothing or behaviour when crossing checkpoints. Christian women activists, too, prefer to wear a loose shawl over their heads when moving between the capital's different neighbourhoods. Many of the women I interviewed described incidents such as hair salons being closed, or car bomb attacks intended to prevent women from driving. More generally, an overwhelming sense of tension has been created by the violence and the dominance of competing armed militias in the streets. This feeling was expressed repeatedly to me: 'Before, we had one Saddam; today we have a Saddam on every street corner.'

Moreover, my ethnographic research shows that the militarisation of Iraqi public spaces has turned Baghdad into a 'city of men': checkpoints, walls, and soldiers in the streets everywhere (Ali 2018). Many places are now inaccessible for women and some places such as cafés, once the pride of riverside Baghdad, are reserved for men after 5 pm in many neighbourhoods in the capital.

The economic sanctions of the 1990s plunged Iraqi society into poverty, destroying its middle class and altering state institutions and services, the education system, and the health sector. In a context of extreme poverty and a survival economy, new forms of patriarchy started to emerge, exacerbating gender norms and relations (Al-Jawaheri 2008; Al-Ali 2007; Ali 2018). In destroying what was left of the Iraqi state and institutions, the invasion and occupation of 2003 carried on the dramatic alteration of the Iraqi social fabric and gave it a sectarian dimension. In 2007, over half of the Iraqi population lived on less than one dollar a day. Acute malnutrition has more than doubled since 2003, affecting no less than 43% of all children between the ages of six months and five years. Almost 50% of all households have been deprived of healthy sanitation facilities. There is a critical lack of medical drugs and equipment, and more than 15,000 doctors have been killed or kidnapped or have fled the country (Sassoon 2012). Even in Baghdad, the state provides a maximum of five hours of electricity per day. The lack of control and stability since 2003 and the privatisation and liberalisation of the economy have caused a drastic increase in the price of staple goods and basic necessities. As a result, the majority of Iraqis are poor, even though they live in an oil-rich country. No major plans or policies have been undertaken by the new regime to deal with these issues. The new state's weakness and its inability to provide security and respond to basic needs, such as access to running water, electricity, housing, and employment, along with mismanagement and corruption have pushed Iraqis to rely on alternative sources of protection and service.

From 2003, Iraqi women were at the forefront of social and political activism, as hundreds of women's groups and organisations were created. As the invasion and occupation destroyed the Iraqi state and instituted a sectarian political scene, and as political violence began to rise, women became involved at every level of society.

US and international networks and funds were dedicated to women's rights and women-related campaigns and initiatives. As a result, most Iraqi women's social and political activisms, with the exception of a few organisations such as the Organisation of Women's Freedom in Iraq (OWFI), have been shaped by these networks of fund such as USAID, UNAMI, UN-Women (previously UNIFEM), UNDP, UN-Habitat, and international NGOs such as the Global Fund for Women, Oxfam, and other European NGOs. I explore the NGOisation of women's activism in my previous work (2018), arguing that it has shaped most Iraqi women's organisations' initiatives and campaigns and had a uniformising effect on their action and discourses. Iraqi women's social and political involvement covers a wide range of activities. Iraqi women activists are involved in democracy and human rights mainstreaming through *taw'iyya* [awareness-raising] and *tathqif* [culture-raising] campaigns, which reveals the NGOisation of their activism. However, they are also involved in humanitarian, health, social, and educational work, acting as a substitute for state institutions that are absent or weak. Iraqi women activists are involved in political lobbying around their legal and political rights – mobilising around the adoption of a 25% quota for women in representative assemblies. Iraqi feminists' most important mobilisation revolves around the Personal Status Code (PSC), a legal frame based on Sunni and Shi'a jurisprudence gathering most of women's legal rights that the Shi'a Islamist political elite seek to turn into a sectarian-based code since 2003 (Ali 2017). Iraqi women are between the 'hammer and the anvil' to use Kandiyoti's term (2007), struggling to keep their basic legal rights gathered in the PSC and to survive in a context lacking security and basic resources.

Iraqi Women's Feminisms

Like elsewhere, Iraqi women activists have diverse ways of understanding political activism and feminisms. Throughout my ethnographic work in Baghdad, Erbil, and Sulaymaniyah and in the 80 interviews I conducted with Iraqi women activists from across diverse women's groups, organisations, and networks of all ages and social, ethnic, and political backgrounds, I identified several trends of activism for women's rights. I have broken down these trends into four categories, from the most common to the most unique, while bearing in mind that such categories are not exclusive and that they overlap.

Human Rights Feminists

Human Rights Feminists are the most common phenomenon across the spectrum of Iraqi women activists. This activist trend is very common among women who first got involved in women's civil society organisations after 2003; those who had no prior familiarity with political activism or gender-specific issues. Human Rights Feminists

often define their activism as 'defending women's rights as a part of human rights' and became involved primarily 'as women' within civil society organisations. Human Rights Feminists cite international human rights conventions and the UN's regime of women's rights, such as CEDAW and SCR 1325, and advocate for the unified PSC to be preserved. These women activists also advocate a reform of the PSC that would 'align Iraqi laws with international conventions of rights', but most remain very general in their stance, taking for granted the division between the public and the private. Thus, when asked to expand on the extent of such reforms, most question Penal Code articles related to *ta'dib al-zawja* [disciplining the wife], which permit domestic violence and lighten sentences for crimes committed in the 'name of honour'. They also demand abolishing legal requirements for women to have a *mahram* to travel and a *wali al-amr* to obtain a passport. Human Rights Feminists also suggest reforming the PSC to penalise marriages contracted outside the court, reinforce a woman's right to divorce, and penalise the excessive use of polygamy.

Most Human Rights Feminists insist on respecting Iraqi/Muslim culture and finding common ground with religious authorities. The focus of their advocacy is on the public domain – for example, the struggle to implement a 25% quota[6] for women in representative assemblies and to increase women's participation in the spheres of politics, work, and education. Most of their initiatives relate to notions of 'women's leadership' and 'empowerment', encouraging women to participate in 'democracy building', voting, civil society, and political groups.

Having attended gender mainstreaming courses provided by international NGOs and UN-Women since 2003, Human Rights Feminists tend to have a consensual understanding of the notion of gender, and they often use the following expression: 'women and men have as many rights as they have duties'. As Human Rights Feminists focus on the public domain, most do not articulate a gender discourse that elaborates their understanding of women's rights issues and gender norms. In our interviews, while remaining vague in their definition of women's rights, Human Rights Feminists all preferred to use the word '*adala* [justice] or *insaf* [fairness] instead of *musawa* [equality]. For example, Lamia I., 56, is a retired lawyer, a mother of five, and a prominent member of al-Rafidain Women's Coalition (RWC). She explains her vision of political activism and her notion of gender and women's rights activism:

> *I was asked by three different political parties to run for them, but I refused. I said that I want to remain an independent civil society women's activist. My idea is to create a women's party, but there is no group that supports this idea. Part of me believes that this is the future. […] We at the organization, we worked a lot on*

6 30% in Iraqi Kurdistan.

> *CEDAW in awareness-raising among women, in encouraging them to participate in political life. We also worked a lot on the constitution, and on lobbying to preserve Act No. 188 of the personal status code and reform it in a way that aligns Iraq with international conventions of human rights. […] In terms of women's rights and the notion of gender, I think that we have to gather Western and Eastern views, because the best things are found in the middle ground. Very often, people tell me that I hold the stick from the middle, I am not very liberal [she points to her* hijab*] or fundamentalist. I think that the golden mean is the best thing. There are some organisations, very very few, they can be counted on one hand, that demand full equality. But most women's organisations are demanding reasonable things. We are asking for the implementation of the concept of gender. Then, there are secondary things, like we aren't demanding equality in the way men and women dress. We are demanding equality in ideas, work opportunities, and even the domestic sphere; we are demanding that domestic work should not only be on women's shoulders.*

Lamia's profile and her pragmatic feminist views are very common among civil society women activists. Like most Human Rights Feminists I met, Lamia prefers to stay away from political parties and remains an independent woman activist. However, she is very close to many women representatives, such as parliamentarians and members of provincial councils, who provide her organisation with support and help her claims and demands reach governmental institutions. Like the majority of Iraqi women activists, Lamia does not tackle issues of sexuality, which she considers 'too radical', and she promotes the nuclear middle-class family framework.

Islamist Activists

There are three different profiles of Islamist activists: Sunni and Shi'a Islamists in Arab Iraq, and Kurdish Islamists in Iraqi Kurdistan (mostly Sunni but also Faili). Sunni Islamists in Arab Iraq stand alongside secular and non-religiously-exclusive women's groups, especially in their rejection of Article 41 of the Constitution and of any sectarian-based questioning of the PSC, such as the most recent Ja'fari Law proposition. However, Sunni Islamists' readings of issues related to gender and Islam are quite similar to the Shi'a Islamist ones. Thus, as my previous work on the mobilisation around the PSC has shown (Ali 2017; 2018), both Shi'a and Sunni Islamists agree on a general and loose reading of 'women's rights in Islam' characterised by a modern, middle-class, patriarchal understanding of women's issues and gender norms. Although both Sunni and Shi'a Islamists consider the PSC a fair and acceptable law, they also deem certain issues – such as polygamy and unequal shares in inheritance – as 'untouchable' issues. For them, these issues are governed by the 'Law of God' – *shari'a* – and cannot be questioned. Some are more conservative than others regarding women's dress and

gender relations; for example, some consider the wearing of the *'abaya* or *jubba*, in addition to the *hijab,* essential. Others consider issues of clothing to be secondary and focus in their discourse on matters of religious practice that are less gendered, such as promoting both education and political activism as 'religious duties'.

However, all Islamist women activists in Iraq also simultaneously use human rights conventions, such as CEDAW and SCR 1325, and consider them valid so long as 'the principles of *shari'a*' are not questioned. Thus, their use of international human rights conventions and the UN regime of women's rights is loose and ambiguous. Sallama A. is a prominent Shi'a Islamist, and the discourse she uses on women's rights is very common among Islamists in Iraq. After praising Islam for the 'perfect' and 'ideal' status it reserves for women, she tackles issues of polygamy and inheritance and the notion of *qiwama* [male dominance]:

> *Well polygamy, you know, Islam allows it, but does not promote it. On the contrary, Islam maximally limits polygamy. If the law was easy to implement, a woman could say in her marriage contract that she refuses to let her husband to take a second wife. […] Regarding inheritance, we have an economic vision in Islam, and we would be very happy and at peace if this vision was implemented. The problem is not Islam, it is the bad interpretation and implementation of Islam. We think that a woman should not bear financial responsibility for her household, and that she has the right to keep her money and wealth for herself. The problem in Arab society is that women work outside, and then they look after the household and raise the children. And men in all of that, what do they do?*

Sallama's words can be defined as a modern patriarchal perspective on gender relations, built upon the ideal of a middle-class family, in which women can be exempt from 'working outside' the home because men are supposed to be financially and morally in charge of the household. In this ideal, women's roles within the family are primarily to bear children and manage the household. Sallama's modern understanding of issues related to gender and Islam represents a common trend among Shi'a and Sunni Islamists; such an understanding is representative of the transnational Islamist discourses that emerged in the 1970s in the Middle East (Burgat 1996; Göle 1993; Hatem 1998, 1993). However, her argumentation is also very common among non-Islamist women activists when they are asked about issues related to gender and Islam. As Abu-Lughod (1998) and Hatem (1994, 2005) show, the nuclear, patriarchal, bourgeois family model is common among both Islamist and non-Islamist women activists across the Middle East. Although nuances exist among Islamist activists in Iraq, for example, some are more closely aligned with Muslim Feminist discourses on gender and Islam than others, they all share with Human Rights Feminists a desire not

to address issues of sexuality. While Human Rights Feminists generally stay silent on the matter, unwilling to provoke the hegemonic social and religious conservatism of Iraqi society, Islamist women advocate for the defence of the heterosexual, patriarchal nuclear family and for containing sexuality within the framework of marriage.

More generally, Islamist women's activism is characterised by a focus on issues related to women's political participation and empowerment within the spheres of work and education, as well as on concrete humanitarian support provided through extensive charity networks. Rather than articulating a clear gender discourse, Islamist activists in Iraq have developed a loose and general rhetoric on 'women's rights in Islam', which focuses on the role of women in the political sphere, and they dedicate most of their time to humanitarian, welfare, and social work. In addition to activities alongside other women's organisations, such as 'democracy' and 'women's empowerment' trainings, Islamist women's groups are involved on the ground in a wide range of activities that cover nearly all aspects of women's lives. Thus, Hawa'ona (the Muslim Women's Organisation in Iraq), which is affiliated to the Shi'a Islamic Supreme Council of Iraq, provided activities for a significant number of women, such as literacy, tutoring for schoolgirls, sewing, and media and computer trainings. According to Hawa'ona's report, between 2004 and 2007 their activities and lectures on 'graciousness' and 'aesthetics', providing women with advice on dressing, haircuts, and 'beauty'-related activities, were far more important than their *fiqh* [religious jurisprudence] lectures. As a significant example, their report indicates that between 2004 and 2007, they organised 24 *fiqh* lectures that were attended by 290 women, 37 lectures on graciousness attended by 1386 women, and 98 aesthetics sessions attended by 588 women. The organisation, like other Islamist groups, financially supports young couples and helps them buy essential furniture. They also facilitate marriages, through such activities as organising collective weddings ceremonies. Although all their activities are framed within a specific religious discourse, such organisations are very pragmatic on the ground and seek to provide concrete answers to the population's needs. Thus, it is revealing that such organisations would prioritise aesthetics and beauty classes over *fiqh* or proper Islamic formations. Among the groups I observed, the lectures and events always tried to answer the genuine and concrete needs of its audience, from advice on women's health to marriage coaching.

An Islamist woman activist working in one of Baghdad's popular neighbourhoods insisted on the importance of addressing the basic and essential needs of women and families before proposing any kind of training on religious or women's rights issues:

> *Our organisation has to begin with urgent matters. We are taking care of the people in need. Every day we have women coming to our offices, they are so poor and they have children to feed. This woman comes to ask for help for her*

survival, not to listen to a conference or something theoretical. This is what I say to other civil society organisations: 'how do you want to promote democracy and progress in our society when you cannot provide for the basic everyday needs of the people?' We first help them concretely and then we propose that they listen to our ideas about political activism and Islam.

Islamist activists can be characterised as conservative in terms of gender norms and representations, as most promote a patriarchal understanding of women's legal rights within an ideal patriarchal family. Nevertheless, their activism is deployed through the social and welfare support provided to women and families, and especially through charities dedicated to orphans, widows, and the elderly. However, the gender discourse of Islamist women is loose and is framed in the terms of both *shari'a* and the UN regime of rights, and its ambiguity allows for nuances that can go as far as a Human Rights Feminist repertoire. Thus, I argue that they are a reflection of the hegemony of religious conservatism in Iraqi society, as much as they actively reproduce it.

Muslim Feminists

Most women activists that can be defined as Muslim/Islamic Feminists are not Islamists women activists, but are more often women involved in 'secular' organisations who, by personal conviction or as a pragmatic strategy, see using anti-patriarchal readings of Muslim jurisprudences, sacred texts, and orthodox religious discourses as an important tool with which to advocate for women's rights and equality. In my interviews, all such activists preferred the word *musawa* [equality] to *'adala* [justice] or *insaf* [fairness] in their advocacy for women's rights; their demands for reform of the PSC were similar to those advocated by Human Rights Feminists. The difference between Muslim Feminists and Human Rights Feminists lies in the latter's choice both to leave the sphere of religious jurisprudence to religious scholars and to base their advocacy exclusively on human rights conventions and the UN regime of rights. 'Islam' or 'Muslim culture' is advocated by Human Rights Feminists mostly as part of Iraqi culture, but not as a sphere of engagement. As the PSC is a *fiqh*-based law, many Human Rights Feminists turned to Muslim Feminist discourses as a necessary strategic tool to promote egalitarian readings of the law. Nevertheless, they avoid getting involved in the religious debates and prefer consulting and seeking the support of religious scholars over delving into the jurisprudence themselves.

Samya A., belongs to a Kurdish Islamist political party, she considers herself a Muslim Feminist. Samya articulates both a human rights repertoire and feminist understanding of religious thought and jurisprudence. She criticises dominant Islamic thought for being patriarchal and having betrayed the essential 'egalitarian message' of Islam and called for a re-reading of religious texts inspired by an egalitarian understanding of gender.

Islamic/Muslim feminist movements have emerged as transnational intellectual dynamics in North America and Europe for about two decades, proposing anti-patriarchal readings of religious texts (Qur'an and Sunna) and *fiqh*. The use of *ijtihad* is, according to them, one of the main tools to implement reform of the patriarchal *fiqh*. In its pietist forms, Muslim feminism also challenges normative readings of modernity and proposes alternative modern identities grounded in the intersection of the dynamics of faith and pluralistic notions of womanhood (Ali 2012). In Muslim majority countries, Muslim feminisms are expressed in a different context – one marked by the hegemony of Islamisation, *shari'a*-based personal laws, and, in some, the power of conservative Islamists. Thus, Muslim feminist rhetoric imposed itself in a context where the law itself, and the overall cultural climate, is Islamised. For many women's rights activists, the use of Muslim feminist rhetoric is mainly a matter of strategy, as the call for the secularisation of law proves difficult when conservative religious discourse is hegemonic.

However, some Iraqi women activists – mostly non-Islamists, but also some Islamists such as Samya A. – have developed a Muslim feminist standpoint similar to those that developed in Malaysia (Anwar 2012), Egypt (Abou Bakr 2012), and Iran (Mir-Hosseini 2000, 2011). Without constituting a proper organisation, like Sisters in Islam in Malaysia, or being part of a transnational Muslim feminist movement, such as Musawah, these individuals have developed a feminist understanding of Islamic thought and jurisprudence and define their activism as such.

Women who stand between religious and non-religious activism could also be called Muslim Feminists. Bashaer B., 45, is neither an Islamist woman activist like Samyah A., despite the fact that she is from a religious Najafi family, nor a secular woman activist like Amel F. Rather, Bashaer is a Muslim feminist thinker, has a PhD in Law Philosophy from Kufa University, and is involved in politics as an independent parliamentarian and prominent activist. Bashaer's views on Islam are very similar to the perspective adopted by prominent and controversial Shi'a religious scholar Ahmed al-Gubenchi. In *al-Mar'a, al-Mafahim wal-Huquq* [Woman, Concepts and Rights], al-Gubenchi developed what could be called the first Iraqi Muslim Feminist discourse (2009), advocating for a radical reform of Muslim thought and jurisprudence that goes 'back to the essential egalitarian message of Islam'. Bashaer and Ahmed al-Gubenchi are often invited by various civil society groups to talk about the 'rights of women in Islam' from their Muslim Feminist standpoint. Despite being considered unorthodox by many conservative Islamists, they have managed to gain trust and consideration from Islamists and non-Islamists alike. Within Islamists spheres, they are often considered 'liberals'; within secular spheres, they are deemed 'religious'. However, Bashaer and Ahmed al-Gubenchi occupy a third space in-between Islamist and secular activists, as they employ a conflicting repertoire of discourses based on an egalitarian reading of women and gender issues within the framework of religion.

Muslim Feminists in Iraq do not represent a coherent group or network, such as those found in Egypt, Iran, or Malaysia, and their Muslim Feminist stance does not constitute a proper agenda. Believing that gender equality is embedded within the 'message of Islam, which has been corrupted and must be radically reformed', is a widespread opinion among Iraqi women activists, including among Human Rights, Leftist and Radical Feminists. Nevertheless, Muslim Feminists believe the religious argument to be a useful and valid tool of advocacy for women's rights in the context of Iraq; Human Rights, Leftist and Radical Feminists, on the other hand, do not consider religious argumentation as an essential strategic tool in their activism. However, even if Muslim Feminists engage in religious debate on private matters – something that Human Rights Feminists refuse to do – and consider advocacy for women's rights in the public sphere to be insufficient – something that Islamist Feminists essentially do – Muslim Feminists in Iraq do not tackle issues of sexuality, as they choose to stay within the lines of what they call the 'culturally acceptable'.

Leftist and Radical Feminists

Leftist and Radical Feminists advocate for the most radical understanding of gender equality and women's rights. Many Leftist and Radical Feminists are affiliated with the Iraqi Women's League (IWL) and are close to the Iraqi Communist Party; others are active within social and development organisations, such as al-Amel. For example, the Organisation for Women's Freedom in Iraq (OWFI), which falls into this category, has members who are close to the Worker-Communist Party and members who are independent activists. Several prominent female intellectuals and scholars are Radical Feminists. However, the existing scholarship on the matter is very thin, and most such intellectuals deplore the lack of theoretical material for developing proper feminist thinking and scholarship in Iraq.

OWFI is one of the most radical women's organisations in Iraq. It defines itself as leftist, feminist, and anti-imperialist. Through its journal, *Jaridat al-Musawat*, OWFI advocates for gender equality and is one of the few organisations tackling issues of prostitution, sexual violence, and homophobia.[7] OWFI offers help and support to women victims of sexual violence, forced prostitution, and incarceration. The OWFI activists I interviewed were the most outspoken about women's sexual freedom, sexual violence, and homophobia. Very critical of Islamist parties, they advocate for the complete secularisation of the PSC. OWFI activists were not only critical of Islamists, they seemed to address their critique at religion itself. OWFI is the only organisation that has opened shelters for women victims of abuse, which are still illegal in Arab Iraq, despite being sponsored by the government in Iraqi Kurdistan.

7 See, for example, *Jaridat al-Musawat*, 8 March 2012, No. 9, Year 9, p. 6.

Since the invasion of Mosul, OWFI has also opened shelters for women and children victims of violence and sexual abuse at the hands of ISIS soldiers.

Many leftist activists I met in Iraq, despite not being involved in gender-specific organisations, developed a radical understanding of gender equality and women's issues within the framework of class-based inequalities. Thus, these leftist activists consider the questioning of patriarchy as one essential dimension of their struggle for social justice. Such was the case for the women activists I met who are involved in social and development organisations, such as al-Amal or Tammuz Organization for Social Development. More generally, many members of the IWL are Leftist Feminists, and they have developed an understanding of social justice and equality that considers gender equality as the core of their project for social change. The difference between most Leftist Feminists and Radical Feminists, who are often leftist activists as well, is that the Leftist Feminists' discourse about sexuality is more limited and does not cross the boundaries of what they consider 'acceptable to society'. Thus, although Leftist and Radical Feminists are often in agreement about sexual freedom and homophobia, Radical Feminists tend to be more outspoken about these issues. Nevertheless, Leftist and Radical Feminists both avoid debates about religion; on this matter, they stand alongside Human Rights Feminists, as they consider religion to be a part of 'culture' but do not engage with religious issues per se.

Iman A., 42, is a sociologist and a researcher at Baghdad University; she is also one of the most radical feminists I met in Iraq. Before the fall of the regime, Iman had produced several studies on gender for the GFIW. Since its collapse, she has been very active around gender and women's rights issues. Along with other Iraqi scholars, Iman founded the Iraqiyat Studies Center, which is dedicated to gender issues and was very active until 2010. Iman also published several articles and studies on the condition of women since the invasion and occupation in sociological journals. She speaks about getting involved in women's organisations and networks after the fall of the regime, and the fact that she was one of the few people who had been trained in gender matters from the GFIW. She explains her views on gender equality and the implementation of such views in Iraq:

I advocate for total equality. I am very familiar with and close to what is called the third wave of feminism, demanding the questioning of the very meaning of gender hierarchies and differences. Until very recently, I was living a life consistent with my ideas. I chose neutral clothes, neither feminine nor masculine, and I promoted these kinds of ideas. But here, you know, we cannot demand these kinds of things, it's not the right time. And I really believe that ideas and laws that do not follow the development of society are not useful and won't provide anything. In the West, feminism followed social, economic, and life development. I respect the thought

developed by third-wave feminism, but it is really not the time to implement it in Iraq. When we reach all the steps achieved by first- and second-wave feminism in the West, especially in terms of feminist activism, then we can start talking about questioning gender divisions. At the moment, we want to advocate for human rights for women, for women's humanity to be acknowledged. Tribal mores are very hard on women, there has been an enormous regression in women's conditions in Iraq. Now, you know, the fact that a young girl is escorted by her brother to go to university, or that she uses khat *[a private driver shared with other people] to move around, this impacts her very freedom of movement.*

When I met her in 2012, Iman spoke about her two marriages. She was first married at the age of 35, but this marriage did not work. She got married again two years later, and now has a young child. She explained how married life forces her to live in a complete contradiction to her beliefs. Despite the fact that Iman is financially in charge of her household, she is also in charge of all domestic work and takes care of her baby on her own. Iman added that her husband only washes the dishes on holidays and thinks that he should be 'celebrated for it'. Iman's depiction of living a life that contradicts her beliefs in gender equality is common among many activists I met.

Conclusion: Contextualising Feminisms

In presenting elements that characterise the concrete realities of Iraqi women activists' lives, I seek to show the necessity of analysing different feminisms in relation to the concrete realities in which they are expressed. Notions of 'morality' and 'respectability' are framed by multiple forms of conservatisms. Thus, Iraqi women activists' 'multiple moral rubrics' are characterised by social, political, and religious conservatisms that shape patriarchal gender norms and relations, impacting women's everyday lives. Thus, while some women activists, such as Muslim Feminists, use a religious argumentation to advocate for women's rights, others use it as a tool in a context marked by *shari'a*-based laws and the hegemonic power of conservative Islamist parties.

While some women choose to put aside religious references and others choose to Islamise their defence of women's rights, most activists, either for pragmatic reasons or due to personal beliefs, take an overlapping stance: defending social equality within the limits of cultural or religious specificities. Although the dominant discourse reproduces the West/Arab-Muslim dichotomy by claiming to defend women's rights in an 'essentially different' way than the West, a minority of women seek to go beyond the dichotomy by using Islam as a way to claim the indigenous nature and authenticity of their stance. Thus, women activists' positions in Iraq are complex and multifaceted: they define themselves differently, or choose not to define themselves at

all, within the secular/Islamist, non-religious/religious binaries. This overlapping stance is comparable to women's rights activism in the Middle East more generally, which is the product of modernist, nationalist, and developmentalist rhetoric in contexts where political Islam represents the hegemonic discourse (Abu-Lughod 1998; Hatem 2005, 1994; Charrad 2011, 2001).

Thinking beyond these categories and paying attention to the *in-betweenness* is essential to understand issues of women, gender, and feminisms in the Iraqi context. The intersections between local and global discourses and practices are central to understanding Iraqi women activists' overlapping stances, in addition to the evolution of gender politics resulting directly from the political, economic, and social realities that transformed Iraqi society. The NGOisation of women's groups contributed to the homogenisation of their activism as focused on *tathqif* [culture-raising] and *taw'iyya* [awareness-raising].

Along the same lines of the analyses by Abu Lughod (1998) and Hatem (1994, 2005), I have also shown that in terms of social background (urban, educated, and upper or middle class), agenda, grassroots work, and representations of and discourses on women's rights – there is no fundamental difference between most secular-oriented and Islamist women's rights activists in Iraq. Many Islamists have appropriated modernist conceptualisations of women's roles in society, marriage relations, and the family, thereby competing with both conservative modernists and progressive political activists over these issues. In a context of exacerbated identity politics, most secularists and Islamists engage in the post-colonial 'authenticity' debate; only a minority of activists strive to go beyond it. At the crossroads of local and global discourses, the hegemony of religious conservatism and the NGOisation of activism constitutes the framework for advocating women's legal rights. Thus, no stance is strictly Islamist, Muslim, or secular feminist, as most activists are simultaneously invoking notions of respectability, moral references (justified by Islam or culture), and the frame of international human rights.

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The Religious Sexual Education in Post-Revolutionary Iran: Redefining *Tamkin* and the Control of Sexuality

Nafiseh Sharifi

Abstract: This paper looks at the religious discourse of sexuality in post-revolutionary Iran. Based on my ethnographic fieldwork in Tehran, I discuss how in state-sponsored publications and official education traditional religious rules of sexuality such as *tamkin* are redefined in relation to society's new demands. I discuss the role played by religious workshops for married couples in justifying Islamic moral codes of behaviour that regulate and control Iranians' sexual lives. However, this paper argues that Islamic sex education is changing the perception of sex and female sexuality amongst its young religious audience. Such changes and their effects on women's sexual lives might not, however, be in accordance with the state's sexual policies. Consequently, younger of women use religious justifications to learn more about sex and increase their own sexual satisfaction in marriage. I argue that it is important for feminist scholars to highlight the complicated effects of disciplinary discourses in order to understand women's lives in Muslim societies.

Keywords: Tamkin, religious sex education, Islamic Feminisms

Sharifi, Nafiseh. 2019. 'The Religious Sexual Education in Post-Revolutionary Iran: Redefining *Tamkin* and the Control of Sexuality.' *Gender a výzkum / Gender and Research*, Vol. 20, No. 2: 68–83, http://dx.doi.org/10.13060/25706578.2019.20.2.484.

Last year, I was teaching an undergraduate course at Al-Zahra University in Tehran. Al-Zahra is a women-only university that was established right after the Islamic Revolution, and it is a high-ranking university that mostly women from religious and conservative backgrounds attend. In my class the majority were fully covered.[1] Similar

1 By full *hejâb* I mean wearing *châdor*, which is a top-to-toe shapeless and loose-fitting black cloth specific to Iran. Currently there are different types of *Châdor* that *Châdori* women (women who wear *châdor)* wear in different places and for various occasions. For example, we have *châdor-e melli* (national *châdor*), *châdor-e Qajari* (similar to women's clothings during *Qajar* time in Tehran), *châdor-e daneshjooyi*

to my experience at other universities, my students at Al-Zahra asked me about my field of study and seemed eager to learn more about 'gender studies'. They asked if instead of sociology I could teach them 'gender'. Based on the questions they asked I realised that they simply wanted to learn more about 'sex' and 'sexual relations'.

For example, one of the religious students[2] in the class asked me with a worried tone: 'how can we make sure before marriage that our suitor does not have any sexual problems?' By 'sexual problems' she meant deviant or abusive sexual behaviours that occur during sexual intercourse. I could understand her worries; as a practising Muslim she could not have any forms of sexual contacts with her suitor before religiously becoming his wife.[3] In addition, she was aware that in order to find a suitable husband she had to conform to the norms of female virginity before marriage.

Still, for me it was interesting to see how 'sex' had become so important in the lives of these young women. I could not imagine talking about my sexual concerns publicly and in front of my classmates. Like my students at Al-Zahra, I was born after the Islamic Revolution and grew-up in a religious family, but I remember I was more concerned about my future husband's social status, education, and level of religiosity than his sexual problems. What has changed? Why are these young, unmarried women from religious and conservative backgrounds so concerned about sex and are not embarrassed to talk about it?

In 2012 and 2013, while I was conducting ethnographic fieldwork in Tehran and interviewing women from two different generations, I learned about the religious sex education for married couples that was being sponsored by the Islamic Development Organisation[4] (Sharifi 2018). At that time, I attended a one-day sex-education workshop for married women, which I describe later in this paper, and in that workshop I observed how the dominant religious discourse was appropriating traditional religious rules in relation to new sexual and marital concerns of young, educated, and religious women.

Based on my recent experience with students at Al-Zahra University, I decided to

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(university students' *châdor*), etc. Each type is popular amongst a group of women according to their lifestyle and their level of religiosity. *Châdor* also represents a woman's economic background, as quality and prices also vary.

2 I judge her level of religiosity based on her appearance and the fact that she missed three weeks of classes to attend the *Arba'een* walk, which is a large *Shi'a* pilgrimage held every year in Karbala, Iraq to commemorate the 40th day after the martyrdom of Hussain Ibn Ali, the third Imam of *Shi'a*.

3 Religious women cannot be in relations or contact with *nâ-mahram* men. A *mahram* relationship is formed either through birth or marriage. *Mahram* people (mostly close family) can socialise, while *nâ-mahram* refers to unrelated men and women whose interaction is forbidden unless the rules of gender avoidance, such as veiling, are observed.

4 The organization was founded in 1981 and it is overseen by the supreme leader of the Islamic Republic. For more information, see the organisation's website: http://ido.ir/.

take a deeper look at the sexual information that young people receive from religious and public media sources. In this paper, I focus on the work of Mr Dehnavi and his religious sex education. I analyse the content of his workshops for married men and his recently published DVDs in relation to the sexual policies of the Islamic Republic and recent socio-cultural changes in Iran. I chose Dehnavi because he is a religious and public figure; a clergyman who has programmes on the Islamic Republic's national television, organises workshops for couples, and has written a huge range of publications on marriage and marital relations. Seminary institutions and state organisations also sponsor his work and publications.

Based on my qualitative analysis, below I discuss how, in the state-sponsored publications and religious sex-education workshops, the socio-cultural norms of female and male sexualities are redefined in relation to changes in the younger generation's perceptions of sex and marital relations. More specifically, I describe how, in religious sexology discourse, traditional religious rules such as *tamkin* are redefined and justified. I argue that understanding the changes in the dominant Islamic discourse opens a space for feminist scholars to ask for new interpretations of religious texts and consequently change the legal laws that keep women in a subordinate position.

I follow the discussion that argues women's sexual rights and the understanding of women's sexuality are not fixed in Islam and that they are 'changing cultural constructs produced in relation to lived realities' of men and women throughout the Muslim world (Mir-Hosseini 1999: 6). Simply categorising Islam as the main cause of women's oppression and looking for acts of resistance to religious regulations (Moghissi 2002; Adelkhah 2004; Moaveni 2005; Mahdavi 2008; Afary 2009) ignore the changing aspects of religious discourse and its complicated effects on women's lives in Iran and other Muslim societies. Instead, we need to look at the possibilities and opportunities for action that the dominant disciplinary discourses create in the lives of women (Mahmood 2005).

According to Foucault, disciplinary power works in a paradoxical way: while the main purpose is to control and homogenise the social body, it creates points of resistance and enables individuals' capacity for action (1980: 291–292). For Foucault, power is not something that works negatively by prohibiting, restricting, denying or repressing; instead, he defines power positively, as something that produces new forms of pleasure, systems of knowledge, and discourses (ibid.: 119).

Drawing on Foucault, I argue that while the aim of religious sex education in recent years has been to justify Islamic moral codes of behaviour and regulate and control Iranians' sexual lives, it has also introduced new concepts of sexuality and changed the perception of sexual relations among its young religious audience. More importantly, religious sex education gives women religious grounds on which to challenge general socio-cultural perceptions of female sexuality in the Iranian context.

Religious Sex Education

During my fieldwork in 2012-2013 in Tehran I heard about *Hajagha*[5] Dehnavi, a clergyman in his fifties who had a live programme on national television in which he discussed couple's sexual problems (Sharifi 2018: 52). At that time many of my religious relatives found his programme useful and advised me to follow and watch it. One Thursday afternoon while I was at my parents', I watched Dehnavi's live programme. During that programme he received a phone call from a woman who was seeking advice on how to solve her husband's problem of premature ejaculation. To answer her question, Dehnavi explained the possible factors that could be causing this problem and encouraged the couple to see a psychologist or a medical doctor. I was amazed not only by the woman's unhappiness about her husband's premature ejaculation and by Dehnavi's explicit response, but even more so by the fact that I was watching it live on the Islamic Republic's national television channel. Growing up in the 1990s, I do not recall watching any television programmes like this in Iran.

The women I encountered had different reactions to the content of his programme. For example, younger religious women criticised his explicit language and the fact that the programme aired during the daytime on Thursdays.[6] One of my friends described finding her six-year-old on staring at the television watching Dehnavi's programme, and she was furious because she did not expect her child to receive inappropriate sexual information from a legitimate religious source. My friend and her husband deemed satellite television un-Islamic, especially because of its inappropriate sexual content, and they trusted national television to broadcast safe content for children during the day.

The television programme was called *Golbarg-e Zendegi* and it aired from June 2008 to June 2013. During the series Dehnavi addressed topics such as finding a spouse, having a successful marriage, the differences between men and women, and couples' sexual relations. For the purpose of writing this paper, I searched for the programme's archive, but it was not available online. I asked one of my old friends who works at national television and she gave me the producer's number. During our short telephone conversation the producer explained to me the reasons behind the programme's cancellation: 'the organization [Islamic Republic of Iran Broadcasting (IRIB)] asked us to stop producing the programme without giving us any explanations, they only said that if we wanted to continue we had to change the programme's expert [Dehnavi was the programme's main expert]'. When I asked about the sexual

5 *Hajagha* describes a man who has been to Mecca. In everyday language, though, people refer to elderly and religious men with the term *Hajagha*. The term is also used to describe clergymen.

6 In Iran the working week is from Saturday to Wednesday and the weekend is Thursday and Friday. Many people and families were thus able to watch Dehnavi's television programme.

content of the programme, he said that 'it was during the final twelve episodes that Mr Dehnavi talked specifically about the topic of desire and sexual relations'. Based on his description, I assumed that discussing sexual relations on a live television programme had caused difficulties for them. However, by cancelling his television programme, the state and other religious institutions gave Dehnavi other platforms on which to continue offering his sex education. For example, the television programme has been published in four volumes by a religious publication company based in Qom[7] and is available to order online.[8]

In addition, since 2013 Dehnavi has been organising workshops for married people which have recently been reproduced as a series of DVDs titled 'the art of lovemaking'. There are three DVDs in this series and in each Dehnavi addresses different aspects of sexual relations between couples. In one of the DVDs, he explains the reasons for producing the series: 'I couldn't continue the live programme because there were many reservations and many red lines'. He emphasises that the public sphere was not ready for the sex education he was offering in a live television programme. Therefore, he organises workshops instead, where he discusses sexual relations clearly and explicitly for people who are eager to learn:

> *I feel responsible. I am not encouraging sensuality or promiscuity among people. As a clergyman who has his own family, I cannot have evil intentions. My main aim is to increase the quality of Iranian people's sexual lives with the help of our Islamic culture. I am not talking outside of the religion; it all exists in our religion.*

Dehnavi is a perfect representative of religious sex education in post-revolutionary Iran. Traditionally, generations of religious *ulama*[9] responded to people's sexual concerns in *Towzihul Masâ'els*:[10] they provided 'expert advice on the dos and don'ts of sexual relationships, thereby not only helping believers make sense of their carnal desire, but also controlling their sexual expression within the confines approved by the *Shari'a* (Shahidian 2008: 103). In the traditional religious discourse of sexuality 'there are no discussions of women's sexual satisfaction' and it is full of 'commands and warnings', mostly aimed at men, about the 'rights and duties of each spouse in marriage' (Mir-Hosseini 2004: 3-4).

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7 Qom is Iran's second holiest city and is home to Shiite *Ulama* and seminary schools.

8 For more information about the book series, see: https://bit.ly/2xA5PLF

9 Religious leaders, experts of Islamic texts, and laws.

10 Most religious leaders have a *Towzihul Masâ'el.* This is a book that might contain questions and answers regarding religious regulations about virtually any issue of interest to followers of a particular *Marja'-e Taqlid* (a religious authority who can be followed as source of imitation), from regulations concerning ablutions, to banking, to sex and so forth (Shahidian 2008: 103).

However, these texts are not compatible with the sexual issues and problems of young Muslim people living a modern lifestyle (Shahidian 2008). In fact, young people today receive information about sex from different sources, such as the Internet, satellite television, Hollywood movies, and pornographic content distributed on social media.[11] Such information can cause anxiety as it normalises aspects of sexualities and sexual relations that might be different from a couple's life. For instance, during my fieldwork in 2012 I interviewed a family consultant and she told me that the majority of couples who asked for consultation had sexual problems. As I have described in detail elsewhere, she spoke about a young couple that 'became concerned [they] were not having enough sex because the films they watched indicated a higher level of sexual activity to be the norm' (Sharifi 2018: 44). At that time, in my interviews with women, I also noticed that many of them compared their own sexual experiences with sexual relations they had seen in television series[12] and Hollywood movies (ibid.: 44–45).

In addition, large-scale studies conducted in major cities in Iran have shown couples' sexual dissatisfaction to be the main reason for divorce (Farnam et al. 2008). Recent statistics indicate that sixty percent of divorces in Iran are the result of a couple's sexual problems, and mainly their sexual dissatisfaction (Salamat News 2016). According to statistics, in 2001 women petitioned for a divorce more often than men, and that year's figure had doubled by 2008; at that time, the average divorce rate in Tehran was 'one in every five marriages' (Afary 2009: 361, 363). 'The growing desire for intimacy and companionship in marriage' is considered an influential factor in the increasing number of women filing for divorce (ibid.: 362). In 2005, 53% of women who asked for divorce 'were [also] dissatisfied with their sexual relationships' (Farnam et al. 2008: 161).

In fact, due to the demographic shift to a younger population, the rise in the average marrying age, and the increased presence of women in the Iranian public sphere, it has become crucial for the state to control and regulate Iranian people's sexuality by introducing alternative sex education programmes based on *Shi'a* theology. Therefore, as Shahidian discusses, many Muslim scholars have started to compare and redefine scientific knowledge of sex and sexuality in relation to Islamic education (Shahidian 2008: 105). The knowledge this has produced has mostly targeted an urban, educated audience observant of Islamic teachings.

However, Dehnavi is the first clergyman to discuss sexual relations in Iranian public media. Still, by emphasising the fact that he is a clergyman and has no 'evil intentions', Dehnavi hints at the contempt he has been show by both the religious and the

11 For more on Iranians' use of the media, see: Sreberny and Khiabany (2010) and Alikhah (2008).

12 Especially Turkish television series, which are very popular in Iran.

non-religious segments of Iranian society.[13] Based on his knowledge of *Shari'a,* he claims that there is no need to use Western sexology, as 'all' the sexual knowledge needed to improve Iranian couples' sexual lives already exists in Islam. By simply following religious guidance, couples can increase their sexual satisfaction, create happy families, and enjoy their marital relations.

Based on an analysis of the discourses of sexuality in post-revolutionary Iran, Shahidian (2008) discusses the work of Muslim scholars in producing modern, scientific, and Islamic knowledge of sexual relations that is based on the binary of active male and passive female sexualities. He argues that while the knowledge produced in this emphasises women's enjoyment of sex, religious scholars and specialists still tell their audience 'that all a woman has to do is lie quietly and let her husband do his business' (Shahidian 2008: 114). In this respect, Dehnavi's sex education represents a change in the dominant approach to sexual relations in post-revolutionary Iran, because, in contrast to previous religious scholars, he is acknowledging how couples' sexual expectations have changed and accepting the need to redefine traditional religious rules and advice in relation to new demands.

In fact, Dehnavi's educational information is inherited from centuries' worth of sexual knowledge in the work of *ulama* and Muslim scholars. However, he does not rely on the textual medium like they do and uses new platforms such as organising workshops or publishing DVDs in order to reach a wider spectrum of the Iranian populace.

Although only married couples can attend his sex-education workshops, the recorded videos are available online and anyone can watch them for free on Aparat.[14] The DVDs are also sold on a website that belongs to seminary students in Qom. The accessibility of his videos highlights a contradictory aspect of the Islamic Republic's sexual policies: while the state denies sexual activity among youth before marriage and avoids offering any form of official sex education,[15] young and even under-aged kids can watch Dehnavi's programmes online and receive sexual information from a religious authority approved by the state.

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13 He has been mocked and ridiculed on social media, mostly by non-religious Iranians, for his use of religious advice. Searching online I discovered that he was once referred to as 'Sultan [king] of pornography'.

14 Aparat (https://www.aparat.com) is an Iranian video-sharing website similar to YouTube. While YouTube is blocked in Iran, Aparat is accessible to everyone. The content of shared videos on Aparat are revised and checked according to Islamic Regulations, but there are no age limits or parental control. Therefore, anyone can share and watch any videos on Aparat as long as the content is not un-Islamic.

15 In 2011, Ayatollah Khamenei publicly announced that the family planning campaign that was initiated in 1988 was a 'mistake' and said 'we have to increase the population to 150 million' from the current 75 million (Seyed Ali Khamenei, Speech at the National Congress on Changes in the population and its role in social changes. Originally published 28 October 2013. http://farsi.khamenei.ir/speech-content?id=24344). For more information on the state's recent pro-natalist policies, see Homa Hoodfar's article (2017).

In the next section I focus on the second part of Dehnavi's 'art of lovemaking', as I find its content and Dehnavi's use of language to be very explicit and different from the general socio-cultural perception of marital relations.

'Sex Is Not Just for Men'

The second DVD was recorded at one of Dehnavi's workshops for married men in Qom. In this programme he specifically explains sexual arousal and orgasm among men and women and emphasises the importance of sexual satisfaction in order to increase the 'quality of sexual relations' between spouses. He explains:

> *Both men and women have sexual needs. I first mentioned [this point] in a television programme and we received many strange responses from the audience – a guy texted us saying that he had been married for 20 years and he had never thought that his wife had sexual needs. Can you believe we still have such beliefs in our country?*

Dehnavi adds that in Islam, in contrast to the general perception, there is an emphasis on women's sexual satisfaction: 'women also have sexual needs, but because of the shyness that God places in them, this is not apparent before marriage'. Dehnavi's sexual education is based on the binary understanding of female and male sexuality. He still defines female sexuality in relation to men by denying women's sexual needs before marriage. In addition, he essentialises the socio-cultural understanding of a sexually unaware, chaste, and shy woman as God's command. However, he taught his audience that sex is a source of pleasure not just for men, and that women can also enjoy sexual intercourse and experience orgasm:

> *Prophet Muhammad said two things are a sign of weakness: a man who sleeps with his wife without showing kindness to her, and a man who is sexually satisfied before his wife. A man from the audience asked the Prophet: how should a man satisfy his wife? The Prophet replied: he has to wait until they both reach* enzal *[ejaculation]. Gentlemen, please take this seriously. If a man is aroused without satisfaction it does not do him any harm, but if a woman is aroused and does not reach orgasm then it has many harms such as women's betrayal and corruption. The Prophet said that God puts the patience of ten men in one woman, but if a woman is sexually aroused then her lust is the equivalent of ten men.*

In Iranian society, men and women have learnt to perform according to the norms of passive female and active male sexuality. Men are considered to have uncontrollable

sexual urges and they have more sexual freedom. In contrast to men, women have learnt to be ashamed of their sexuality, to conceal their body, discipline their sexual desire, and act according to the norm of female virginity. Both genders are familiar with the double standard relating to virginity, as it is socially more acceptable for men to have pre-marital sexual relations (Varzi 2006).

In a binary understanding of female and male sexualities, women have internalised the notion that, unlike men, women enjoy emotional contact more than they do physical/sexual relations. However, as Dehnavi notes, after marrying and experiencing sexual intimacy with their husband, women turn into sexual beings with similar sexual needs. Many women have faced difficulties in their marital relations, as suddenly in married life they were expected 'to know everything about sex and actively participate in sexual relations' (Sharifi 2018: 140).

Dehnavi's and similar examples of religious sex education should be contextualised in relation to recent changes in Iranian society. For many young, educated people, reproduction is not the primary goal of marital relations anymore. The state's population policies, especially the family planning campaign that started right after the Iran-Iraq war, established new approaches to sexual relations not limited to procreation. In order to control population growth, the state used public media and religious discourse to create an image of a happy family with fewer children (Hoodfar, Assadpour 2000: 23–29). The campaign was successful in educating younger generations of Iranians. Moreover, because of the recent economic situation many young married couples feel they cannot afford to have more children, if any at all. More importantly, as I mentioned before, exposure to images of marital/sexual relations from different media sources has given rise to new sexual concerns and expectations amongst the younger generations of Iranians.

It is in this context that Dehnavi's provision of information about sex, especially in the workshops he organises for married men, gains its significance. He does not question men's greater sexual needs or their right to polygamy, but he recognises women's sexual needs and sees their sexual satisfaction as their husband's responsibility in marriage. Dehnavi says that if a woman masturbates[16] it is her husband's sin not hers. Also, if a man has more than one wife and one of his wives commits *Zina*[17] (or Zena), it is her husband's fault, because he was unable to sexually satisfy her.

In Dehnavi's discourse, unsatisfied married women, women who are sexually aroused but not satisfied, are the main source of corruption and *fitnah* in society

16 In *Shari'a* masturbation is haram for both men and women.

17 An Islamic legal term referring to 'any act of illicit sexual intercourse between a man and a woman. The punishment for zina is the same for men and women; 100 lashes for the unmarried and death by stoning for the married' (Mir-Hosseini 2010: 21).

(Sabbah 1984). Therefore, it is important to educate men in how to respond to their wife's sexual needs and how to please them. According to Dehanvi, in order to control sexual relations in society, it is crucial to control and satisfy female sexuality at home. Consequently, he explicitly explains women's 'stimulation points' (i.e. erogenous zones) and how men can use them to prepare their wives for intercourse. He refers to a *hadith*[18] from Imam Sadiq[19] who said: 'do not have intercourse with your wives unless you have had played with them by rubbing their breasts until you see the lust in their faces and in their eyes'. Dehanvi encourages his young male audience to sexually arouse their wives by being affectionate to them throughout the week and especially the night before they want to have sex:

> *Imam Sadiq (peace be upon him) said that when a Muslim man wants to sleep with his wife he should engage in foreplay [*mola'ebeh*] with her as it is better [for sexual relations]. Or Prophet Muhammad (peace be upon him) said three things are considered cruel: one is a man who has sex with his wife without first preparing her.*

Dehnavi cites physiological and scientific facts, but without giving any references, to prove the importance of 'foreplay'. The scientific facts are presented mainly in order to appeal to a wider spectrum of the Iranian audience and to prove the practicality of religious regulations in modern life. For example, he mentions that the lack of *mola'ebeh* (foreplay) is one of the causes of infertility in women. He also advises his audience that if you want your child to be a boy then sexually arouse your wife, and if you want a girl then avoid foreplay, because when a woman is sexually aroused it affects the PH level in her uterus and this determines the baby's gender.

By presenting an image of a marital relationship based on mutual sexual pleasure and satisfaction, Dehnavi redefines *tamkin*. Sexual submission or *tamkin* is 'a husband's right and a wife's duty' (Mir-Hosseini 2002: 137). Legal marriage contracts 'define a default set of fixed rights and obligations' for men and women, which revolve around 'the twin themes of sexual access and compensation'[20] (Mir-Hosseini 2010: 47). It is a wife's duty to 'live under her husband's roof and be sexually available to him at almost any time', and it is a husband's duty to provide his wife with shelter, food, and clothing (Shahidian 2008: 113). According to law, there are two types of *tamkin*: *tamkin-e âm* (general) and *tamkin-e khâs* (specific). While the general *tamkin* refers to 'women's recognition of her husband's authority [...] as a head of

18 Stories attributed to the Prophet Mohammad and twelve Imam of *Shi'a*.

19 Ja'afar al-Sadiq was a sixth Imam of Shi'a and an influential figure in creating Shi'a ideology.

20 Compensation or *nafagheh* (*nafaqa)*.

a household', *tamkin-e khâs* is defined as 'the woman's readiness for her husband's demands for sexual satisfaction' (Tizro 2013: 101–102). Woman's disobedience in either respect is *noshooz*. A woman who 'does not *tamkin* loses her entitlement to *nafagheh*' and her husband can 'cite sexual irresponsiveness as a ground for divorce' (Shahidian 2008: 113). A woman can also ask for divorce if her husband refuses sex for four months. However, proving this is very difficult, and the court will usually 'grant a woman divorce on this ground only if the husband suffers from an incurable disease, or has disappeared for over six months' (ibid.). In addition, 'a man can refuse sex as punishment for his wife's *noshooz*, but a woman cannot refuse sex for any reason unless her husband's demand contradicts the *Shari'a* (ibid.). Moreover, if men's sexual needs are not satisfied at home, they legally have the right to acquire another wife, whether temporarily[21] or permanently.

Dehnavi does not question the religious or legal aspects of *tamkin* that put women in a subordinate position. His description of a happy and satisfied marital relationship is still based on men's right to unlimited sexual access. However, he contradicts the traditional religious education by reminding his male audience that you cannot expect your wives to be sexually available without showing them affection and love. Moreover, instead of repeating the general understanding of *tamkin* as meaning women should be sexually available to their husbands whenever or wherever the husband wants,[22] Dehnavi explains that men should prepare their wives first and respect their wishes and desires for intercourse. A few times during his speech he also addresses women by encouraging them to play an active role during sexual intercourse: 'most of our women act like a marble stone during sex, they are very beautiful [like marbles] but they just lie down like a stone and do nothing'.

Similar sex-education workshops are also organised for married women. In 2012, as part of fieldwork for my thesis, I attended one of these one-day workshops in Tehran (Sharifi 2018: 50-52). Only married women, with a marriage licence as proof, could attend the workshop. The main purpose of the workshop was to educate young married women about the importance of sexual relations for maintaining a successful and happy marriage. During the workshop, the female speaker, who had a seminary background, taught her audience how to choose sexy underwear, how to initiate sex, how to write amorous and sexy text messages, and how to experience and enjoy different sexual positions with their husband. Without showing or using any additional photos or videos, she described in detail ways to give and receive pleasure

21 Temporary marriage (*siqeh* or mut'a) is allowed in Shi'a jurisprudence and has been practised freely in Iran (Haeri 1989). *Siqeh* is 'a contract with a definite duration (from a few minutes to ninety-nine years) [which] legitimises a sexual union as well as the children born into it' (Mir-Hosseini 1999: 69).

22 There is a famous hadith attributed to Prophet Mohammad that says: 'Women must give a husband sex even if they are on the back of a camel' (Al-Kulyani 1379 Volume 5: 507)

and encouraged her audience not to be ashamed of sex and to play an active role during sexual intercourse.

In the workshop for married women, *tamkin* was the main topic. The lecturer reminded her audience that their place would be 'in hell' if they did not sexually submit to their husband. However, she encouraged her audience to look at sex not simply as their duty but as a way of showing love and affection for their husband. Similar to what Dehnavi argued, she emphasised that sex was important for both men and women and by playing an active role, in such ways as initiating sex and being open to experiencing different sexual positions, women could increase both their own and their husband's sexual pleasure in marriage.

Dehnavi's DVD and the workshop for married women complete with each other as both address the same issue: the sexual relationship between married partners. While Dehnavi focuses on mutual sexual satisfaction and educates his young male audience to be attentive to their wife's sexual needs in marriage, the female speaker in the workshop repeatedly mentioned *tamkin* as women's only responsibility in marriage. By using different strategies both try to regulate and control the sexual life of modern, young, and educated people in accordance with *Shari'a*.

However, the changes in their use of words highlight the changes in perceptions about sexual relations among young religious men and women. For the young audience, simply representing *tamkin* or sexual submission as a man's 'right' and a woman's 'duty' is not compatible with their ideal of sexual relations anymore. Therefore, the dominant religious discourse makes sure that couples know how to respond to each other's sexual needs and represents sexual relations as a source of mutual enjoyment and pleasure for both men and women. Still, the information about sex that is offered indirectly justifies rules such as *tamkin*.

The Contradictory Aspects of the Islamic Republic's Religious Sex Education

Religious sex education is a disciplinary discourse as it is aimed to regulate and control the sexual lives of Iranians based on religious rules such as *tamkin*. Like Foucault's (1980) depiction of disciplinary power, I emphasise the indirect and positive aspects of religious sex education in the lives of young married men and women, because I find Islamic sex education to be both 'disciplinary' and 'emancipatory', especially for young Iranian women.

Najmabadi discusses how the creation of the modern Iranian female subject was based on a similar contradiction, as there were both 'emancipatory and disciplinary impulses' (Najmabadi 1998: 91). The emancipatory aspect of modern education provided women with 'a place in the nation' and the opportunity to 'become

citizens' (ibid: 113). However, this 'place' was achieved through 'self-policing' and an internalisation of the regulatory and disciplinary practices not previously enforced in women's domestic lives (ibid.).

Similarly, while the main purpose of Islamic sex education is to create sexually satisfied men and women, it gives couples, especially women, religious grounds on which to ask for sexual satisfaction and sexual pleasure in marriage. In fact, religious sex education creates a legitimate sphere in which young Iranian women can share their sexual concerns and increase their knowledge of sexuality. For example, I was amazed by the number of young women, mostly in their 20s, who attended the one-day workshop. Similar to my recent experience at Al-Zahra university, I was surprised by the questions and sexual concerns women raised during the workshop. The religious basis of the sexual information gave them the authority and power to seek help for their sexual worries and problems.

Unlike the older generations of Iranian women, younger women expect their husbands to respect their wishes and satisfy their needs. Many in the older generations of women have told of unpleasant or even 'torturous' sexual experiences with their husbands as their sexual needs were denied in marriage (Al-Sharmani, Rumminger 2015: 237; Sharifi 2018: 48). In the religious sex education workshops, younger women still learn about the importance of *tamkin*, but at the same time they learn that their sexual needs should also be satisfied at home.

More important, the discourse of religious sex education presents a different image of male sexuality – one in which a man is affectionate, caring, warm, and friendly towards his wife. Under the influence of Dehnavi's sex education, young men learn that they are responsible if their wife is sexually frustrated and unhappy in marriage. Polygamy is their religious legal right only if they can sexually satisfy all their wives. This image is contrasts with the general cultural view, as men are usually depicted as selfish sexual beings who only care about their own needs and desires.

Religious education for men dealing with the importance of women being sexually satisfied and teaching men how to give sexual pleasure reflect the extent of the social problems that have been caused by couples' sexual dissatisfaction. In order to preserve the well-being of the family and control Iranians' sexual lives it has become important to create a caring and loving image of a marital relationship. This new image redefines *tamkin*, not as a woman's duty and a man's right, but as a way of showing love and affection. In fact, they both should participate in increasing each other's sexual pleasure at home.

Dehnavi's religious sex education and other similar workshops function in a complicated and contradictory way. They only legitimise sexual intercourse between heterosexual married partners, and they deny women's sexual needs before marriage, encourage *tamkin*, fail to question a man's right to polygamy, and ignore women's

lack of legal support in marriage and divorce, but at the same time they spread new knowledge about sexual relations and introduce new sexual concepts, such as mutual sexual pleasure and satisfaction, into Iranians' sexual lives. This new knowledge is particularly influential for religious youth, who, due to religious barriers, do not have access to other sources of learning about sexuality. However, in order to analyse both the regulatory and emancipatory aspects of this discourse, it is essential to see how young people, and especially young women, understand, define and practice *tamkin* and other sexual advice in the context of their lives.

Conclusion

Feminist scholars have criticised the perception of Islam and the Muslim world as a homogenous entity (Abu-Lughod 1998; Ahmed 1991; Badran 1995; Mir-Hosseini 1999; Mahmood 2005). They instead emphasise the historical, political, and socio-cultural indicators that shape the individual practices and interpretations of Islamic laws and regulations in a variety of contexts. In this paper, I also have argued that the religious discourse of sexuality, which is based on *Shari'a*, is not fixed, as it re-justifies and re-interprets itself in relation to changes in society. In order to retain its control over people's sexual lives, the religious discourse is forced to address the issues and concerns that affect people's lives. Therefore, as we see in Iran, the religious discourse applies new methods of communication and different modes of presentation in order to reach a wider spectrum of people and especially youth. By doing so, the religious discourse of sexuality indirectly enables women to think about their sexual desires and sexual expectations in marriage, and by highlighting sex as an important aspect of married life it encourages young women to learn more about sex and increase their knowledge of sexuality.

Similar to what Abu-Loghod has argued, I show that 'it is not easy to put one's finger on how power works' in a specific context (2013: 6). To understand the relations of power and the complicated and even contradictory aspects of disciplinary discourses, we need to look for the possibilities for actions that such discourses create in the lives of women.

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Political Embodiments of the *Hijab* in Narratives of Iraqi Refugee Women in Diaspora

Nadia Jones-Gailani

Abstract: This article explores how young displaced Iraqi Sunni Muslim women negotiate religious identity in diaspora, and how veiling becomes an expression of a new politicised Islamic feminism. Veiling continues to be the focus of ideological debates about Islam and women's rights in the Muslim world and in the global diaspora of displaced refugees. Young refugee and migrant women find themselves at the intersection of new and old Muslim communities, secular and religious feminisms, and first- and second-generation ideals of female modesty. Based on oral histories conducted with Arab and Kurdish Sunni Iraqi women now resettled in the Toronto and Detroit areas, the article traces a new trend in grassroots religiosity among young women in diaspora. New forms of a politicised religious subjectivity, in this case through veiling, suggest that these young women actively mobilise around a religiously constituted political consciousness. As a 'speech act' wearing *hijab* can in part be understood as a political performance that embodies the intersections of religious and non-religious symbolism. As the article argues, it is as migrants located at the intersection of new and old imaginaries of a global Umma that these reimagined religious subjectivities are forged.
Keywords: Hijab, Muslim, diaspora

Jones-Gailani, Nadia. 2019. 'Political Embodiments of the *Hijab* in Narratives of Iraqi Refugee Women in Diaspora.' *Gender a výzkum / Gender and Research*, Vol. 20, No. 2: 84–106, http://dx.doi.org/10.13060/25706578.2019.20.2.485.

In a 2011 White Paper issued by the Air Force Research Laboratory, author Tawfik Hamid attempts to convince the reader that headscarves worn by Muslim women can be equated to a *jihadist* ideology and represent a form of 'passive terrorism'. Following former President Barak Obama's announcement of a national counter-extremism strategy, a summit of so-called 'experts' suggested the wisdom put forth by the White Paper was 'more relevant than ever'. A self-described former Islamist and Research Fellow at the prestigious Potomac Institute for Policy Studies, Hamid argues that the USA should take steps to 'weaken the *hijab* phenomenon' because the

'*hijab* contribute[s] to the idea of passive terrorism' and represents an implicit refusal to 'speak against or actively resist terrorism' (Hamid 2015).

This article seeks to place into context Hamid's comments by offering an alternative lens to interpret the so-called '*hijab* phenomenon' so prominent in the affective geopolitical struggle centred around Muslim women's bodies. My purpose here is also to nuance a discurse that frequently presents pious women as passive victims, or at best as pawns in a global *jihad*. Drawing upon ethnographic research conducted over five years with Iraqi refugee and migrant women in multiple geographic contexts, I suggest that there is a complexity to the symbol of the *hijab* beyond its accustomed religious significance as it is embodied in North America. Not only is the *hijab* a religious symbol, it is also – in the words of the women that I interviewed – a form of political activism against what they perceive to be the racialisation and marginalisation of Muslim women, and against a culture that sexualises and co-opts the female form. As the *hijab* has become a central symbol to ideological debates about Islam and women's rights – most prominently in diasporic communities in western states – it is critical that we understand the multiple meanings of veiling, especially given the growing number and diversity of displaced Muslim (and non-Muslim Arab) refugees living outside of the Arab world. Accordingly, this paper offers an analysis of the multiple meanings of veiling for young second-generation Iraqi Sunni refugee women who were resettled in Toronto and Detroit after 2003. Taking up Judith Butler and Saba Mahmood's insight that 'speech acts' can also include non-oral or textual enunciations, I argue here that the growing phenomenon of young Muslim women veiling in secular western states amounts to a bodily act in which religious and non-religious signifiers intersect to produce a new enacted identity – the religious subject. Furthermore, it is only by deconstructing the multiple religious and nonreligious meanings of these signifiers that we begin to understand how 'the making of a religious subject' is realised (Butler 1993; Mahmood 2005).

'Defensive Modesty'

I first became aware of a developing trend in young Iraqi refugee women adopting the *hijab* following their displacement from Iraq and settlement in North America when I became embroiled in a family feud related to the practice. My father, stepmother, sister, and brother were resettled through the United Nations High Commission for Refugees (UNHCR) from Amman, Jordan, to Ontario, Canada, in 2008. Six months after they arrived and began the process of settling into Canadian life, I received a call from my father. Uncharacteristically frantic and agitated, he blurted out 'Nadia, we need you to visit. There is something you must see, and I don't know how to explain this over the phone.' A few weeks later, I visited a tense and unhappy household. As

I entered the living room my father was pacing the floor, swearing in Arabic, while my stepmother nervously sipped weak tea with mint. When my sister emerged from her room wearing *hijab*, my father exploded into a furious tirade about backwardness and 'traditional' values. 'You see!', my father started yelling dramatically, 'You see what she is doing? Talk some sense into her!' At first I tried to calm him down by explaining that she was an adult and this was her decision. He angrily reacted to my defence of the *hijab* by shouting back, 'What is wrong with you, aren't you supposed to be some kind of *feminist*?'[1]

In the tense stillness that followed, I began to formulate the two central questions around which I have organised this article. First, why had my sister, seemingly without cause or persuasion, decided to start wearing *hijab* upon arriving in Canada? Second, why was being veiled and being a feminist – in my father's mind as well as in the minds of many others – considered anathema? And with regards to the latter, why can't we see the *hijab* as a feminist response to the multiple and imposed narratives that regulate the lives of young Muslim migrant women? These questions informed and shaped the oral history interviews I conducted with refugee and migrant Iraqi women first in temporary sites of settlement in Amman, Jordan, and then again as they settled in Toronto and Detroit. From the sample of over one hundred oral histories collected with a diverse cross-section of Iraqi diasporic women between 2008 and 2012, I draw primarily in this article on the narratives of seven young women who started to wear *hijab* less than two years after arriving in North America. From the overall sample of sixty-eight women aged 18 to 29 years, thirty-eight of these

1 Interview with the author, Hamilton (Ontario), 10 June 2009. Family members identified in this paper have kindly agreed to be named in my research, and they continue to support my efforts within their community to promote and extend my research base. It is with gratitude and gravity that I identify them by name, as I realise that their personal and familial dialogue on the issue of veiling is largely unresolved and continues to cause generational and gendered tensions. My sister Yasmeen is the best possible ambassador for young Muslim women in diaspora, and I commend her resilience and efforts to educate the public about women and faith in Islam. This topic is one that remains controversial within the Iraqi communities in which I undertook my field research. In an effort to protect the privacy of all other women interviewed for my dissertation research, and in follow-up conversations undertaken specifically for the purposes of this article, all names and identifying information have been withheld. I do not wish to erase or silence Iraqi women from their narratives; rather I am keenly aware of the relatively small number of young veiled women in these communities, and the ease with which they could be identified. Whenever possible, I have tried to be faithful to their personal style and the manner and tone used to convey their deepest convictions about faith, and also about a political subjectivity still in the making. It is regrettable that I cannot quote them at greater length; however, given the many examples I have witnessed of 'bad gossip', I am reluctant to take liberties with their words. The more serious threat posed by identifying non-conformist women, and their connections to transmigrants or family members who continue to live in Iraq and the neighbouring region greatly outweighs the benefits that quoting the women at length might have for the purpose of this research.

were Sunni, so the women make up seven from this larger sample. Interviews were conducted largely in the homes of women and their families, and in a few cases for the women in question in parks or outdoor spaces that afforded a measure of privacy to speak about intimate issues related to religion and the body.

I was admittedly fascinated by my sister's decision, and soon began to discover she was part of a small but growing trend amongst second-generation Iraqi Sunni-Muslim women in her age group (18 to 29 years of age), who have adopted the *hijab* in North America.[2] In my conversations with young refugee and migrant Iraqi women, I also became aware that there was no one defining factor that marked their decision; rather, the women explained veiling as a means of protecting their reputation as unmarried women. In addition, all but one of the women immediately communicated the idea that the act of wearing hijab was a form of political statement. The *hijab* has for these women become a symbolic marker that reveals much about the role that it represents in these women's lives, particularly as it relates to the realisation of the political subject (Mahmood 2005). Indeed, adopting a feminist stance, these women frame their subjectivity within the context of an understanding of identity politics, whereby the female subject demarcates her corporal body as a site of her 'speech acts' or activism. In drawing these connections, these young women contribute in interesting ways to a new political imaginary in which overt religious markers articulate a membership in not just the material nation-state of the host community, but also a global *Umma* of Muslims connected by an imaginary of belonging.[3]

One of the critical concepts involved in this process of political identity-making is that of a 'defensive modesty'. There are several ways in which to identify the response of 'defensive modesty' in the words and actions of young displaced Iraqi women.

2 As I discuss in greater detail in my book manuscript (title and publication information provided on a separate page), the former aristocracy who went on to become the new middle to upper classes in the post-1958 independent Iraq were largely Sunni Arab (and later Kurdish Sunni) Muslims who had accumulated wealth and status over centuries of political hegemony, which included control over land, resources, and the governance of Iraq's provinces. The Ba'th regime (1968-2003) was predicated on the wholesale rewriting of Iraq's history in favour of a political narrative that supported the Sunni ascendancy. Outnumbered by the Shi'a community in Iraq, Saddam Husseyn threw his efforts behind a campaign of misinformation, which targeted education, culture, and the visual arts, and supported the idea that the Sunnis were the true indigenous Iraqis that could trace their ancestry to the prophet Muhammad. Educated Sunni families left in large numbers after the 2003 US invasion when they became the target of attacks by militia groups who looked to kidnap family members and extract vast amounts of money for their ransom. There continues to be a prevailing belief amongst Sunni Iraqis in diaspora that the current crisis in Iraq is the result of US interference and their support for Shi'a politicians, which has brought about a political stalemate in attempts to redraft the Constitution and move forward with reconstruction efforts. For more information, see Zubaida 1997; Preston 2003; al-Khalil 1989; Sassoon 2009.

3 For the purposes of this research, the following is a merely a sample of relevant work on the topic: Khan 2003; Moghissi 2005; Yadlin 2002.

Readings of the Qur'an by both men and women sometimes (but not always) extol the virtue of culturally and economically determined modesty wherein strict guidelines are determined on the basis of local and national culture. Ongoing debates have given rise to critiques of a Salafist[4] return to a literal veiling and seclusion of pious women (Wadud 1999). A close reading of the Qur'an certainly informed the notion of 'defensive modesty' among the young women I interviewed and thus acted as one of the key motivations behind veiling. As one participant noted, 'I use my Qur'an to defend my mind…and my *hijab* is to defend my body'.[5] And a key factor in the pressing imaginary of needing to 'defend' modesty that was continually repeated throughout my interactions with young Iraqi migrant women was marriage.

Conversations on the topic of marrying 'well' commonly emerged in my interviews with Iraqi women and their relatives in diaspora. A widely accepted and transposed custom from Iraq, marriages arranged through networks of friends, family and 'interested parties' remain common, especially in communities of educated and previously affluent Sunni families (Aswad 1988). Living transnational lives, second-generation Iraqi women participate in a form of 'defensive modesty' in part so that they can 'prove' within the networked diasporic communities in which they belong that they value sexual modesty and purity. The *hijabi* women all in some respect framed their understanding of modesty within more orthodox and – as I understand it – Salafist interpretations of the Qur'an. Recent Iraqi migrants tend to try and marry within similar ethnic and religious families. In order to increase her marriage prospects, one woman commented that 'if we wear *hijab* then they will know we are good, and we will get the good men from Iraq'.[6] This and other related topics in the interviews revealed how female bodies are the cultural terrain used to demarcate boundaries

4 The Salafist movement is an ultra-conservative reform movement within Sunni Islam that emerged in the second half of the 19th-century and advocated a return to the traditions of the religious ancestors of Islam. Salafism and the Salafiyya are frequently connected (erroneously, in most cases) with fundamentalist Islamic ideology, due in part to the emergence of Wahhabism in Saudi Arabia (the followers of the teachings of reformer Abd Al-Wahhab) as a later and more militant development within the movement. Religious orthodox Islamist groups connected to the outgrowth of a Political Islam (a category created by, and used mainly in, the West), are broadly Salafi in orientation, but not necessarily Wahhabi. Salafists desire a return to a pure Islam and try in their daily lives to emulate the behaviour and life of the Prophet Muhammad and his close companions, believing this should be the basis for a new socio-political order. In North America, and in the United States in particular, the media equates Salafism with various forms of radical terrorist groups advocating violence as the only way to rid Muslim countries of infidels and recreate a Muslim empire (as in the case of Daesh or ISIL). Even though Salafists are doctrinally rigid, it is essential to note that the majority of the followers are peaceful and do not in any way advocate violence and terror. For more on the Salafiyyah in North America, see Meijer 2009; Al-Rasheed 2002; Kundnani 2014.

5 Interview with the author in Dearborn (Detroit), 21 October 2009.

6 Interview with the author in Burlington (Ontario), 19 November 2009.

between 'us' and 'them', which in this case, distinguishes virtuous women of intact reputation from those displaced refugee women who may have become tainted by immoral conduct in North America.

The policing and regulating of migrant women's bodies means that the response from the families of the respondents was varied and not always what one would expect to find. For example, I had assumed that family members – parents or grandparents in particular – might feel that a woman was better protected when wearing the *hijab*. However, in the case of the seven women in my oral history sample who adopted the *hijab*, only one family initially offered their support to the young woman in question. Six of the families responded with displays of anger and frustration, with the most vocal being male relatives who, like my father, expressed concern that wearing *hijab* would attract negative responses from employers, friends, family, and the general public (Barazangi 1989). Despite the fact that two of her aunts had previously adopted the headscarf decades before arriving in Canada, one of the participants who chose to veil recalled her conversation with her brother: 'How can you find a job wearing that – they will all think you are a terrorist because they do not know what this [*hijab*] is.'[7] Male relatives showed concern primarily with the family's reputation being coded as 'backward and conservative' – a phrase repeated throughout the interviews with respondents in reference to male members of their families. Fathers and brothers of the young *hijabi*[8] participants also highlighted the growing dangers for devout Muslims in the United States and Canada, fearing that wearing *hijab* in public would put their daughters and sisters in physical danger. In an attempt to 'talk sense' into the women, female relatives most often resorted to ridicule, making hurtful comments and deriding their appearance as unattractive and overly pious. In one case, a participant noted that her mother told her she was starting to look shapeless and severe, likening her to 'black crows, like the women in the Gulf' who wear loose, black, floor-length abayas.[9]

How then do we explain the highly emotional responses that veiling has engendered from the parents and extended families of these women? What is it about the generational understandings of wearing *hijab* that appears to be so radically different between Sunni Muslims living in diaspora in comparison to those who have remained in Iraq?

The young refugee women that I interviewed were all born and partly socialised in Iraq.[10] When the interviews took place between 2008 and 2012, over two-thirds of

7 Interview with the author in Mississauga (Ontario), 8 November 2009.

8 *Hijabi* is a term used to describe women who wear *hijab*.

9 Interview with the author in Southfield (Detroit), 20 October 2009.

10 From a cross section of twenty-two participants in this age category, seven women adopted the *hijab* shortly after arriving in Ontario or Michigan.

this group was comprised of unmarried women (Rumbaut 2002). Having experienced traumatic disruption during their formative years owing to the devastating effects of international sanctions followed by the 2003 US invasion, these young women's lives were defined by a precarious optimism for a 'golden age' they partly remembered and partly reconstructed through the memories of their parents, aunts, and uncles. Family memories of lavish garden parties, summers away in Europe, and the exclusive privilege that came with being part of the accepted elite informed a need on the part of the women migrants to stabilise their identity and class standing in the chaos of resettlement (Dawisha 2009). Much of the anxiety of finding their place within new class structures in diaspora is informed by the difficulty most refugees face in acquiring the necessary documents or providing adequate documentation to have their credentials verified. Education – or the defined standards of educational equivalents – is an important factor in determining the socio-economic standing and potential of individuals and their families in Toronto and Detroit. Many of the first- and second-generation migrants I interviewed faced difficulty due to delays in their education that were caused by conflict and then resettlement. In addition, many who had completed studies in Iraq found their academic qualifications from Iraqi universities were not recognised, forcing them to make the difficult decision to repeat their studies, often within the same field or profession (Sassoon 2009).

By contrast, their parents' generation – the first-generation Iraqi migrants in North America – grew up in an entirely different world. Most of the women I interviewed who were between the ages of thirty and fifty-nine years of age formed a distinct 'ethclass' whose values and behavioural patterns were shaped by their membership in former aristocratic families, who, after the fall of the Hashemite monarchy in 1958, became Iraq's professional middle class (Cainkar 2009). These first-generation Iraqi women of Kurdish and Arab Sunni backgrounds were economically distinct as part of the professional middle class, sharing key cultural and social markers (class, education, professional experience), as well as having spent a significant portion of their adult lives living and working in Baghdad (Batatu 1979). In addition, over two-thirds of the first-generation group had previously left Iraq as students to study outside of the Middle East. During the so-called 'golden years' of economic expansion in Iraq, the Ba'th government funded thousands of students to complete professional degrees in the United Kingdom, Western Europe, North America, and Australia, on the understanding that upon the completion of their studies they would return to Iraq (Salbi, Becklund 2005; Yousif 2008). Although designed primarily for men, women often accompanied brothers and husbands in order to take advantage of the government-funded programme.[11] This moment in the lives

11 Interview with the author in Mississauga (Ontario), 8 November 2008.

of these young men and women permitted a freedom of movement, intellectual pursuit, and even a loosening of the rigid boundaries that regulated male-female intimacies. This freedom of mobility accompanied a desire by Saddam Hussein's regime to establish Iraq's reputation as a secular and progressive rising power. Young adults from privileged Sunni families – my own included – took advantage of the scheme to explore life outside of Iraq, and some even formed romantic attachments that contributed in interesting ways to the growing diaspora of Iraqis (Al-Ali 2007; Al-Jawaheri 2008). In conversations with Iraqi first-generation women, it became apparent that this encounter with the West at a formative age had profound influences on the cultural ideals of a professional Sunni and formerly political-elite class.

Born into a period of prosperity in Iraq, these women witnessed a boom in jobs that accompanied the growth in infrastructure and development. Whereas other countries in the region looked outside the nation to expand their workforce, the Ba'th administration looked within, drawing upon the growing number of university-educated female graduates in the fields of engineering, applied science, and medicine (Al-Ali 2005; Wright 2014). By the 1980s, Iraqi women were some of the most educated women in the region, and they were encouraged by the government to participate in the public sphere and in the development of an independent Iraqi nation. Professional women embraced the state's attempts to 'modernise' their lives by reforming female dress codes and improving women's legal rights. However, following a period of instability and sanctions that spanned a decade and a half, the ensuing inflation and deterioration of the state infrastructure, including funding for daycare services, forced many of these women back into the home to contend with the growing anger and frustration of male family members who were watching the rapid deterioration of their professional conditions, wages, and quality of life (Al-Ali 2005).

After the 2003 US invasion, the Arab and Kurdish Sunni professional class was displaced following the complete breakdown in security and ongoing threats against their lives. These first-generation women are in many cases experiencing living in western states for the second time in their lives, whereas twelve of the women (30 to 59 years) have degrees from western universities. During the 1970s, Iraqis were welcomed as international students, whereas now they feel prejudice growing in the United States and Canada against refugees from the Middle East. Many of their worst experiences can be equated with the spectacular rise of Islamophobia and racist attacks on Muslims, causing many in this group to fear for the safety of their children. Baffled by the ignorance of Muslim beliefs and practices, the women told stories of angry and racist encounters that have led them to hide their faith. As one participant noted: 'When I lived with my husband in Indianapolis in the late sixties,

we had Christian, Jewish, communist friends – no one cared. Now I feel like I have to hide my faith or people will think I'm a terrorist.'[12]

On the topic of wearing *hijab* in diaspora, these first-generation women had very strong opinions about what they almost exclusively viewed as recent conservative Islamic trends in Iraq. During the 1940s and 1950s, reforms to female dress codes were introduced that urged women to stop wearing the traditional floor-length black *abaya* in public (Al-Wardi 1965). By the late 1960s, first-generation women claim it was common to see young women sporting mini-skirts in public (Al-Ali 2007). There were only a few women from the first-generation participant group who wore *hijab* and they explained that Sunni women who veiled usually began to wear *hijab* later in life, after they were married with children. They view veiling as an expression of the biological stage in a woman's life and a sign that she is no longer fertile. A Sunni Arab woman from Baghdad narrated the story of how she left Iraq in 1997 with her brother and his family following her husband's death. As a widow, she felt a sense of security in being veiled, confiding that 'I didn't want to remarry, so I started to wear *hijab*. Then the men, they left me alone.'[13] Many women from the first-generation lived alone with their children, while their husbands worked from Iraq and other countries in the vicinity and sent remittances every month to support the family. A participant from Baghdad explained that after her husband went to work in Germany, she felt more secure living alone with the children when she began to wear *hijab*. She commented that, 'if you wear *hijab* there is no question that you will have a good reputation'.[14]

When I asked these same first-generation women if they would like their daughters to wear the headscarf, they all responded emphatically that unmarried Sunni women should not be veiled. Some of these participants noted that they would support their daughters if they decided to wear *hijab*, but only after they were married with children. Even as they explained the logic of this dichotomy, those women wearing *hijab* underscored the importance of beauty in determining how well an Iraqi woman could match up with a man in the homeland. When I asked a first-generation *hijabi* from Mosul what she considered to be the key factors in securing a suitable marriage partner, she responded that 'you must be beautiful, of course, and come from a good family and have a good reputation. My daughter is very beautiful and we come from a good family, so Insha'Allah, we will be successful in getting her a good husband, even though now our situation is not so good in Canada'.[15] Such responses, particularly

12 Interview with the author in Mississauga (Ontario), 8 November 2008.
13 Interview with the author in Hamilton (Ontario), 9 November 2010.
14 Interview with the author in Hamilton (Ontario), 2 May 2009.
15 Interview with the author in Hamilton (Ontario), 9 November 2010.

from first-generation veiled women, seem to indicate that they believe wearing the headscarf limits marriage prospects in diaspora, and it is therefore encouraged that young women appreciate their beauty as an asset (Al-Khayyat 1990).

Given these dynamics, why then do second-generation Iraqi refugee women adopt the *hijab* without any apparent previous interest in religious orthodoxy or without the support or suggestion of family members? The young women that I spoke with explained that they followed the example of Muslim women they had befriended at school or university who also wore the *hijab*. Upon closer inspection, I found that while their friends were most often Muslim migrant women, they were not in any of the seven examples from Iraq. A nineteen-year-old refugee from Baghdad claims to have felt pressure from her small circle of devout friends at university to be a 'good Muslim woman, and follow the true words of Allah the merciful'.[16] Others suggested that the company of other women provided a forum within which to discuss both the physical and the spiritual aspects of this decision. In the case of one woman, when her friends urged her to veil, she admitted, 'I didn't know how to put on a *hijab* at the beginning – it was so hard! My friend, she laughed at me, and tried to show me, but really I had to practice a lot on my own!'[17] With respect to the trend, then, my interviews suggest that, although families are not providing the impetus for the decision to veil, devout Muslim-American and Muslim-Canadian women are playing an important role in informing these decisions. Furthermore, as part of a growing global orthodox Islamic movement, networks of young pious women create a support structure for young Iraqi refugees outside the traditional family unit (Baldassar et al. 2007; Berns-MacGowan 1999; Aswad 1997).

As a distinct in-between group, the 'sociocultural characteristics and psychological experiences of these pre-adults are distinct' from first- and second-generation Canadian and American immigrants. These women are best described as the '1.5 generation'; neither fully Iraqi nor Canadian or American. The 'transnational' second generation is able to move between different identities and develop a sense of self 'shaped by personal, familial and organizational connections to people "back home" and at the same time in terms of race, ethnicity and nation are part of a political process that extends transnationally' (Fouron, Glick-Schiller 2002). Without the strong internal network of a community organisation, as is present, for example, in Christian orthodox Iraqi communities in Detroit, this in-between generation is vulnerable to a lack of 'access to mobility ladders', resulting in their professional stagnation and inability to maintain the socio-economic status of their parents' generation (Portes, Zhou 2002).

16 Group interview with the author in Hamilton (Ontario), 18 December 2010.

17 Interview with the author in Mississauga (Ontario), 10 December 2009.

The position of this in-between generation of women is further complicated by the fact that they are of an age where one of the markers of transitioning into adulthood is finding a suitable marriage partner. In Iraq, endogamous marriages are arranged through their extended networks of kin, which is made easier by the fact that families tend to settle in close proximity to each other, so that several generations often live together in the old family home and provide support networks for professional women with young children, as well as unmarried or widowed women. Although men and women from several generations typically participate in the matchmaking process, it is the senior male family members who have the final say in their sons' or daughters' choice of marriage partner (Aswad 1997; Mathews, Rosner 1998). In diaspora, families cut off from these trans-generational support networks shift the burden to younger male relatives, who are pressured to mediate marriage proposals and uphold the family's reputation and social standing. Due to the short supply of available partners in the greater Toronto-area community in particular, young women rely heavily on networks of family and friends to match them with appropriate men in Iraq.

In marriage negotiations, modesty is frequently scrutinised as friends and family rely on oral testimonies (most often gossip) to produce 'evidence' in support of the woman's claims to virtue. As is true of other displaced ethno-national groups, the ever-changing situation in the homeland, in this case Iraq, holds real consequences for youth in diaspora (Grewal 2005; Dossa 2009). The growing religious conservatism in Iraq since the 2003 US invasion has focused attention back onto women's dress and their public appearance. In 2005, journalists started to report an increase in women wearing *hijab* in urban centres like Baghdad, seeing it as a means by which to protect their bodies from the gaze of American and Iraqi soldiers and militia, as well as from the growing number of unemployed male youth (Williams and Mohammad 2009). Six of the seven young *hijabis* I interviewed reported that the growing religious orthodoxy practised in Iraq since 2003 has affected their lives by increasing the frequency and fervency of gossip that shapes their reputation and that of their family. A potent force of female policing, the threat of 'bad' gossip and the spectre of immodesty for young Iraqi women increasingly controls dress, friendships, leisure time, and career path.

This increase in the policing of women's bodies both in Iraq and in diaspora has had a significant personal impact on the second-generation Iraqi women I interviewed (Abu-Lughod 2002; Khan 2006). All seven of the women in my oral history archive who adopted the *hijab* began wearing it in their late teens as a pointed expression of their faith and commitment to spreading the message of Islam. Conversations with these women also revealed that they were more overtly conservative in their religious beliefs than their parents. As one participant noted in 2010, 'I am proud to be a Muslim, so I would like to wear *hijab* to show people that I am not *afraid* to be

a Muslim'.[18] They referenced the perceived 'freedoms' that their mother's generation enjoyed and how these have been replaced with a growing concern about female reputation and marriage prospects. On the topic of marriage prospects in Iraq, another young participant noted that, 'if we wear *hijab*, then they will know we are good, and we will get the good men from Iraq'.[19]

Paradoxically, being perceived as 'too religious' seemed to be a label that very few Sunni middle-class families in Toronto and Detroit were willing to bear. One husband casually remarked during a group interview that he wished his wife would stop wearing *hijab* so that she could more easily mix with other Canadian women. In response, his wife pointedly replied: 'I won't take this scarf off for anyone. Not even you.'[20] As with many of the fathers and brothers of the participants that I also interviewed, this tension reveals the complexities of gendered and generational expressions of religiosity for Iraqi men and women. The men that I interviewed did not necessarily reject the *hijab* as a legitimate form of female piety; however, aside from a few participants, they did not support veiling outside the Muslim world because of the inherent association with 'developing' world (read uncivilised) mentalities. And although Islamic forms of sociability are in no way antithetical to democratic political and economic formations, first-generation Iraqi women also typically rejected ideas of public devotion (Haddad 1996; Khan 2002; Mernissi 1987; Mohanty 2003). This belief in private devotion is in no small part shaped by their generation's experiences of watching neighbouring Iran fall victim to a state-centred mechanism of socio-religious change (Dawisha 1984; Joseph 1991). First-generation Iraqi migrants lived through the carnage of Iraq's war with Iran, followed by the rise of the Muslim Brotherhood and the Da'wa movement in Egypt (Witteborn 2008). In addition, those first-generation participants who had lived outside of Iraq in predominantly secular and western-style societies found the idea of public devotion to be both a dangerous and foreign appropriation of religious performance.

Making a Religious Political Subject

Young second-generation Iraqi women also adopt the *hijab* as a political statement, and one that is informed by their feminist religious activism. Aware of the possible incongruent definitions of 'feminist' and 'feminism' in our cultural points of reference, I did not directly ask the women if they considered themselves to be making a feminist statement in adopting the veil unless they explicitly invoked feminism to explain their

18 Interview with the author in Hamilton (Ontario), 17 December 2010.
19 Interview with the author in Mississauga (Ontario), 9 December 2010.
20 Interview with the author in Mississauga (Ontario), 5 March 2010.

actions. One of the seven *hijabis* initiated our conversation by openly declaring that she was a feminist who expressed her ideas of freedom through faith. When I asked her why she had decided to dress conservatively and adopt the *hijab*, she explained that she felt safer in covering her body. Also saying that she felt a sense of agency in the act of veiling her body, she insisted that I respect her message of a tolerant and equal Islam that creates equality for observant men and women. Framing her understanding of feminism through a discussion about individual choice, she argued that, by choosing to wear *hijab,* she has reclaimed control over her sexuality, thereby liberating herself as a woman. For this participant, her feminism – Islamic or otherwise – was about the right to choose, and it was her choice to cover her body. In her words: 'You see, it is not about safety really, because in Canada you can wear what you want. But I want you to look at me, at my eyes, and listen to my mouth when I am talking.'[21] Her rationale behind veiling, then, was that controlling her sexuality meant almost de-sexualising her body so that her intellectual and spiritual presence, and not her body, became the focus of attention.

Since the 1990s, scholars such as Leila Ahmed, Fatima Mernissi, and Amina Wadud have been deeply engaged with the relationship between Islam and feminism, and in the process they have worked to produce a discursive shift that brings feminist analysis to bear on Islamic thought, in a category now commonly recognised as 'Islamic feminism' (Ahmed 1993; Mernissi 1991; Wadud 2013). This convergence has been long resisted by others who promote the idea of Islamic feminism as a starting point from which to theorise the intersections of Islam and feminism (Barlas 2007). In so doing, the formulation of Islamic feminism as the necessary outcome of the intersection of Islam and gender-equality work has brought about what Dipesh Chakrabarty calls the 'triumphalist moment of modernity' (Chakrabarty 2000). However, the main problem with our understanding of a 'political modernity' is its foundation in categories and concepts whose genealogies are embedded in the intellectual and technological traditions of Europe. In order to break with this lineage, we must find alternate approaches to feminism(s) emerging from non-European cultural traditions (Ashfari 1994; Badran 2011; Moghissi 1999). Since feminism has such strong associations with political modernity, women's equality work is implicated in a hegemony that produces sameness between feminisms, whereas in the case of women displaced from the Muslim world, it is premised upon recognising the otherness of Muslim women's experiences (Seedat 2013a).

Nevertheless, post-colonial feminism has offered a continuing challenge to feminist hegemony in western societies, and third-wave feminism has opened the doors to accepting differences between women as part of the new direction of global

21 Interview with the author in Hamilton (Ontario), 17 December 2010.

feminist activism. This by no means has ended the hegemony of the (western) feminist gaze when considering the lives and activisms of religious women. On the one hand, there continues to be a strong contingent of scholars who take Islam for granted in the application of feminist analysis to the history and current lives of women in the Arab world. By promoting the idea that consciousness of gender issues has always existed in Muslim culture, they have found a way to have a productive conversation about Islamic women's activism and lives (Barlas 2002; Kausar 2006; Kausar, Kamaruddin 1995; Wadud 1999). Whereas, on the other hand, there remains a more practical faction of feminists who admit to consciously using secular feminist methods and analysis that promote the convergence of Islam and feminism, on the grounds that pious Muslim women desire a feminist frame within which they can identify. Furthermore, this desire manifests in works on Islam and feminism in which we gain a greater appreciation for the utility of a feminist framework that reproduces differently across time and space, spreading in different ways and taking on the form of the nation-states that give it shape. Even as we consider the historical use of feminism in the colonial enterprise, the utility of feminist methods to access the activism, experiences, and spiritual lives of Muslim women cannot, or should not, be overlooked (Badran 2011). The problem of course remains that we can very well apply the notion of gender-egalitarian practices to a variety of historical contexts, but to talk about 'feminism' or 'feminist critique' is still to harken back to an idea that first emerged in the 1880s and has since then consistently been aligned with a Eurocentric model of colonial civilising practices located in non-secular parts of the world.

In fact, we can trace the most recent incarnation of this form of secular feminist hegemony in recent calls to democratise the Arab world and combat the war on terror and its dire implications for women living in target Muslim nation-states. Heightened tensions in the United States and Canada after the 9/11 attacks have meant that Muslims and non-Muslims are constantly being reminded of their differences and of the divisions between the 'civilising' missions in Arab and Muslim nations and the 'uncivilised' masses that need to be rescued from autocratic (and, assumedly, religious) regimes. How, then, can a reading of feminism be applied to analyse the equality and political subjectivity of Islamic feminist women? Fatima Seedat and others suggest that this is impossible if we continue to draw from 'an incomplete reading of feminism' (Seedat 2013b). I agree with Seedat that the feminist narrative is reductive and assumes a dominant model of assessing Muslim women's identity wherein they are by default 'othered' from the normative standard. Muslim women are not homogenous. Indeed, rather than being a useful analytical tool, the category 'Muslim women' is not helpful because it implies a sameness within the group and does not consider experiences of being displaced from Muslim-dominant homelands.

It is yet another inaccurate implication of the standards of 'global sisterhood' so readily and uncritically embraced by certain secular third-wave feminists (Keddie 2009; Khan 2001).

Increasingly, a western media campaign of misinformation has come to identify 'the veil', with Islamism, extremism, *jihadism*, and, of course, the oppression of Muslim women (Haddad 2007). More than a decade of war propaganda has solidified not only the boundaries between 'us' and 'them' but has also breathed new life into the old argument that brown women need saving from brown men (Abu-Lughod 2002). For example, in spreading democratic values in Afghanistan, the campaign hinged on the need to mobilise armed forces to liberate Muslim women from degrading conditions and a regime that treated them as second-class citizens. In the case of Iraq, the American government was up against a secular enemy state, and a different rhetoric needed to be employed to convince the western allies that the invasion of Iraq was legitimate (which arguably they failed to accomplish). And yet, even by conservative estimates, the US invasion has resulted in a confluence of extremist militant groups seeking to destabilise the fractured regional governorates and to establish spheres of influence in Iraq, Syria, Yemen, Libya, Somalia – and the list goes on. In addition to a steep decline in women's literacy, education, and employment, the invasion and the subsequent US-backed al-Maliki government has had tragic results for the safety, mobility, and public participation for women in Iraq (Al-Ali 2007). Furthermore, one of the immediate and noticeable changes has been in terms of acceptable dress codes for women. As Iraqis increasingly travelled to Europe and North America to study or to vacation with family in the 1960s and 1970s, they brought back western fashions that they wore with pride on the streets of Baghdad.[22] First-generation Iraqi women claimed that they felt free to show their hair, arms, legs, and shoulders whenever they were out for the evening in mixed company. The dramatic shift that occurred after 2003 brought about a new increase in *hijabis* on the streets of Baghdad and, perhaps more surprisingly, more women seen wearing the traditional floor-length black *abaya* that the state had abolished many decades earlier. Both serve as an indication that not only are women fearful for their physical security, but also that the shifting social hierarchies and political climate that initially caused the exodus of the professional Sunni class has left behind a void that has been filled by Shi'a Muslims desperate to reclaim a part in Iraq's federal apparatus.[23] What is perhaps more alarming is the shift away from accepted secular forms of dress

22 Al-Ali also found evidence of women following Western fashions in the sixties, in her interviews with Iraqi women in the United States and the United Kingdom.

23 For further reading on Iraq's Shi'a population and the reconstruction of social classes following the 1958 revolution, see Nakash 2006; Eppel 1998. For a complete description of the developments of sects and economic classes in Iraq, see Batatu 1978.

and public participation by women and towards a re-Islamisation of Iraqi society and politics due to the ongoing Iranian agenda to inform and control the newly appointed National Assembly in addition to their desire to expand their influence into regional politics following their thirty-year isolation.

In my interviews with Iraqi women, I approached discussions of feminism and feminist action in ways that were sensitive to this theorising of otherness, and I was careful not to reinforce the pre-existing imperial relationship between secular feminists and the 'others'. As someone with an Iraqi family who grew up primarily in the United Kingdom, I can identify in unexpected ways with these women who were displaced from Iraq during their formative years and now seek to find a platform for their voice in an unfamiliar place. I cannot, however, completely resist the imperial relationship that develops within the space of the interview as I recognise that my British upbringing and Canadian education overshadow my 'sameness' to these women. My position as both insider and outsider to Iraqi communities often makes me privy to the kind of sharing that implies a cultural intimacy, but at the same time manipulates difference in order to shape me into a sympathetic confidant (Anderson, Jack 1991; Bhabha 1990).

Yvonne Haddad and others have suggested that young Muslim women have appropriated a century-old view of the *hijab* as a symbol of solidarity and resistance to what they believe are efforts to eradicate the religion of Islam. Historically, the symbol of the *hijab* has been an integral part of revolutionary and anti-colonial struggle, illustrated most vividly in Algeria in the 1950s and Iran in the 1970s (Bullock 2002). From this perspective, the re-appropriation of the *hijab* in North America can be seen as a return to what these young women believe is an 'authentic' expression of Islam (Haddad 2007). At the same time, the *hijab* is a public affirmation of trust in North American systems of governance that guarantee the freedoms of religion and speech. The *hijab* has become an 'iconic symbol of North American Islamic identity' in the aftermath of the 9/11 attacks and the rise in Islamophobic rhetoric (Abu-Laban, Gabriel 2003).

Is it possible, then, that the broader neoliberal, imperialist agenda of liberating Muslim women's bodies is a driving force behind the renewed public performance of religiosity? During the most recent US campaigns in Afghanistan (2001) and Iraq (2003), western feminists were at the forefront of discourses calling for greater physical and sexual freedoms for Muslim women, and the tired reiteration that the ultimate liberation for Muslim women in the Arab world is from the tyranny of Muslim men. As many academics have countered, secular feminist hegemonic exceptionalism seeks to civilise these women in ways that refashion Muslim women's bodies into an acceptable form. Young Muslim women in diaspora, like those of my study, fight these attempts by connecting to growing networks of like-minded

individuals online who converge to discuss theology, piety, fashion, and love (Agnew 2005; Baldassar, Gabaccia 2011). Are these young Iraqi women part of what Saba Mahmood has documented for Egypt, namely, a growing movement of women practising and advocating public piety, and in so doing, organising, critiquing, and advocating on behalf of religious movements connected to what many are calling an Islamic revival? And if the Islamic orthodoxy to which these women pledge their devotion is also in flux, how then do we evaluate the public piety of women forced into diaspora by war and conflict?

While I am in no way relegating religious women merely to the diaspora, nor am I implying that these are the only concerns of informants that identify as 'religious' women, there were points in common in how second-generation women of my study articulated the ideals of Islamic tradition that were important to their daily lives. The most clearly articulated force shaping their desire to be good Muslims was the experience of being 'othered' as recently settled migrants and refugees. And while this is but a small sample, my experiences of working within communities of diasporic Iraqis is that in some respect these women are drawing upon 'Islam as a powerful ideological tool of resistance'. Moghissi reminds us that, 'Indeed, in the absence of a viable, anti-racist, and leftist movement for Muslims, Islam is practically the only force that appears to effectively challenge global power structures and systems of domination' (Moghissi et al. 2009). As displaced Muslims are increasingly racialised in Canada and the USA, Moghissi and others suggest that this has increased the appeal of a political message that has been co-opted to many different ends, which includes the efforts of terrorist groups such as Da'esh who wish to see women reduced to second-class citizens (Soltanpour 2005).[24]

Conclusion

My conversations with Iraqi women suggested that their adopting of the hijab signifies an increasingly complex relationship with the diaspora and the Umma at large as religious political subjects. In large part, it seemed that new forms of worship and daily behaviour are being 'taught' and shared by Muslims from outside their Iraqi communities in both Detroit and Toronto. Not unlike those public meetings held in mosques that Sabah Mahmood documented in Egypt, migrant Muslim women in North America are teaching each other Islamic doctrine, 'thereby altering the historically male-centered character of mosques as well as Islamic pedagogy'

24 Some researchers have even documented the increase in teenagers from non-practising and secular Muslim families that are increasingly influenced by more religious friends into following conservative and often fundamentalist practices (Soltanpour 2005).

(Mahmood 2005). The women's mosque movement, which has continued to grow in popularity since the 1970s, provides both a political and religious sensibility within Muslim contemporary societies (Mahmood 2005). Young Iraqi refugee women similarly ground their understanding of Islamic theology in these mosque meeting-groups, organising in secular and religious spaces (mosques, coffee shops, online blogs, Facebook, etc.) to discuss how they can challenge the stereotypes of Islamic fundamentalism by being part of an open dialogue that includes people of all ethnic, cultural, and religious backgrounds. The young women I interviewed found solace and friendship in small groups of Muslim women from a variety of socio-cultural and economic backgrounds who helped them learn the scriptures, social practices and religious dress they consider to be 'germane to the cultivation of the ideal virtuous self' (Mahmood 2005). Furthermore, as one young and outspoken participant claimed, 'I would like to gain agency back over my body – my mind is already free!'[25] This desire to connect their spiritual being with the physical embodiment of a form of orthodox piety ultimately leads women to take on the veil as a means of reclaiming their bodies back from the West. And as one of these young women so casually remarked at the end of our discussion, 'Of course you can wear the *hijab* and be a feminist – why not? Who will tell me I cannot do this?'[26]

In a critique of Hamid's analysis of the *hijab* as a form of 'passive terrorism', Ingrid Mattson, a professor of Islamic Studies at the University of Western Ontario, pointed out that it is a garment worn by an incredibly diverse array of women, including Nobel Peace Prize recipient Malala Yousafzai. 'Is *hijab* any Muslim woman's headcover? Any style, any country? Because covering the head is very widely observed among Muslim women', Mattson asks. 'There is no logic here. Is Malala, who wears a *hijab* and was shot by the Taliban, a terrorist? There is nothing, sadly, more banal than for powerful people to tell women to take their clothes off' (Hussein 2016). Not only does Hamid accuse Muslim women of passive terrorism, he takes his argument one step further, claiming that along with fundamentalist ideology, the *hijab* represents an implicit refusal to 'speak against or actively resist terrorism' (Hussein 2016). And this only represents one of many examples of prevalent misguided ideas about why women choose to veil. How, then, are we to ask Muslim women in North America to trust us and integrate into our brand of multiculturalism, if our desires to see them unveiled are driven primarily by a secular-liberal assumption of Islam's patriarchal and misogynist qualities? And how much longer will we continue to replicate the colonial assumption that non-western cultures are inferior, misogynist, and that the women in these cultures need to be rescued through the agency of colonial rule? (Mahmood 2005).

25 Interview with the author, Hamilton (Ontario), 19 November 2009.
26 Interview with the author, Mississauga (Ontario), 16 October 2010.

In tracing the multiple expressions of meaning given to the *hijab* by second-generation Iraqi women anxious to find communities of support and friendship, it is perhaps hardly surprising that the first place they find these connections is in the mosque and social groups. Finding like-minded women who also want to learn more about Islamic traditions and doctrines, these second-generation Iraqi migrant women subvert the assumptions at the core of the secular-liberal imaginary: that political struggle occurs at the level of the state, the economy, and the law. Using their bodies and religious observances as modes of political action in the public, young women adopting the *hijab* do not see the conflict between what most secular liberals would consider the historically distinct opponents of Islamism and secular liberalism. Perhaps this is because, as Mahmood reminds us, they are also indebted to the 'extension of the secular-liberal project itself' (Mahmood 2005), which has been pervasive in shaping the lives of the dominant political elite in Iraq. Now that this elite is part of the global diaspora, these Iraqi women have joined part of the grassroots Islamic revival movement, finding in the performance of piety a means to re-exert political, feminist, and cultural agency over their bodies.

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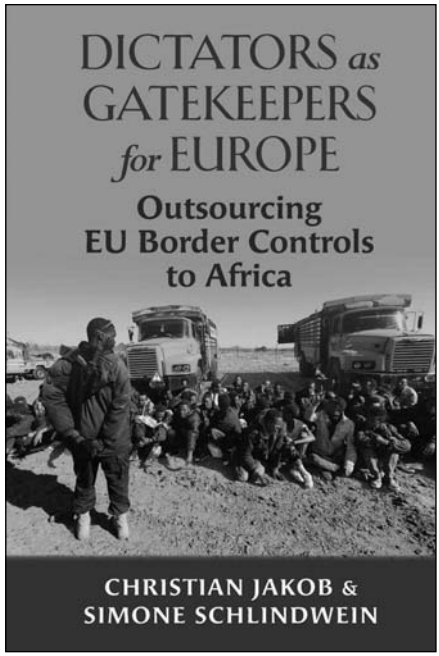
Dictators as Gatekeepers for Europe

Outsourcing EU Border Controls fo Africa

Christian Jakob, Simone Schlindwein



The USA is divided around the wall President Trump wants to build along the Mexican border. Europe has long answered this question at its own southern border: put up that wall but don't make it look like one. Today the EU is trying to close as many deals as it can with African states, making it harder and harder for refugees to find protection and more dangerous for labour migrants to reach places where they can earn an income. But this is not the only effect: the more Europe tries to control migration from Africa, the harder it becomes for many Africans to move freely through their own continent, even within their own countries. Increasingly, the billions Europe pays for migration control are described as official development assistance (ODA), more widely known as development aid, supposedly for poverty relief and humanitarian assistance. The EU is spending billions buying African leaders as gatekeepers, including dictators and suspected war criminals. And the real beneficiaries are the military and technology corporations involved in the implementation.

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GENDER A VÝZKUM
GENDER AND RESEARCH

The Challenges of Islamic Feminism[1]

Ziba Mir-Hosseini

Abstract: By the early 1990s there were clear signs of the emergence of a new gender discourse that came to be labelled 'Islamic feminism'. In this paper, I first set this new discourse against the backdrop of the global and local politics of Islam and gender in the latter part of the 20th century. Then I introduce the work of feminist scholar-activists who argue for equality and justice from inside the Muslim tradition, outline how they seek to change the terms of traditional Islamic discourses on gender, and consider their prospects of success. I shall focus on Musawah (www.musawah.org), a global movement for equality and justice in the Muslim family.

Keywords: Islam, Islamic feminism, family law, Musawah

Mir-Hosseini, Ziba. 2019. 'The Challenges of Islamic Feminism.' *Gender a výzkum / Gender and Research*, Vol. 20, No. 2: 108–122, http://dx.doi.org/10.13060/25706578.2019.20.2.486.

The Muslim legal tradition does not treat men and women equally. At the heart of its unequal construction of gender rights lie two key assumptions: one theological – that God has given men authority over women; the other sociological, reflecting an ancient premise – men are strong, they protect and provide, while women are weak and obey. These assumptions are reproduced in a set of legal rulings that the classical Muslim jurists derived from Islam's sacred texts. They continue to constitute the established interpretations of the Shari'a.

With the expansion of human rights and feminist discourses in the course of the twentieth century, many Muslims came to see these interpretations as unjust and discriminatory and began to challenge them from within. By the late 1980s this challenge had acquired the label of 'Islamic feminism', which at the time seemed a contradiction in terms. There has since been much discussion and debate and a growing literature on this composite term, to which I have contributed (Mir-Hosseini 1995, 2006, 2011a).

1 This article draws on and expands arguments I presented in two previous articles (Mir-Hosseini 2014, 2016).

I have two aims in this article. First, to set the rise of 'Islamic feminism' against the backdrop of the global and local politics of Islam and gender in the latter part of the twentieth century. Second, to provide an idea of the work of the feminist scholar-activists who argue for equality and justice from inside the Muslim tradition and of how they seek to change the terms of traditional Islamic discourses on gender and to consider their prospects of success. I shall refer to Musawah (www.musawah.org), a global movement for equality and justice in the Muslim family. Musawah – an Arabic word for 'equality' – was launched in February 2009 at a large gathering in Kuala Lumpur, where it had been initiated by the pioneering Malaysian women's group Sisters in Islam (SIS), itself active since 1988. We (I am a founding member) seek to link academic research with activism in order to present fresh perspectives on Islamic teachings and to contribute constructively to the reform of family laws and practices.

But first, a word on my own position and where I am coming from. I am a Muslim woman and a committed participant in the debates over – and the struggle for – gender equality in law. My approach and analysis are those of a trained legal anthropologist; but I do not claim to be a detached observer. Since the early 1980s my research has centred on the laws regulating gender relations in the Islamic legal tradition. I examine these laws from a critical feminist perspective and attempt a kind of 'ethnography' of the juristic constructs on which the whole edifice of gender inequality in the Islamic legal tradition is built. In 2000, I crossed the line between academic research and activism and began working with women's groups such as Sisters in Islam.

The Rise of Islamic Feminism

In my own life experience, I see two major turning points. The first was the Iranian Revolution of 1978-9 and the foundation of the Islamic Republic. I think this was also a turning point in the history of Islam and of Muslim women's place in the Western imaginary. Until then, the standard expectation among the general public, among intellectuals on the left and right, among feminists, and in academia, was that religions – including Islam – would gradually retreat and that political modernisation would do away with religious manifestations and symbols in the public space. Muslim women were still an exotic curiosity, expected to follow the path of progress and to liberate themselves from the constraints of their religion. In the 1970s, hijab – the most potent and loaded of Islamic symbols – was almost non-existent in public spaces; it was indeed rare to see a woman wearing hijab, whether in Europe or in public spaces, such as universities, offices and so on, in most Muslim-majority countries.

All that changed with the resurgence of Islam as a political and spiritual force, which peaked in the Iranian Revolution. Though the forces that brought about the revolution were multiple, in the aftermath Islamists took power, and it has become known as the 'Islamic revolution'. It gave hope and confidence to the Muslim masses and a sense of pride that they badly needed; they needed to know that they could change a corrupt and unjust regime even though it was supported by Western powers. This was no small realisation. It was also a revolution that unfolded before the eyes of the world's media, and one of its enduring and puzzling images was that of women in black hijab leading political demonstrations. It is no exaggeration to say that the Iranian Revolution of 1978-9 had as great an impact as the Russian Revolution of 1917 – at least in terms of its ideology.

Meanwhile, in the intellectual field, the dominant Western narrative and representation of Islam was unravelling. Edward Said's *Orientalism*, first published in 1978, had an impact on Western academia almost as significant as that of the Iranian Revolution on the Muslim world. Said condemned the academic field of Oriental Studies for lacking the objectivity that it claimed, and he argued that representations of the East had served to justify Europe's colonial rule and define the West's self-image. One of Said's arguments that is relevant to our discussion can be summarised as follows: the construction of identity in every age and every society involves establishing opposites and 'others'. Oriental Studies led the West to see Islamic culture as static in both time and place, as uniform, and as incapable of defining itself. This gave Europe a sense of its own cultural and intellectual superiority – seeing itself as a dynamic, innovative, expanding culture, as well as being 'the spectator, the judge and jury, of every facet of Oriental behavior' (Said 1978: 109).

Edward Said's book was part of the emerging post-modern and post-colonial turn that brought a new level of complexity to both public and academic discourses on Islam and the Muslim world. Scholars were now trained to recognise and examine the power of representation, the power to name and define the other, the intimate connections between knowledge and power.

This was the context in which the meaning and symbolism of hijab came to the fore and was contested. One of the cultural manifestations of political Islam was that women, initially on a small scale, took hijab voluntarily. In a few countries like Saudi Arabia, Iran, and Sudan, Islamists in power passed laws to make hijab mandatory: women were forbidden to appear in public without their hair and body fully covered. But elsewhere, in Muslim countries and others, increasing numbers of Muslim women were opting for hijab – for a variety of reasons and in a wide variety of shapes and colours: from the all-enveloping burqa of Afghanistan and Pakistan to the simple head-scarf of the Turkish peasant; and from the all-black niqab of Arabia to the rainbow-coloured manteau of the fashion-conscious Iranian middle class.

This decision was offensive or incomprehensible to many Western feminists, for whom 'veiling' had been the most potent symbol of Islam's subjugation of women. Why should women opt for such a manifest tool of their oppression? These feminists construed this decision by Muslim women as a rejection of a 'Western' and 'modern' way of life and values, which it was indeed for some, though many others thought they were finding fulfilment and defining their identity in their own way. All of a sudden there was an angry debate. Hijab represented so many contradictory ideas about the state, the role of women, control over the body, sexual mores, and codes of morality and value. In that polarised debate, to be a feminist meant to oppose hijab and all it stood for, including 'Islam'. To choose hijab meant one had been duped by religion, by political Islam, and therefore one could not possibly be a feminist.[2]

What was lost in this debate was that political Islam, like other ideologies, carried its own seeds of change. One of its neglected and paradoxical results was that it helped to create a space, an arena, within which Muslim women could reconcile their faith and identity with a 'feminist' struggle for gender equality.

Let me elaborate: It is important to recall how and why Muslim women faced a difficult choice early on when feminism – as consciousness and a movement and a knowledge project – was entangled with the politics of colonialism. In the early part of the twentieth century, in the course of Muslim countries' struggles for independence from colonial powers, women became both carriers of tradition and symbols of cultural and religious authenticity. On the one hand, colonial discourses construed 'Islam' as irreconcilable with the central features of modernity, including 'women's emancipation'; on the other hand, anti-colonialist and nationalist movements saw feminism – the advocacy of women's rights – as part of the colonial project that they rejected. Those Muslim women who acquired a feminist consciousness at the time were under pressure to conform to anti-colonialist priorities; any dissent could be construed as a kind of betrayal.

They faced a painful choice, which Leila Ahmed, a scholar of women's movements, describes as a choice 'between betrayal and betrayal' (Ahmed 1984: 122). They had to choose between their Muslim identity – their faith – and their demand for women's rights. For much of the twentieth century, in many Muslim countries, growing numbers of educated and middle-class women chose the path of emancipation and put their faith – if they retained it at all – in the private space, where it was supposed to belong.

2 There is extensive literature on this; see in particular Hoodfar 1997, 2003; Scott 2007; Mir-Hosseini 2011b

But as the twentieth century ended, this choice began to dissolve. The year 1979 was not only the year of the Iranian Revolution – the apogee of political Islam – it was also the year when gender equality acquired a new international legal mandate: the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) – also known as the Women's Convention. The 1980s saw the concomitant development, globally and locally, of two powerful but seemingly opposite trends. On the one hand, with the encouragement of CEDAW, the international women's movement expanded, and NGOs emerged, with international funding and transnational links, to give women a voice in policymaking and public debate over the law. On the other hand, Islamist political movements – whether in power or in opposition – started to invoke 'Shari'a' in order to dismantle earlier efforts at reforming and/or secularising laws and legal systems. Tapping into popular demands for social justice, they presented this dismantling as 'Islamisation' and as the first step in bringing about their vision of a moral and just society.

By the early 1990s, the conflict between these bitterly opposed isms – i.e. Islamism and feminism – found a kind of resolution in the emergence of a new gender discourse that came to be called 'Islamic feminism'. I was one of the first to use this term for the new gender consciousness and discourse that emerged in Iran a decade after the 1979 revolution had brought Islamists into power. I called this discourse 'Islamic feminism' because it was feminist in its demands and yet took its legitimacy from Islam. Women who voiced this discourse in Iran were those who in the early 1980s were 'Islamist'; some had played a crucial role then in silencing secular women's voices, but by the late 1980s, many of them had become disillusioned with the Islamic Republic's official discourse on women. They found an ally in feminism, and they were intent on resisting patriarchal interpretations of Islam's sacred texts (Mir-Hosseini 1996).

I argued that 'Islamic feminism' was the 'unwanted child' of political Islam; it did not emerge because the Islamists offered an egalitarian vision of gender relations. They certainly did not. Rather, their slogan and agenda of a 'return to the Shari'a' and their attempt to translate into policy the patriarchal gender notions inherent in classical jurisprudence provoked Muslim women to increased criticism of these notions.

The second turning point was the rhetoric and politics of the 'War on Terror' in the aftermath of the 11 September 2001 attacks in the USA. The illegal invasions of Afghanistan and Iraq – both partially justified as promoting 'democracy', 'freedom', and 'women's rights' – the double standards employed in promoting UN sanctions, the subsequent revelations of abuses in Guantanamo, Abu Ghraib, and Bagram, have all, in the eyes of many, discredited both international human rights and Western feminist ideals (Abu-Lughod 2002).

At the same time, for many Muslims the appeal of Islamism has been dented by the human rights abuses committed by Islamists in power, notably the Taliban in

Afghanistan, the hardliners in the Islamic Republic of Iran, the rulers of several other Muslim states, and of course, more recently, Da'esh or the so-called 'Islamic State'.

Yet, rightly or wrongly, many Muslims have perceived the 'war on terror' to be directed against them, which has not only made them insecure and thus more likely to cling to their religious traditions, but has also – and this is my point – silenced internal voices of dissent and reform. For them, the US-led invasions were reminiscent of the earlier European 'Civilising Mission', making a hollow mockery of lofty concepts like democracy, freedom, human rights, and women's rights. In 2004, Haifa Zangana – an Iraqi woman novelist who was tortured in Saddam's prisons and now lives in London – wrote in the Guardian newspaper of the new meaning of the word 'democracy' in Iraq. It had become the bogeyman that mothers summon to scare their children into obedience: 'Quiet, or I'll call Democracy!', they now told them (Zangana 2004).

The Birth of Musawah

It was then that many of us, as Muslims and feminists, found ourselves in the crossfire. On the one hand, Islamists were denying us equality in the name of Shari'a; on the other, hegemonic global powers were pursuing a neo-colonial agenda in the name of feminism and human rights. The way out of this predicament, for some of us, was to bring Islamic and feminist frameworks together. The vast majority of women whose rights we championed were believers and wanted to live according to the teachings of Islam; effective change, we believed, could come, not through rejection and confrontation, but only through a meaningful and constructive engagement with those teachings.

To do this we needed to reclaim the egalitarian ethos of Islam and to create a public voice for our vision of Islam. We faced two different forms of resistance. One came from religious establishments: leaders and groups – all men – who claim to know and speak for 'authentic' Islam. They view both international human rights law and feminism with suspicion and refuse to engage meaningfully with their advocates. But it is their vision of Islam, not ours, that reaches most women, who consequently do not necessarily support our quest for legal equality. The other form of resistance is from some secularist feminist scholars and women's rights NGOs and activists, who refuse to engage with religious perspectives on women's issues. For many of them, 'Islam' itself is the main obstacle in their struggle for equality; they are only comfortable working within a human rights framework.

One of the very few women's NGOs that are happy to identify as both Islamic and feminist is the Malaysia-based Sisters in Islam (SIS). Since its inception in 1988, SIS has argued for women's rights and equality from within an Islamic framework, engaging

scholars and the media in a public debate on religion. In February 2007, Zainah Anwar, founder and director of SIS, organised a workshop in Istanbul that brought together a diverse group of women's activists and scholars from different countries. The meeting led to the formation of a planning committee, charged with the task of setting out the vision, principles, and conceptual framework of the movement that we called Musawah, with the aim of forging a new strategy for reform. We sought to link scholarship with activism to develop a framework to integrate Islamic teachings, universal human rights laws, national and constitutional guarantees of equality, and the lived experiences of women and men in Muslim contexts.

In the course of these discussions we realised that the source of many misunderstandings and obstacles to consensus and progress lay in the very notion of the Shari'a, which both contemporary Islamists and women's rights advocates have constructed as immutable, not open to negotiation or to contestation from within. To counter this, and to pierce the veil of sanctity surrounding the classical law, we invoked two crucial distinctions within the Islamic legal tradition that have become obscured and elided in recent times.

The first is between Shari'a and *fiqh* (the science of Islamic jurisprudence), which underlies the emergence of various schools of Islamic law and within them a multiplicity of positions and opinions. Shari'a is the ideal divine way, which in Muslim belief was revealed to the Prophet Muhammad. *Fiqh*, Islamic jurisprudence, was developed by Muslim jurists in order to discern the Shari'a by extracting legal rules from the sacred sources of Islam – namely, the Qur'an and the Sunna (the practice of the Prophet, as contained in Hadith and the traditions). *Fiqh* also denotes the 'laws' that result from this process. What we 'know' of 'Shari'a' is only an interpretation, an understanding. *Fiqh*, on the other hand, like any other system of jurisprudence and law, is human and mundane, temporal and local. Anyone who claims that a specific law or legal rule is Shari'a, or 'God's law', is claiming divine authority for something that is in fact a *fiqh* ruling, a human interpretation.

The second distinction is between the two main categories of legal rulings (*ahkam*): between *'ibadat* (ritual/spiritual acts) and *mu'amalat* (social/contractual acts). '*Ibadat* rulings cover relations between God and the believer, where jurists contend there is limited scope for rationalisation, explanation, or change, since they pertain to the spiritual realm and divine mysteries. This is not the case with *mu'amalat*, which regulate relations among humans and remain open to rational considerations and social forces, and to which most rulings concerning women and gender relations belong.[3]

3 Although these distinctions are not new, the ways that they are invoked and developed in the *Musawah Framework for Action* and subsequent documents are novel.

These distinctions allow us to challenge patriarchy from within the Muslim legal tradition. The genesis of the gender inequality that is integral to the tradition, we argued, lies in a contradiction between the ideals of the Shari'a and the patriarchal structures in which these ideals unfolded and were translated into legal norms. Islam's call for freedom, justice, and equality was submerged in the norms and practices of seventh-century Arab society and culture. In the formative years of Islamic law, patriarchal norms were assimilated into *fiqh* rulings through theological, legal, and social theories and assumptions that reflected the state of knowledge at the time and were part of the fabric of society. Existing marriage practices and gender ideologies were sanctified, and women were excluded from the production of religious knowledge. Women had been among the main transmitters of the hadith traditions, but by the time the *fiqh* schools were consolidated, over a century after the Prophet's death, they had reduced women to sexual beings and placed them under men's authority. The further we move from the era of the Prophet, we argued, the more we find that women are marginalised and lose their political clout; their voice in the production of religious knowledge is silenced; their presence in public space is curtailed; their critical faculties are so far denigrated as to make their concerns irrelevant to law-making processes. There is an extensive debate in the literature on this. Some argue that the advent of Islam weakened the patriarchal structures of Arabian society, others that it reinforced them. The latter also maintain that, before the advent of Islam, society was undergoing a transition from matrilineal to patrilineal descent, that Islam facilitated this by giving patriarchy the seal of approval, and that the Qur'anic injunctions on marriage, divorce, inheritance, and whatever relates to women, both reflect and affirm such a transition (Smith 1985; Spellberg 1991; Mernissi 1991; Ahmed 1992).

We commissioned a number of concept papers by reformist thinkers such as Amina Wadud, Khaled Abou El Fadl, and Muhammad Khalid Masud, as a way of opening new horizons for thinking and to show how the wealth of resources within the Islamic tradition, and in the Qur'anic verses on justice, compassion, and equality, can support the promotion of human rights and a process of reform toward more egalitarian family relations. These papers were published as the book *Wanted: Equality and Justice in the Muslim Family* (Anwar 2009); we made them available in Arabic, English, and French, and used them as the basis for a wider discussion with a larger group of Muslim scholars and human rights and women's rights activists. This discussion, which took place over two years and included two more workshops in Cairo and London, followed by constant electronic communication among the members of the committee, led to the *Musawah Framework for Action* (http://www.musawah.org/resources/musawah-framework-for-action/).

Engaging with Patriarchal Concepts

We aim to re-insert women's concerns and voices into the processes of the production of religious knowledge and law-making. In this sense, what we are doing is part of the larger struggle for the democratisation of the production of knowledge in Islam and for the authority to interpret its sacred texts. In 2010, Musawah initiated a multi-faceted project to rethink two central juristic concepts rooted in the Qur'an that lie at the base of the unequal construction of gender rights in Muslim family laws. These are *qiwamah* and *wilayah*, which, as understood and translated into legal rulings by Muslim scholars, place women under male guardianship. *Qiwamah* denotes a husband's authority over his wife; *wilayah* denotes the right and duty of male family members to exercise guardianship over female members (e.g. fathers over daughters when entering into marriage contracts). These concepts, as constructed by classical jurists and reflected in current laws and practices, have played and continue to play a central role in institutionalising, justifying, and sustaining gender inequality in Muslim contexts.[4]

There are two interconnected elements to the Musawah project. The first is the production of new feminist knowledge that critically engages with these legal concepts and redefines them in line with contemporary notions of justice. The second element of the project involves documenting the life-stories of Muslim women and men in different countries with the aim of revealing how they experience, understand, and contest these two concepts in their lived realities.

For the project, we commissioned background papers that expound and interrogate the construction of the two concepts in classical *fiqh* texts and their underlying religious and legal doctrines, as well as their place and working in contemporary laws and practices. This naturally took us to Verse 4:34 in the Qur'an:

> Men are ***qawwamun*** [protectors/maintainers] in relation to women, according to what God has favoured some over others and according to what they spend from their wealth. Righteous women are ***qanitat*** [obedient] guarding the unseen according to what God has guarded. Those [women] whose ***nushuz*** [rebellion] you fear, admonish them, and abandon them in bed, and ***adribuhunna*** [strike them]. If they obey you, do not pursue a strategy against them. Indeed, God is Exalted, Great. (Ali 2003, bold in the original – author's note)

This verse has been intensely contested and debated by Muslims for over a century. There is now a substantial body of literature that attempts to challenge and reconstruct

4 The project built on an earlier one, 'New Directions in Islamic Thought', hosted by the Oslo Coalition for Freedom of Religion or Belief, in which some of us were involved. See Mir-Hosseini et al. 2013.

the meanings and connotations of the four terms that I have highlighted. Kecia Ali (2003), from whom I have taken the translation of the verse, leaves the emphasised words untranslated, pointing out that any translation of each of these key terms amounts to an interpretation. I have inserted translations that approximate the consensus of classical Muslim jurists and are reflected in a set of rulings (*ahkam*) that they devised to define marriage and marital relations.

As defined by classical jurists, marriage was a contract whose legal structure was patterned after a contract of sale (*bay'*), which served as the model for most contracts in Islamic jurisprudence. The contract established a set of default rights and obligations for each party, some supported by legal force, others by moral sanction. Those with legal force revolve around the themes of sexual access and compensation, as expressed in two legal concepts: *tamkin* and *nafaqa*. *Tamkin*, obedience or submission, specifically sexual access, was the husband's right and thus the wife's duty; whereas *nafaqa*, maintenance, specifically shelter, food, and clothing, was the wife's right and the husband's duty. A wife's refusal to fulfil her marital duties put her in a state of *nushuz* (disobedience), which could free the husband from the duty to maintain her (Mir-Hosseini 2003).

These rulings rest on a single postulate: that God placed women under male authority. For these jurists, men's superiority and authority over women was a given and legally inviolable; it was consistent with a conception of justice that accepted slavery and patriarchy, as long as slaves and women were treated fairly. They naturally understood the verse in this light; they used the four key terms in the verse to define relations between spouses and notions of justice and equity. This postulate, we aim to show, is derived from a reading of Verse 4:34 that is no longer in line with either contemporary notions of justice or the lived realities of the vast majority of Muslims.

The first product of our research is the collected volume: *Men in Charge? Rethinking Authority in Muslim Legal Tradition* (Mir-Hosseini et al. 2015). Its main thesis is that the concepts of *qiwamah* and *wilayah* have mistakenly been understood as a divine sanction for men's authority over women. In one of the book's chapters, Omaima Abou-Bakr shows how and through what processes the first sentence of the Verse was continually reinterpreted until it became a patriarchal construct (Abou-Bakr 2015). She identifies four stages in this construction. In the first, the sentence was isolated from the rest of the Qur'an and turned into 'an independent and separate (trans-contextual) patriarchal construct' (p. 44). This, she shows, was done by taking the term *qawwamun* out of its immediate context and transforming it into a grammatical *masdar* (a verbal noun or infinitive) of *qiwamah*. In the second stage, when the concept was consolidated, rational arguments and justifications were provided for hierarchal relations between men and women. In the third stage, *qiwamah* was expanded by linking it to the idea that men have an advantage over women, from the last phrase

in Qur'an verse 2:228: 'But men have a *daraja* (degree) over them (women)'. This phrase, part of a long passage on the theme of divorce, was again taken out of its immediate context and interpreted as further support for male superiority; and a selection of *ahadith* (Sayings of the Prophet) were also invoked to establish women's duty of obedience. The final stage came in the twentieth century with the modernist thinkers, who linked *qiwamah* with the theory of the naturalness of 'Islamic law' and the ideology of domesticity, using pseudo-psychological knowledge to argue for men's and women's different natures (*fitra*).

Our other studies show that male authority over women cannot be defended on religious grounds. The term *qawwamun,* from which the jurists derived the concept of *qiwamah*, only appears once in the Qur'an in reference to marital relations.[5] Many other verses speak of the essential equality of men and women in the eyes of God and the world. In relation to marriage, two other terms appear numerous times: *ma'ruf* (that which is commonly known to be right) and *rahmah wa muwadah* (compassion and love). The closely related term *wilayah* does occur in the Qur'an, but never in a sense that specifically endorses men's guardianship over women, which is the interpretation of the term that is enshrined in classical *fiqh*.[6]

The book brings the insights from feminist theory and gender studies into conversation with the Islamic legal tradition and asks new questions: Why and how did verse 4:34, and not other relevant Qur'anic verses, become the foundation for the legal construction of marriage? What does male guardianship, as translated in the concepts *qiwamah* and *wilayah*, entail in practice? These questions are central to the ongoing struggle for equality and justice in Muslim families, and our project seeks to clarify them and suggest some answers.

Concluding Remarks

Feminist voices and scholarship in Islam, such as those represented in Musawah, are still in a formative phase, and their future prospects are tied to political developments all over the Muslim world – and to global politics.

Let me end by summarising my argument and considering the potential of Muslim feminist voices for transforming the patriarchal interpretations of Shari'a. First, the

5 *Qawwamun* appears in two other verses (4:135 and 5:8), where it has a very different, positive, and gender-inclusive meaning. See Lamrabet (2015: 77–78).

6 *Wilayah* appears in Verse 18:44, where it refers to God's protection of humans. However, words derived from it, such as *wali,* appear in many verses as an attribute of God or to describe human beings in particular contexts and stories in the Qur'an. More importantly, none of the verses on which the jurists based the doctrine of *wilayah* in regard to marriage guardianship (2:221, 2:232, 2:234, 2:237, 4:2, 4:3, 4:6, 4:25, 24:32, 60:10, 65:4) use the term *wali* or *wilayah* (Masud 2013: 132–133).

struggle for gender equality and justice in Muslim contexts is enmeshed in an intricate dialectic between religious authority and power politics, which must be recognised and exposed by those seeking meaningful reform and change. This struggle is as much political as theological. One of the key obstacles that Muslim women have confronted in their struggle is the linkage between the religious and political dimensions of identity in Muslim contexts. This linkage is not new – it has its roots in the colonial era – but it took on a new and distinct expression in the 1970s with the resurgence of Islam as a political and spiritual force. With the end of the colonial era, the rise of secular and despotic regimes in Muslim countries and their suppression of progressive forces left a vacuum that was filled by Islamist movements. Strengthened dramatically by the success of the Iranian Revolution of 1979, Islamist movements gained momentum with the subsequent perceived defeat of communism. With the US-led 'War on Terror' – in particular the invasions of Afghanistan in 2001 and Iraq in 2003 – Muslim women found themselves in the crossfire.

A second strand of my argument is that the rise of political Islam had certain unintended, but in my view positive, consequences: notably, the demystification of power games conducted in religious language. This in turn led to the emergence, by the 1990s, of reformist and feminist research that offered an internal critique of the pre-modern ethics that informed interpretations of the Shari'a. Building on the work of earlier reformers, they contend that the human understanding of Islam is flexible, that Islam's tenets can be interpreted to encourage both pluralism and democracy, and that Islam allows change in the face of time, space, and experience.[7] But instead of searching for an Islamic genealogy for modern concepts like gender equality, human rights, and democracy (the concern of earlier reformers), the new thinkers place the emphasis on how religion is understood and how religious knowledge is produced. The questions they are now asking, and the assumptions that inform their readings of the sacred texts, are radically different from those of the classical jurists. They are re-critically examining earlier interpretations and epistemologies and exposing the contradictions inherent in the earlier discourses on family and gender rights.

In doing so, they are changing the terms of debate among Muslims and above all are paving the way for the democratisation of religious knowledge and for the wider acceptance of egalitarian interpretations of the Shari'a.

Finally, by opening the way for a meaningful and constructive conversation between feminism and the Muslim legal tradition, the new feminist voices in Islam have the potential to overcome the dichotomy between 'Islam' and 'feminism', which has been a feature of the politics of gender among Muslims in modern times. This conversation has both epistemological and political implications. On the epistemological side,

7 For the textual genealogy of this thinking, see Kurzman 1998.

feminist critical theory enables us to see how unreflective assumptions and 'common sense' arguments limit and deform our knowledge; and gives us the tools with which to analyse relations between the production of knowledge and the practices of power. It also provides us with a research methodology for giving voice to women and inserting their concerns and interests in the process of law-making. On the political front, bringing the current Muslim legal tradition into a conversation with feminism can pave the way for transcending the ideological dichotomies, such as 'secular' versus 'religious' feminism or 'Islam' versus 'human rights', to which Muslim women's quest for equality and dignity has remained hostage since the early twentieth century. These dichotomies have masked the real site of battle, which is between patriarchal and authoritarian structures, on the one side, and egalitarian, pluralist, and democratic ideologies and forces on the other.

Unmasking this reality entails two linked processes: decoding and exposing the relation between the production of knowledge and the practices of power, and recovering and reclaiming the ethical and egalitarian ethos in Islam's sacred texts. This is what 'Islamic feminism' is offering.

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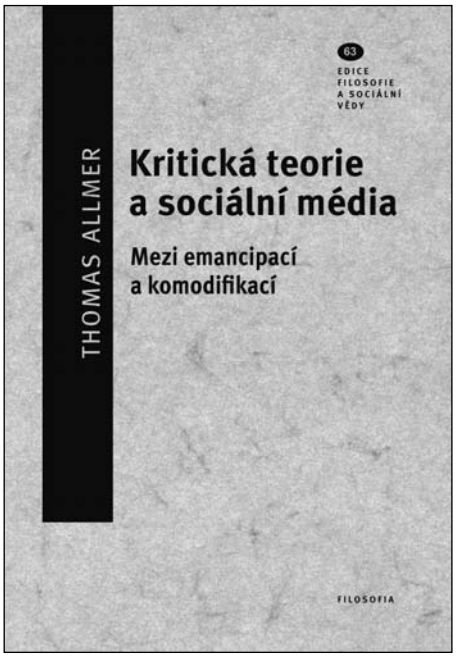
Kritická teorie a sociální média

Mezi emancipací a komodifikací

Thomas Allmer



Kniha se zaměřuje na aktuální problematiku sociálních médií z hlediska kritické teorie společnosti. Ukazuje jak limity, tak emancipační potenciál sociálních médií ve vztahu k novým společenským výzvám technologií. Allmer toto globální digitální prostředí analyzuje vzhledem k možnostem komunikace a společně sdíleného prostoru sítí. Kniha je vhodná především pro zájemce o sociální, ekonomickou a politickou teorii a filosofii, sociologii a mediální studia.

Thomas Allmer v současnosti působí na Innsbrucké univerzitě. Věnuje se kritické sociální teorii, politické ekonomii médií a komunikace, sociologii technologií a dohledu, digitálnímu kapitalismu a práci, digitálním médiím a společnosti.

Praha, Filosofia 2019, ediční řada Filosofie a sociální vědy

Podnikání matek malých dětí jako prekérní typ zaměstnání? Srovnání zkušeností podnikatelek s malými dětmi původem z ČR a z Ukrajiny

Romana Marková Volejníčková, Markéta Švarcová, Alena Křížková, Lenka Formánková

Is Self-employment a Precarious Job for Mothers of Young Children? A Comparison of the Experience of Czech and Ukrainian Entrepreneurs with Small Children in the Czech Republic

Abstract: Entrepreneurship may be associated with independence and profit, but it may also be a precarious type of employment. Self-employment is often a strategy for those groups of workers who face marginalisation and disadvantages on the labour market, such as mothers of young children or migrants. In this paper we use an intersectional approach and draw on the theory of precarity to analyse how Czech and Ukrainian entrepreneurs with small children (in the Czech Republic) describe and perceive precarity in self-employment. Our analysis shows that entrepreneurship is a form of precarious work, especially for mothers of young children. Their social position, which forms on the intersection of gender, caring commitments, and/or migration status, serves to constrain or allow certain career choices. While the main source of disadvantage for Czech entrepreneurs is the intersection of gender and caring commitments (e.g. in work-life balance), the social position of Ukrainian entrepreneurs (in the Czech Republic) is much more precarious because of their status as migrants (e.g. their low income from business is further reduced by the cost of private insurance, the paying of remittances, or the repayment of debts for migrating to the Czech Republic).

Key words: intersectional theory, precarity, self-employment, work-life balance

Marková Volejníčková, Romana, Švarcová, Markéta, Křížková, Alena, Formánková, Lenka. 2019. 'Podnikání matek malých dětí jako prekérní typ zaměstnání? Srovnání zkušeností podnikatelek s malými dětmi původem z ČR a z Ukrajiny.' *Gender a výzkum / Gender and Research*, Vol. 20, No. 2: 124–153, http://dx.doi.org/10.13060/25706578.2019.20.2.487.

Počty podnikajících žen celosvětově narůstají (Kelley et al 2011). V České republice se tento trend týká například žen ve věku, kdy mají malé děti (Dlouhá, Jurik, Křížková 2014). Podnikání slouží obecně jako strategie uplatnění na trhu práce pro skupiny, které jinak čelí marginalizaci a diskriminačním praktikám ze strany zaměstnavatelů (Vosko 2010). Takovou skupinou jsou ženy s malými dětmi, zvláště v období po ukončení rodičovské dovolené, ale také osoby s migrační zkušeností, zvláště ty z tzv. první generace (ibid.). Přestože podnikání bývá spojováno s nezávislostí a finančním úspěchem, někdy se stává prekérním typem zaměstnání (Wall 2015). Prekérní zaměstnání ale nelze jednoduše vymezit typem zaměstnání, spíše souvisí se znevýhodněním na základě věku, vzdělání, rodinných závazků, pracovní pozice a s ochranou na trhu práce a nastavením sociálního státu. Dále je zranitelnost na trhu práce spojena s osami diskriminace na základě genderových, rasových, etnických, národnostních anebo náboženských předsudků a stereotypů.

Pro zkoumání osob v prekérních formách podnikání využíváme koncept sociální pozice skupiny (Zavella 1991). Sociální pozicí přitom rozumíme umístění intersekcionální identity ve strukturálním kontextu, který je historicky daný specifickým prostředím a definovaný podmínkami na trhu práce, národními politikami a normativními režimy (Valdez 2011; Welter 2011). Identita na průsečíku genderu, věku, rodičovství, migračního statusu, etnicity či rasy staví podnikající do různých sociálních pozic, resp. vytváří odlišné podmínky pro různé identity v kontextu trhu práce ČR a ukazuje se tak, že také sociální skupina podnikajících matek malých dětí je značně heterogenní z hlediska zkušeností s pracovními podmínkami. Právě přihlédnutí k intersekcionální perspektivě se poté ukazuje být klíčové pro pochopení voleb v rámci pracovních trajektorií osob s migrační zkušeností. Jak ukazují Lenka Formánková a Marta Lopatková (2018) v kontextu českého trhu práce na pracovních drahách mladých mužů a žen vietnamského původu, intersekcionální perspektiva umožňuje pochopit dynamiku vlivu vzájemného prolínání věku, etnicity a genderu jako potenciálních os z(ne)výhodnění. Odlišná etnicita v kontextu českého trhu práce může být zdrojem diskriminace, hraje rozdílnou úlohu u žen a mužů a zároveň souvisí s délkou praxe na trhu práce. Z těchto důvodů se v následujícím textu zabýváme podnikáním v kontextu pracovních drah žen, a to žen s malými dětmi a s migrační zkušeností původem z Ukrajiny, a žen s malými dětmi českého původu a narozených v České republice.[1]

Podle Českého statistického úřadu představují migranti a migrantky z Ukrajiny jednu z nejpočetnějších skupin nově příchozích do ČR (ČSÚ 2018) a zároveň jsou druhou nejpočetnější skupinou migrujících osob majících živnostenské oprávnění.[2] Migranti

1 Článek byl napsán s podporou projektu „Modely péče a strategie slaďování práce a rodiny u migrantů v České republice" (reg. č. 17-21259S) a s podporou na dlouhodobý koncepční rozvoj výzkumné organizace RVO: 68378025.

2 Jedná se o 20 až 33 tisíc podnikajících. U mužů se počty podnikajících pohybují v rozmezí 14 až 20 tisíc, u žen v rozmezí 6 až 10 tisíc (ČSÚ 2018).

a migrantky do ČR přicházejí především z ekonomických a finančních důvodů (zaměstnání nebo podnikání) (Drbohlav 2003; Horáková 2006; Zajíčková, Vavrečková 2016). Migrantky mimo ekonomické důvody deklarují rovněž rodinné důvody (např. sloučení rodiny) (viz i ČSÚ 2018). Právě podnikání je jednou z možností, jak legálně působit na českém trhu práce. Sice existují výzkumy, které se zabývají integrací migrantů a migrantek z Ukrajiny na trhu práce ČR, ale výzkum zkušeností s podnikáním dosud chybí nebo je součástí obecných výzkumů o postavení cizinců a cizinek na trhu práce (Leontiyeva, Pokorná 2014).

V tomto textu využíváme teorii prekérní práce a intersekcionální přístup (viz výše) s teorií transnacionální migrace, a to k zachycení specifické pozice podnikajících migrantek v ČR, která je dána právě jejich pobytovým[3] a migračním statusem[4]. Migrantky z Ukrajiny s sebou jednak do ČR přinášejí svou zkušenost z jiného národního kontextu, který ovlivňuje prožívání jejich sociální pozice na trhu práce v ČR, a jednak participují v obou národních kontextech (např. formou remitencí, pravidelných návštěv, rodinných a přátelských vztahů na dálku apod.) (viz také Trlifajová 2009). Yana Leontiyeva a Blanka Tollarová (2011) uvádějí, že Ukrajinci a Ukrajinky poslali v roce 2010 do země původu největší finanční obnos ze všech skupin migrantů a migrantek pobývajících na území ČR. V tomto smyslu jsou tak migrantky zakotveny ve svých místních i přeshraničních sociálních sítích. Pracujeme tudíž s fenoménem souběžné participace ve více národních komunitách, která klade důraz na souběžnou důležitost místních společností a sociálních sítí, jež přesahují hranice v životě transmigrantek (Szaló 2007).

V rámci výše uvedeného teoretického zakotvení hledáme odpověď na výzkumnou otázku: Jaké aspekty prekarity podnikání prožívají matky malých dětí původem z Ukrajiny a z ČR? Naše zjištění odhalují podobnosti a rozdíly mezi zkušenostmi matek z ČR a z Ukrajiny s podnikáním v ČR. V rámci analytického zkoumání bylo vymezeno pět nejvýznamnějších oblastí prekarity. Ukážeme, že nejen gender, ale také migrační status značí v rámci podnikání specifické formy znevýhodnění. Například práce na tzv. švarcsystém, která se jeví jako možná alternativa pro ekonomické zajištění, zna-

3 Pobytový status vymezuje zákon č. 326/1999 Sb. – zákon o pobytu cizinců na území České republiky.

4 Při studiu pozice cizinců a cizinek využívají výzkumy převážně analytickou kategorii etnicity (viz např. Formánková, Lopatková 2018; Kolářová 2008), kdy sice reflektují její dynamiku, rozmanitost, proměnlivost v kontextu i čase, i roli sebeidentifikace, tedy roviny, které jsou i pro naši analýzu podstatné, avšak tento koncept nám neumožní dostatečně a komplexně uchopit pozici migranta či migrantky v českém kontextu trhu práce. Proto jsme se rozhodly využít obecnější kategorii, tzv. migrační status, která podle našeho názoru dostatečně reflektuje fakt, že jedinec je v ČR migrantem či migrantkou, což následně ustavuje jeho/její sociální pozici. Pro analýzu prekarity v podnikání u podnikatelek původem z Ukrajiny se jako primární jeví to, jak prostřednictvím své pozice migrantky na českém trhu práce vnímají a popisují zkušenost s podnikáním v ČR. Díky tomuto širšímu konceptu jsme schopny zachytit, v jakých oblastech nebo situacích zažívají podnikající migrantky v ČR z(ne)výhodnění v komparaci s podnikatelkami původem z ČR.

mená pro podnikatelky z ČR především pracovní a časovou flexibilitu, naopak pro podnikatelky z Ukrajiny se může jednat o volbu jedinou z důvodu strukturálního znevýhodnění na českém trhu práce. Pracovní flexibilitou myslíme hlavně možnost pracovat z domova nebo takzvaně na telefonu, časovou flexibilitou pak možnost využití klouzavé pracovní doby, konta pracovní doby, práci na zkrácený úvazek a rovněž práci o večerech, na směny a během víkendů, jak to umožňuje český zákoník práce. Flexibilní formy práce mohou přispívat k lepší kombinaci práce a osobního života, zároveň však často vedou k prekarizaci osob pracujících v této formě zaměstnání a jejich „uvíznutí" v daném pracovním režimu, který neumožňuje kariérní růst, má omezené možnosti mzdového růstu a benefitů, stejně jako snížený přístup k dalšímu vzdělávání (Formánková, Křížková 2015). Také ukážeme, že v případě podnikajících matek je podstatná zejména otázka pečujících závazků, a to s ohledem na časovou investici do podnikání a efektivní rozdělení času mezi práci a péči. Výsledkem však není očekáváné efektivní rozdělení času mezi práci a péči, ale spíše nutnost neustálého balancování a vyjednávání mezi pracovním a rodinným životem, které je dané vysokou pracovní zátěží v prekérních pracovních podmínkách. Další námi identifikovanou příčinou prekérní pozice komunikačních partnerek je problém, že vstupují do feminizovaných oborů podnikání, kde jsou ale nižší výdělky, což platí pro obě komparované skupiny. Migrační status se ukázal jako významný především v diskusi nad legislativním nastavením podmínek pojištění a daňových odvodů.

Podnikání jako prekérní práce?

Teoretický koncept prekarity upozorňuje na nejisté, nestabilní a špatné podmínky pracujících v klasickém zaměstnaneckém poměru (Vosko 2006). Současný trend ve studiu prekarity vystihuje především teoreticko-analytický přístup Leah F. Vosko (2006), inspirovaný Gerrym a Janine Rodgersovými (1989), jenž staví na čtyřech aspektech prekarity, které se týkají např. krátkodobosti pracovního vztahu, nedostatku kontroly nad pracovními podmínkami či odměnou, nedostatku ochrany (tj. vymahatelnost práva, krytí kolektivní smlouvou) a dále finanční nejistoty a nízkých příjmů (v českém kontextu viz Dudová, Hašková 2014; Hašková, Dudová 2017). L. F. Vosko (2006) k analýze prekarity přistupuje z hlediska její mnohovrstevnatosti, neboť nezkoumá jen určitý výsek prekérních podmínek (např. nedefinuje prekaritu jen na základě typu smlouvy, kdy jiné typy smluv než na dobru neurčitou jsou definovány jako prekérní), ale naopak nahlíží i na sociální, politické a ekonomické příčiny a důsledky prekérních podmínek a umožní tak studovat prekérní podmínky u různých skupin pracujících (Dudová, Hašková 2014; Kalleberg 2009; Vosko 2006).

Výše uvedené pojetí prekarity (viz Rodgers, Rodgers 1989; Vosko 2006) obsahuje především ty roviny prekarity, které jsou významné u zaměstnaných, jejich alternati-

vy a často i stejné problémy však můžeme nalézt i v podnikání. Teoreticko-analytický postup využití teorie prekarity při studiu podnikajících nabízejí Leah F. Vosko a Nancy Zukewich (2006). Ty zdůrazňují, že je nutné přihlížet ke specifickým právům a povinnostem podnikajících, a to např. s ohledem na vymáhání plateb za služby či zboží, kdy postup obrany proti nezaplacení je u podnikajících oproti zaměstnaným složitější. S tím souvisí i obvyklé nulové krytí podnikajících kolektivními smlouvami, které upravují pracovní podmínky včetně procesů odměňování a možnosti jejich vymáhání. Specificky v českém prostředí upozornil autorský tým Marie Dlouhá, Nancy Jurik a Alena Křížková (2014) na to, že podnikatelky nemají stejný přístup k mateřské[5] a k příspěvku v mateřství jako zaměstnankyně a že daňový systém, konkrétně institut daňového odpočtu na nevydělávající manželku, může odrazovat matky malých dětí od vstupu do samostatného podnikání, resp. stavět je spíše do neformální role pomáhající členky rodiny v rodinném podniku, ale často bez vlastní mzdy.

Tento koncept podnikání jako prekérní práce autorského týmu L. Vosko a N. Zukewich (2006) proto definuje prekaritu s přihlédnutím ke specifickým pracovním podmínkám podnikajících s ohledem na: a) regulaci ochrany a přístupu podnikajících k sociálním a zdravotním benefitům; b) ne/jistotu práce, tj. doba trvání podnikání, která je indikátorem možností udržení podnikání v korektních legislativních a ekonomických podmínkách; bariéry a rizika začátku/ukončení podnikání; c) kontrolu nad vlastní pracovní situací a motivací ke vstupu do podnikání; d) adekvátní příjem plynoucí z podnikání. V analýze jsme využily tento teoreticko-analytický koncept prekarity definovaný specificky pro podnikající a prostřednictvím něj nahlížíme na podmínky podnikání žen s malými dětmi původem z ČR a Ukrajiny. Prekérní podnikání však nutně neznamená naplnění všech čtyř vyjmenovaných aspektů. Důležitá je také subjektivní percepce těchto aspektů a do jaké míry konkrétní podnikající považuje své podnikání za prekérní. Za tímto účelem jsme v analýze využily rovněž níže představený intersekcionální přístup.

Podnikání v intersekcionální perspektivě – sledované roviny z(ne)výhodnění

Intersekcionální přístup umožňuje chápat špatné životní podmínky nebo okolnosti jako sociální témata spíše než jako individuální problémy (Romero 2018: 172). Odhaluje i vzájemné utváření nerovností a zcela specifické pozice ve společnosti, kterým čelí lidé na průsečíku několika systémů z(ne)výhodnění, jež nemůže jednodimenzionální

5 V tomto textu záměrně vynecháváme slovo dovolená v případě užití termínu rodičovská a mateřská. Domníváme se, že v symbolické rovině přidání slova dovolená degraduje samotnou péči na úroveň volnočasové nebo zájmové aktivity (viz také Křížková et al. 2008).

analýza nahradit. Především mateřství a migrační status formují během podnikání zcela specifický systém z(ne)výhodnění, který nelze pochopit jen na základě analýzy zaměřující se pouze na podnikání matek nebo analýzy zaměřující se jen na specifika podnikání migrantů a migrantek v ČR. Proto v tomto textu sledujeme průsečík genderu a migračního statusu a také jejich interakci s dalšími osami znevýhodnění, jako je věk nebo dosažené vzdělání. Za využití intersekcionální analýzy se tak soustředíme za prvé na kontext genderové struktury trhu práce i podnikání, která je významnou rovinou analýzy, neboť zde můžeme rozklíčovat důsledky strukturálních podmínek pro rodičovství nebo pečující závazky, jež produkují specifická rizika a bariéry. Za druhé se zaměřujeme na kontext migračních politik, které tvoří další osu znevýhodnění a posouvají pracovní podmínky migrujících osob jiným směrem, často prekérnějším. S využitím intersekcionálního přístupu jsme schopny analyzovat individuální, strukturní i kulturní podmínky (= objektivní rovina), jež mohou různým skupinám umožňovat účast na placené práci nebo v ní naopak bránit, ale i to, jaké mají příležitosti činit rozhodnutí o vlastním životě (= subjektivní rovina) (Halvorsen et al. 2018; Lister 2003).

Kontext trhu práce ČR optikou migrace a genderu

Z hlediska genderové struktury trhu práce se jako zásadní pro analýzu prekarity v podnikání ukazuje tradiční genderový kontrakt, který ženám přisuzuje primární pečující roli a mužům primární živitelskou roli a který je viditelný v genderových vztazích jak v ČR, tak i na Ukrajině (viz např. Hankivsky, Salnykova 2012; Hašková 2000). Hana Hašková a Radka Dudová v českém kontextu (Dudová, Hašková 2014; Hašková, Dudová 2017) vyvozují, že prekarizovaná pozice pečujících žen na trhu práce je výsledkem genderované dělby práce v domácnosti, ne/dostupnosti institucionální péče a je ovlivněna ideologií intenzivního mateřství, která se v českém prostředí vyznačuje intenzivní a dlouhodobou péčí matky o dítě (viz i O'Reilly, Spee 1998). V případě podnikatelek s malými dětmi původem z Ukrajiny může být vstup do prekérních prací výsledkem nastavení genderových vztahů na Ukrajině, jak upozorňuje Petra Ezzeddine (2012). Ta ukazuje na to, že migrace z Ukrajiny do ČR je silně feminizovaná. Tvrdý požadavek na obě role (pečující i pracující) spolu s marginalizací žen na trhu práce na Ukrajině vede právě ženy k ekonomické migraci, jež se zdá jako ideální řešení nízkého příjmu domácností, např. v podobě remitencí.

Rovina genderové segregace trhu práce má svůj význam i v analýze podnikání. Genderová segregace trhu práce se totiž projevuje i v podnikatelském prostředí (EIGE 2016). Nejenže podnikatelky zakládají svá podnikání ve feminizovaných oborech (služby, vzdělávání nebo osobní asistence), ale také daleko méně podnikatelek než podnikatelů zaměstnává v rámci svého podnikání další osoby (EIGE 2016). Volba oboru podnikání je však zásadní pro výši mezd, udržitelnost podnikání atd.

Druhou důležitou osou pro naši analýzu je osa migračního statusu, a to i v návaznosti na pobytový status nebo typ víza. Tento typ analýzy je ve výzkumu prekarity a podnikání prozatím marginálním tématem (viz např. Noack, Vosko 2011). Aktuální mezinárodní výzkumy postavení migrantů a migrantek na trhu práce v přijímající zemi se zaměřují obecně na jejich integraci v rámci pracovního trhu (např. Glick Schiller, Caglar 2009), která může být realizována i prostřednictvím podnikání. Pokud se však zaměřujeme konkrétně na podnikající migranty a migrantky, je třeba vzít v úvahu tři perspektivy, jež definují jak objektivní podmínky podnikání, tak subjektivní percepci migrujících osob (Čermáková 2011). Za prvé jde o individuální rovinu, která upozorňuje právě na význam jedince a jeho vnímání vlastní situace, např. v souvztažnosti péče a podnikání. Dále strukturální přístup, který umožňuje zkoumat, jaký vliv mají struktury pracovních příležitostí anebo legislativního rámce ČR (např. migrační politika, přístup k podnikání u migrantů a migrantek) na možné volby migrantů a migrantek s ohledem na jejich konkrétní sociální pozici. Poslední, kulturní přístup vychází z přepokladu, že kulturní zdroje, jako jsou neformální sociální sítě, umožňují kopírování vzorců nebo trajektorií ekonomického uplatnění (i v podnikání) těch, kteří jsou v hostitelské zemi déle (Zhou 2004). Sociální sítě jsou významné i v kontextu volby oboru podnikání, např. s ohledem na získání klientské základny nebo snazšího etablování v oboru, a to především pro nově příchozí migrantky a migranty (viz také Leontiyeva, Pokorná 2014).

Jak bylo řečeno výše, otázka migračního statusu a typu víza může mít vliv na postavení migrantů a migrantek na českém trhu práce. Cizincům a cizinkám česká legislativa umožňuje získat povolení k dlouhodobému pobytu specificky za účelem podnikání. V případě, že cizinec nebo cizinka žádá o udělení povolení k trvalému pobytu za účelem podnikání a dále v situacích, kdy žádá o prodloužení povolení k pobytu nebo tehdy, když žádá o povolení k pobytu trvalému, musí prokazovat tzv. úhrnný měsíční příjem. V případě podnikání se jedná o platební výměr daně z příjmu za poslední zdaňovací období.[6] Dále je potřeba pro účely stanovení čistého příjmu podnikající osoby doložit doklad z okresní správy sociálního zabezpečení o výši zaplaceného pojistného na sociální zabezpečení a dále, jde-li o osobu, která je účastníkem veřejného zdravotního pojištění (v případě migrujících se statusem trvalého pobytu), je třeba doložit také doklad o výši zaplaceného pojistného na všeobecném zdravotním pojištění. Nastavení migrační politiky v kontextu zdravotního pojištění se rovněž liší ve vazbě na pobytový status. Ze zákona[7] musí být v ČR pojištěna každá osoba, jež má v ČR trvalý pobyt. Zákon definuje OSVČ jako povinného plátce pojistného, který musí odvádět částku odvozenou z příjmů z vlastní výdělečné činnosti. Pokud si migranti a migrantky na-

6 V souladu § 140 odst. 1 a 3 zákona č. 280/2009 Sb., daňový řád.

7 Zákon č. 48/1997 Sb. – zákon o veřejném zdravotním pojištění a o změně a doplnění některých souvisejících zákonů.

opak chtějí založit podnikání po příchodu do ČR, podmínky založení živnosti jsou stejné pro osoby s českým občanstvím i pro ty s trvalým pobytem. Podnikající cizinci a cizinky musí na Živnostenském úřadě navíc doložit jen status svého pobytu v ČR.[8] Vztahují se na ně i regulace týkající se zdravotního a sociálního pojištění.

Ačkoliv jsou podmínky pro migranty či migrantky a podnikající v ČR velmi podobné, možnosti zapojení do podnikatelského prostředí pro nově příchozí jsou často vzhledem k další legislativě problematické (Trlifajová 2009). Podnikání je mnohdy vnímáno jako šance, jak být nezávislý (Dy, Marlow, Martin 2016), ale podnikající migranti a migrantky mají k nezávislosti daleko. Často jsou v postavení zaměstnaných a stávají se součástí tzv. švarcsystému, který je pod menší právní ochranou z hlediska dodržování práv zaměstnaných než u klasického zaměstnání (Nekorjak 2006). Migranti a migrantky ale mohou v hostitelské zemi narážet i na další bariéry, jako je neznalost jazyka, jež jim brání v nalezení práce na zaměstnaneckou smlouvu, která je považována za ideální pracovněprávní vztah (Krchová, Víznerová, Kutálková 2008). Dále mají také problém s uplatněním vzdělání dosaženého na Ukrajině a tzv. nostrifikací[9] a jejich vzdělání často nekoresponduje s typem prací, kterou migranti a migrantky v hostitelské zemi zastávají. Podnikání se proto může jevit jako efektivní a někdy jediná strategie, jak své vzdělání a další dovednosti uplatnit na českém pracovním trhu (viz i Leontiyeva, Pokorná 2014).

Metodologie výzkumu

K zodpovězení výzkumné otázky využíváme výpovědi 30 podnikajících žen s dětmi do 10 let věku z České republiky (17) a z Ukrajiny (13), které jsme získaly z několika výzkumů[10] (celkem jsme analyzovaly čtyři skupinové rozhovory a 13 individuálních hloubkových rozhovorů). Každá metoda sběru dat má pro zodpovězení výzkumné otázky svůj účel. Skupinové rozhovory byly využity za účelem rozkrytí a pojmenování

8 U dotazovaných komunikačních partnerek se jednalo o nejčastější účel trvalého pobytu spolu s účelem sloučení rodiny, a to v případě, pokud měly v době pobytu v ČR dítě na Ukrajině a jejich manžel byl migrant pracující v ČR.

9 Uznávání dokladů o dosažení základního, středního nebo vyššího odborného vzdělání je v českém právním řádu upraveno v § 108 zákona č. 561/2004 Sb., o předškolním, základním, středním, vyšším odborném a jiném vzdělávání (tzv. školský zákon), ve znění pozdějších předpisů a v jeho prováděcí vyhlášce č. 12/2005 Sb., Ministerstva školství, mládeže a tělovýchovy České republiky, o podmínkách uznání rovnocennosti a nostrifikace vysvědčení vydaných zahraničními školami.

10 Projekt „Modely péče a strategie slaďování práce a rodiny u migrantů v České republice", GA ČR, reg. číslo GA17-21259S, 2017–2019 (sběr dat proběhl v letech 2017–2018); projekt „OSVČ jako prekérní práce aneb zabraňme dalšímu znevýhodnění žen na trhu práce", ESF Operační program Zaměstnanost, reg. číslo CZ.03.1.51/0.0/0.0/15_028/0006269, 2017–2020 (sběr dat proběhl v letech 2017–2018); projekt „Celoživotní ekonomické dopady mateřství", Norway Grants, program „Dejme (že)nám šanci", č. projektu 274, 2014–2016 (sběr dat proběhl v letech 2015–2016).

nejpalčivějších témat vztahujících se k začátkům i průběhu podnikání. Hloubkové rozhovory nám naopak umožnily diskusi o jednotlivých tématech, která vykrystalizovala ze skupinových rozhovorů, do většího detailu. V rozhovorech i fokusních skupinách jsme se zaměřily na tato témata: motivace a důvody vstupu do podnikání, finanční náročnost podnikání, rigidita trhu práce a hledání flexibility prostřednictvím podnikání a s tím související téma kombinace rodiny a podnikání, marginalizována pozice na trhu práce, zkušenost s úřady, platba povinných záloh a daní, pozitiva a negativa podnikání např. ve srovnání se zaměstnaneckou smlouvou.

Žádná z komunikačních partnerek neměla zaměstnance nebo zaměstnankyně a lze je označit za mikropodnikatelky, OSVČ či sebezaměstnané. Skupiny podnikatelek z ČR a z Ukrajiny si byly velmi podobné jak z hlediska vzdělání a oborů podnikání (více viz tabulku 1 a 2 v příloze), tak i z hlediska charakteristik, které mohou posilovat nebo oslabovat aspekty prekarity v průběhu podnikání. Umožnilo to komparaci výpovědí komunikačních partnerek z obou skupin. Jsme si vědomy toho, že homogenita výzkumného vzorku může být určitým limitem našeho výzkumu, neboť vypovídáme o situaci podnikajících žen s konkrétním vzděláním, podnikajících v určitých oborech atd. V případě větší heterogenity výzkumného vzorku by mohly být aspekty prekarity vnímány v jiné intenzitě. Naše analýza vnímání prekarity u podnikatelek z ČR a Ukrajiny však jednoznačně přispěje k rozkrytí podmínek migrantek i migrantů podnikajících na území ČR.

Při analýze dat jsme použily doslovné přepisy všech fokusních skupin a individuálních rozhovorů. Rozhovory byly kódovány a analyzovány za pomoci softwaru Atlas.ti. Během analýzy jsme využily různé druhy kódování a dále tematickou analýzu (Alholjailan 2012; Braun, Clarke 2006). Při analýze podmínek podnikání žen s malými dětmi z ČR a Ukrajiny jsme nejprve ve výpovědích hledaly oblasti prekarity (viz Rodgers, Rodgers 1998; Vosko 2006; Vosko, Zukewich 2006), ke kterým jsme následně řadily subkategorie neboli konkrétní podoby prekarity, jež samotné aktérky pojmenovávaly, a sledovaly jsme osobní percepci těchto subkategorií ve výpovědích komunikačních partnerek. Výsledkem je analytický rámec shrnující nejvýznamnější aspekty prekarity žen podnikatelek s malými dětmi z ČR a Ukrajiny, který rovněž slouží jako logicky strukturované vodítko v analytické části textu (viz tabulku 3). Při komparaci zkušeností podnikajících z obou skupin jsme za využití intersekcionálního přístupu (viz Romero 2018) hledaly průsečíky různých zdrojů z(ne)výhodnění, jako je gender, migrační status, popř. věk, vzdělání atd.

Podmínky podnikání žen s malými dětmi z ČR a Ukrajiny

Následující analýza ukazuje, že zde působí strukturní, kulturní a ekonomické podmínky a bariéry, které konkrétní skupiny podnikajících, jako jsou matky, nutí volit určité pracovní strategie, a to nejen ve vztahu k migračnímu statusu, ale také ve vztahu k pečujícím závazkům. Pro účely přehledné strukturace analytického rámce uvádíme tabulku 3.

Tabulka 3: Komparace podob prekarity podnikání žen s malými dětmi z ČR a Ukrajiny

Oblasti prekarity	*Konkrétní podoby prekarity u podnikajících matek z ČR*	*Konkrétní podoby prekarity u podnikajících matek z Ukrajiny*
Péče v kontextu podnikání	v průběhu zaměstnání nemožnost úspěšně slaďovat	v průběhu zaměstnání nemožnost úspěšně slaďovat
	tradiční genderový kontrakt	tradiční genderový kontrakt
	diskriminace na trhu práce při návratu z RD	diskriminace na trhu práce při návratu z RD
	zajištění vlastních existenčních potřeb	zajištění vlastních existenčních potřeb ve vztahu k migračnímu statusu
Časová investice do podnikání	vysoká časová investice	vysoká časová investice
	práce ve večerních hodinách, o víkendech	práce ve večerních hodinách, o víkendech
Výběr oboru podnikání	genderová segregace trhu práce	genderová segregace trhu práce
	využití dosavadních dovedností a zkušeností, popř. vzdělání	replikace genderově tradičních pracovních strategií krajanů a krajanek v ČR
		jazyková bariéra
		problém s uznáním vzdělání ze země původu
Finanční nejistota a nízké příjmy	nízké příjmy	nízké příjmy v kontextu dluhů, remitencí a ve vztahu k migračnímu statusu
	nepravidelnost příjmu	nepravidelnost příjmu ve vztahu k migračnímu statusu
	nastavení cen za služby/zboží	využití zprostředkovatelské agentury
	problematická vymahatelnost	

Šedá zóna českého trhu práce	švarcsystém	švarcsystém z hlediska jeho ilegality v souvislosti s migračním statusem
	nedůvěra v sociální kontroly OSVČ ze strany státu	nedůvěra v sociální kontroly OSVČ ze strany státu
		vyjednávání o pracovních podmínkách v kontextu jazykové bariéry
Zdravotní pojištění, sociální pojištění a daňové odvody	výše odvodů na zdravotní pojištění	výše odvodů na zdravotní pojištění v návaznosti na nízké příjmy
	platba odvodů na sociální pojištění v minimální výši	platba odvodů na sociální pojištění v minimální výši
	složitost daňového systému	složitost daňového systému v souvislosti s pobytovým statusem
	nutnost platby pojistného pro čerpání PPM	nutnost platby pojistného pro čerpání PPM
	nedostatečná informovanost o právech a povinnostech	nedostatečná informovanost o právech a povinnostech ve vazbě na migrantský status
	složitost daňového systému	složitost daňového systému a migrační politiky v souvislosti s jazykovou bariérou

Vysvětlivky: RD – rodičovská dovolená, PPM – peněžitá pomoc v mateřství.
Zdroj: Vlastní kvalitativní výzkum.

Péče v kontextu podnikání

Pečující závazky jsou faktorem, který strukturuje možnosti a zkušenosti podnikajících matek malých dětí (viz Jurik et al. 2019). Z analýzy vypovědí vyplynulo, že se dotazované komunikační partnerky z obou komparovaných skupin ve své pracovní biografii rozhodují s ohledem na tradiční genderový kontrakt, který jim předurčuje roli primární pečovatelky (Hankivsky, Salnykova 2012; Hašková 2000). Toto společenské očekávání totiž ovlivnilo rozhodování komunikačních partnerek v otázkách finančního zabezpečení sebe a rodiny. Na trhu práce se komunikační partnerky z obou skupin setkávaly s různými typy znevýhodnění z důvodu péče a mateřství. Například popisovaly neflexibilitu v podobě pevně dané pracovní doby, ale také to, že pro české zaměstnavatele není rodinný život zaměstnanců a zaměstnankyň tématem, které by měli reflektovat, ale rodinný život je naopak považován za zátěž (Formánková, Křížková 2015). Jako matky s malými dětmi tak komunikační partnerky

byly zaměstnavateli často vnímány jako neperspektivní pracovnice (např. kvůli péči o nemocné děti). Ve výsledku byly nuceny přijmout prekérní práce, mezi něž patří určité formy podnikání, kde se však tolik nepotýkají se znevýhodněním z důvodu péče či mateřství (viz Dudová, Hašková 2014). Podnikání se pro mnohé z nich jevilo jako efektivní strategie, jak reagovat na neflexibilitu a nesenzitivnost zaměstnavatelů, a to i za cenu rizik s podnikáním spojených, např. nepravidelné nebo nízké příjmy (Křížková 2015). Ukazuje to příběh Daryi původem z Ukrajiny, která byla dříve zaměstnána v IT oboru a sama hodnotila své příjmy jako nadstandardní. Kvůli znevýhodnění z důvodu péče a mateřství tuto perspektivní a dobře placenou práci opustila a začala podnikat:

> *Já jsem pracovala v IT, takže bych asi neměla žádný problém najít práci* (po rodičovské – pozn. aut.)*, ale měla jsem malé děti a nemám tady rodiče. Vím, že děti budou nemocné, že můžou každé dva týdny na týden onemocnět. To asi byl v práci problém. Tak jsem musela začít podnikat, protože můžu pracovat z domova (…), ale pořád pracuju několik hodin denně, ale jsem flexibilní.* (Darya, UA)

U podnikatelek původem z Ukrajiny byla flexibilita jedním z podstatných motivů vstupu do podnikání, ale v mnoha příbězích šlo o vítaný benefit, jenž jim podnikání umožnilo. Primárním motivem byla často finanční stránka podnikání, např. ve vztahu k zajištění vlastních existenčních potřeb nebo potřeb rodiny (v ČR i v zemi původu), jak ukážeme dále. Mezi českými podnikatelkami byla naopak flexibilita kvůli péči o děti jedním z hlavních motivů pro vstup do podnikání.

Také důsledky strukturálních podmínek v souvislosti s nedostupností zařízení péče o děti předškolního věku negativně dopadaly na komunikační partnerky, které nemohly umístit své děti do mateřských škol, což – jak ukazuje také Radka Dudová a Hana Hašková (2014), vede k přetrvávání v prekarizovaných pozicích. Pro podnikatelky původem z Ukrajiny byla situace s umísťováním dětí do předškolních zařízení ještě náročnější z důvodu jazykové bariéry jak matek, tak dětí. Řešení v podobě využívání institucí soukromého charakteru se pro obě skupiny komunikačních partnerek jevilo jako nedostupné z důvodu finanční náročnosti těchto zařízení. Komunikační partnerky původem z ČR využívaly pomoc vlastní rodiny při zajišťování péče. Komunikační partnerky z Ukrajiny touto možností nedisponovaly, jelikož u valné většiny z nich zůstávali jejich rodinní příslušníci obvykle v zemi původu.

Otázka péče, a především otázka toho, jak péče ovlivňuje rozhodování žen v kontextu podnikání (od vstupu do podnikání, výběru oboru, který umožní flexibilitu, až po nastavení pracovní doby) je linkou, jež se line příběhy všech podnikajících matek, které zde představujeme (viz i Jurik et al. 2019). Tuto linku sledujeme i v dalších částech analýzy, neboť potřeba kombinace práce s péčí vedla mnoho dotázaných komu-

nikačních partnerek k volbě takových strategií v průběhu podnikání, které jejich pozici na trhu práce prekarizovaly.

Časová investice do podnikání

O tématech časové investice do podnikání a efektivního nakládání s časem se z důvodu pečujících závazků komunikačních partnerek hojně diskutovalo. Častým důvodem volby podnikat byla možnost svobodně rozhodovat o tom, kolik času a v jaké fázi dne/týdne se budou věnovat práci a rodině. Obě skupiny komunikačních partnerek uváděly, že do podnikání vstupovaly s představou většího množství volného času a efektivnější organizace práce, realita podnikání však byla rozdílná. Jak upozorňuje také Alena Křížková (2015), podnikání může pro ženy představovat větší časovou zátěž a místo efektivní dělby času mezi rodinu a práci se podnikatelky potýkají s přeléváním pracovní sféry do soukromé a naopak. Komunikační partnerky z oblasti služeb to pociťovaly ještě více, neboť jejich pracovní čas se do značné míry řídí potřebami klientely, které ne vždy korespondují s potřebami rodiny. Některé komunikační partnerky, např. Dita původem z ČR, uvedly, že neslučitelnost požadavků klientů a klientek a rodiny ji nakonec „dotlačila" k tomu, že své podnikání omezily i za cenu nižšího výdělku. O zmírnění pracovního tempa se v příbězích podnikatelek mluvilo méně často, komunikační partnerky obvykle uváděly časovou náročnost podnikání, kterou si před zahájením podnikání neuvědomily. Skutečnost, že mnoho komunikačních partnerek z obou skupin místo očekávané časové flexibility spíše balancovalo mezi podnikáním a rodinou, může ukázat na problém s přijetím rétoriky o neúspěšném podnikání. Jak ukazují Anna Jenkins a Alexander McKelvie (2016), existují různé důvody ukončení podnikání, např. odchod do penze, kdy je jediná možnost podnikání ukončit, vs. neúspěšná investice, kdy existovala šance podnikání udržet – jde o rozdílné příčiny a každá má v příběhu ukončení podnikání jinou váhu. Kromě toho je podnikání v obecném povědomí zakořeněno jako možnost, jak být pánem svého času a jako práce generující vysoké příjmy a zisk (Dy, Marlow, Martin 2016) – tomuto modelu však podnikání našich komunikačních partnerek de facto neodpovídá. V našem výzkumu se k této debatě přidává rovněž rovina očekávané péče od žen – naše komunikační partnerky tak nejenže nechtěly (nebo nemohly) přiznat selhání v plánování podnikání, zároveň v kontextu genderového kontraktu je pro ně složité přijmout také selhání v péči o děti a v organizaci času mezi prací a péčí o dítě. Mnohem častěji proto dotazované komunikační partnerky hovořily o balancování mezi prací a rodinou než o ukončení nebo omezení svého podnikání. Například Nikoletta původem z Ukrajiny podniká v oblasti služeb, kde nutnost podřídit se časovým možnostem klientů nebo klientek je pro úspěch podnikání klíčová, dále zdůraznila, že nyní pracuje mnohem více, než když byla

zaměstnaná (v nemocnici v Praze), a očekávaná představa efektivního nakládání s časem v podnikání se rozplynula:

Když bych teď porovnala podnikání a zaměstnání, tak si myslím, že teď jsem o hodně víc pracovně vytížená, než když jsem byla v zaměstnaneckým poměru. Práce nebylo tolik a já měla spoustu času (…). Takže teď každé ráno odejdu a vrátím se až večer. (Nikoletta, UA)

Podnikání pro mnoho komunikačních partnerek často znamenalo téměř permanentní závazek. Obě skupiny mnohdy uváděly práci v nestandardních časech, tedy v pozdních večerních/nočních hodinách nebo o víkendech. U podnikatelek původem z ČR byla časová náročnost podnikání dána spíše výběrem oboru podnikání než nutností zabezpečit finančně sebe a širší rodinu. Komunikační partnerky původem z Ukrajiny však uváděly výhody např. práce po večerech z důvodu zajištění péče, neboť přes den mohly pečovat a po večerech pracovat. Zároveň tyto komunikační partnerky také deklarovaly, že trávily prací 10–12 hodin denně. Za nadstandardní pracovní dobou stály často finanční důvody, tj. finanční zajištění rodiny v ČR i v zemi původu, ale rovněž vyvázání se z dluhů tzv. zprostředkovatelů, jak doložíme níže. Jejich pozice na trhu práce byla prekérnější právě z důvodu jejich migračního statusu, jak ukazuje i příběh Emilie. Ta kvůli finančnímu zajištění (i širší) rodiny pracovala večer a přes den pečovala o dceru; jde však o model, jenž je z dlouhodobého hlediska neudržitelný. Její status migrantky, který omezil její možnosti voleb na trhu práce (např. v souvislosti s časovými možnostmi hledání práce na zaměstnanecký poměr), Emilii nakonec z finančních důvodů nasměroval k tomuto modelu.

Já jsem byla doma na rodičovský asi jen sedm měsíců a pak jsem šla po večerech uklízet. Přes den hlídala mamka. Maminka chodila do práce ve dne, kdy jsem byla doma s dítětem, a když přišla z práce, tak jsem šla do práce já. Jinak to ale nejde (…) musím si vydělat (…). Ale nyní už je dcera ve školce, tak bych si to chtěla prohodit, abych chodila ve dne do práce a ne večer. (Emilia, UA)

Ve vyprávění Emilia uvedla, že uvažovala nad hledáním stálé práce, ideálně jako zaměstnankyně. Ale její status migrantky (např. jazyková bariéra, neochota zaměstnavatelů přijmout cizinku atd.) a často také nutnost pečovat o dítě jí ztížily možnost získat zaměstnaneckou smlouvu. Vzhledem k tomu, že zaměstnanecký poměr je migrantkami i migranty vnímán jako stabilnější a mnoho komunikačních partnerek o něj usilovalo, práce na klasickou zaměstnaneckou smlouvu byla pro mnohé pouze nedosažitelným ideálem. Komunikační partnerky původem z ČR sice také hovořily o nejistotě (např. finanční) v podnikání, ale nutnost kombinovat práci s péčí o děti

a pracovní flexibilitu, která není na českém trhu dostatečně nabízena, je motivovala k setrvání v podnikání. Představa návratu do klasického zaměstnaneckého poměru byla komunikačními partnerkami z ČR zvažována spíše v souvislosti s poklesem pečovatelských povinností, „až odrostou děti". Ukazuje se tak, že ačkoliv ženy po rodičovské původem z ČR deklarují ztížený přístup k zaměstnanecké smlouvě (viz Křížková 2015), ženy po rodičovské, které jsou migrantkami, mají přístup k zaměstnání kvůli svému migračnímu statusu ještě více ztížený.

Výběr oboru podnikání

Dalším z aspektů, které analýza ukázala jako příčinu prekérních podmínek podnikatelek z obou skupin, byla volba oboru podnikání. Jak představuje naše analýza, ale i zahraniční studie (viz EIGE 2016), volba oboru podnikání u mužů a žen do značné míry kopíruje genderovou segregaci na trhu práce obecně.

Převážně podnikatelky původem z Ukrajiny pracovaly v takových oborech, které lze považovat za genderově tradiční (např. úklid, osobní péče, kosmetické služby apod.). Do jejich rozhodování o výběru oboru podnikání vstoupily tzv. sociální sítě v ČR (viz i Leontiyeva, Pokorná 2014), kdy komunikační partnerky vybíraly takové obory, které volily jejich předchůdkyně nebo známé, a to z důvodu snazšího etablování v daném oboru a v souvislosti se ziskem klientely. I v této souvislosti komunikační partnerky vypovídaly, že podnikání nebylo první volbou, naopak chtěly získat zaměstnaneckou smlouvu. Nicméně jejich migrační status jim tuto volbu neumožnil. Dále připomněly i jazykovou bariéru, kdy nedostatečná znalost českého jazyka znamenala podnikat v oborech, ve kterých nebyly vysoké jazykové požadavky. Nikoletta popisovala průběh hledání práce na klasickou zaměstnaneckou smlouvu, kdy ji přízvuk nebo špatná komunikace v češtině, bez ohledu na její vzdělání nebo zkušenosti, znevýhodnily. Začít podnikat tak pro Nikolettu byla možnost, jak se tomuto diskriminačnímu efektu vyhnout.

> *V ČR když promluvíte nebo když mluvím s někým po telefonu a slyší můj přízvuk, tak jeho reakce je následující: „Ježíši je to cizinka a ještě ke všemu Ukrajinka." Prostě mám pocit, že od cizinců všechno chtějí dvakrát, že musíte být opravdu spolehlivá a opravdu se osvědčit.* (Nikoletta, UA)

Komunikační partnerky původem z Ukrajiny také upozornily na problém nostrifikace vzdělání dosaženého na Ukrajině v ČR. Kvůli neuznání vzdělání ze země původu jim na českém trhu práce bylo často umožněno pracovat pouze v nízkokvalifikovaných a obvykle nízko ohodnocených profesích, jako jsou služby. To byl i případ Emilie, ta na Ukrajině získala vzdělání v oboru zdravotnictví, v ČR ale mohla pracovat jen jako sanitářka (ne jako zdravotní sestra). Emilia vyprávěla o časově i finančně náročné cestě

za nostrifikací a získáním vzdělání, aby mohla v ČR pracovat v oboru a na klasickou zaměstnaneckou smlouvu. V mezidobí však pro ni i pro další komunikační partnerky podnikání představovalo strategii, jak (alespoň částečně) uplatnit získané znalosti a dovednosti.

Podnikatelky původem z ČR rovněž podnikaly v genderově tradičních oborech, ale byla mezi nimi mnohem větší heterogenita s ohledem na výběr oboru podnikání (tj. pracovaly ve službách, ale v různých typech služeb). Tyto komunikační partnerky deklarovaly pozitivum využití dovedností, znalostí i sociálních kontaktů, které načerpaly během své pracovní kariéry a které jim tudíž usnadnily vstup do podnikání (viz také OECD 2004). Tento krok komunikačním partnerkám může pomoci eliminovat finanční rizika, jak ukazuje příběh Filipy. Vyhnout se riskantnímu rozhodnutí pro Filipu znamenalo začít podnikat v oboru, kde má zkušenosti, aby její příjem nevypadl z rodinného rozpočtu:

> *Když investuju do podnikání svůj čas a budu mít zakázky, tak si můžu vydělat dost peněz. Ale je to o tom, jak využít svých schopností (…) a že nemusím dělat to, co jsem nikdy nedělala.* (Filipa, CZ)

Finanční nejistota a nízké příjmy plynoucí z podnikání

Finanční nejistota a nízké příjmy, především příjmy na hranici chudoby a minimální mzdy se ukázaly být dalšími příčinami prekérní pozice podnikatelek na trhu práce z obou komparovaných skupin (viz také Dudová, Hašková 2014; Hašková, Dudová 2017). Komunikační partnerky ukrajinského původu kvůli svému migračnímu statusu ovšem čelí riziku několikanásobně vyššímu. Ačkoliv považovaly za zásadní motivaci pro práci v ČR zlepšení ekonomické situace celé rodiny, a to i v zemi původu, potýkaly se v ČR s nízkými příjmy. Tyto komunikační partnerky deklarovaly rovněž očekávání finanční pomoci u rodiny v zemi původu a i svou snahu toto očekávání naplnit. Tereza Rejšková et al. (2009) uvádějí, že remitence mají nejen významný finanční dopad na rodinu v zemi původu, ale také mají významnou sociální hodnotu, neboť udržují v kontaktu rodinu a propojují širší příbuzenstvo. Možnost pomoci a udržení kontaktu se v příbězích komunikačních partnerek ukázalo jako významné. Když se však podíváme na ekonomickou situaci migrantek v ČR, především na jejich nízké příjmy, závazek remitencí je často nutí volit takové pracovní strategie, aby tyto náklady dokázaly pokrýt. Této situaci čelila rovněž Elina:

> *Když jsem pracovala, tak šlo většinou o hodinovou platbu, takže čím víc pracuju, tím víc si vydělám. Pracovala jsem asi 12 hodin denně šest dní v týdnu. Většinou. Většina z nás* (migrantů a migrantek – pozn. aut.) *to asi takhle dělá, protože mají pocit,*

že musí pomoct doma, že jim musí poslat nějaký peníze, tak pak chtějí vydělávat víc a víc. Není to o tom, aby ses měl sám dobře, ale chceš pomoct i rodině. (Elina, UA)

Nemusí se však jednat pouze o remitenční náklady, které snižují již tak nízké příjmy. Vidina vyšších příjmů v přijímající zemi vedla k zadlužení ještě před vlastním odjezdem, což je častá strategie ekonomických migrantů a migrantek do ČR (viz také Leontiyeva, Pokorná 2014). Nikoletta vypověděla, že agentuře platila i za zprostředkování pracovního víza, a to nějakou dobu po svém příjezdu do ČR, kdy byla agenturou umístěna do nízkokvalifikované pozice a z jejího měsíčního příjmu si agentura odebrala značnou část příjmu jako splátku za umožnění příjezdu. Pro Nikolettu i další komunikační partnerky původem z Ukrajiny se tak podnikání, práce na 12 hodin denně a práce ve dvou a více pracích najednou (jednou z nich bylo často podnikání) staly dalšími zdroji příjmu:

Vízum ti zařídí za úplatu, a nejde o malou částku (…). Třeba vízum na rok může stát tak třicet, čtyřicet tisíc. A děje se to, že si na Ukrajině na to půjčíš peníze, pak sem jezdíš pracovat, třeba do kuchyně, a první tři až čtyři měsíce jenom vracíš dluhy (…). Hodně Ukrajinců po příjezdu vrací dluhy a zůstanou jim tak tři tisíce, no tak pak si musíte vydělat další peníze (…). Po příjezdu jsem začala pracovat v hotelu, ale když neumíš česky, tak je to problém a všechny se u toho úklidu udřeme, a to za 45 Kč na hodinu, nesmíš si nechat ani dýška (…), ale já měla naštěstí z Ukrajiny kurz na masáže, tak jsem si udělala další kurzy a začala jsem dělat i masáže, byl to takový malý přivýdělek. Takže jsem uklízela, pracovala v nemocnici a masírovala – z toho se dalo dobře žít. (Nikoletta, UA)

V souvislosti s nízkými příjmy řešily komunikační partnerky původem z ČR otázku ne/pravidelnosti příjmů a problém nastavení cen za službu/zboží. Typickým příběhem podnikatelek původem z ČR byl příběh Jindřišky, ta pracovala ve službách (kadeřnictví), ale měla svou představu, jak kadeřnické služby nabízet. Záhy po začátku podnikání však narazila na problém finančního plánování, nastavení ceny za odvedenou práci, ale také malého finančního kapitálu na rozjezd podnikání (např. téměř nulová možnost mikrofinancování bez ručení). Tyto faktory nejen u ní přispěly k nízkým příjmům a prekarizovaly tak její pozici na trhu práce. Jak ukazuje rovněž citace Filipy, během podnikání se musela naučit „vykrýt" období, kdy jsou příjmy z podnikání nižší, což při rozjezdu podnikání neočekávaly:

Moje podnikání často vypadá tak, že několik měsíců pracuju na nějaký zakázce, pak dostanu velký peníze, ale neumím to plánovat tak, abych měla peníze na půl roku dopředu a ještě třeba našetřila. (Filipa, CZ)

Komunikační partnerky původem z Ukrajiny o nastavení cen nediskutovaly, což může být důsledkem omezených možností voleb definovaných jejich sociálním, a především migračním statusem, který apriorně ceny za jejich služby/zboží nastavuje nízko, resp. určují je napevno jejich zaměstnavatelé či prostředníci.

Dále také jen podnikatelky původem z ČR diskutovaly o tématu vymahatelnosti příjmu především v souvislosti s obecnou kritikou vymahatelnosti práva v ČR a s pocitem absence ochrany v tomto směru. Jelikož komunikační partnerky jsou výlučně mikropodnikatelky, nemají za sebou dostatečnou právní ochranu, a proto se musí spoléhat samy na sebe. Komunikační partnerky původem z Ukrajiny nepovažovaly toto téma za významné, což může souviset s neznalostí české legislativy, s jazykovou bariérou, s nízkými příjmy, které nedovolují tuto problematiku právně řešit, anebo s jejich prací v jakési šedé zóně podnikání, jež ještě více znemožňuje vymáhání platby za služby/zboží.

Šedá zóna českého trhu práce

Dušan Drbohlav (2008) upozorňuje, že existují různé formy nelegálních ekonomických aktivit migrantů a migrantek v ČR. Jedná se například o zaměstnávání skryté za podnikatelskými aktivitami, tzv. švarcsystém, kdy podnikající migranti a migrantky nejsou samostatnými podnikajícími, ale podnikají tzv. pod firmou, ale bez benefitů v podobě sociálních jistot, které přináší klasické zaměstnání. Volba podnikání pro podnikatelky z Ukrajiny je motivována vidinou možného výdělku, často na úkor vyjednávání o náležitých pracovních podmínkách. Rozsah tohoto fenoménu lze vzhledem k jeho ilegalitě jen těžko odhadnout, podle různých studií lze ovšem předpokládat, že se jedná mezi migranty a migrantkami o poměrně rozšířenou pracovní strategii (Leontiyeva, Nečasová 2009; Thönquist 2015). Vzhledem k vyšší pravděpodobnosti ohrožení nízkými příjmy, například v souvislosti s remitenčními náklady nebo s placením dluhů vzniklých za účelem zajištění víz, se tak přijetí tohoto typu práce jevilo pro komunikační partnerky původem z Ukrajiny jako jediná možná alternativa pro ekonomické zajištění. Naopak komunikační partnerky z ČR uváděly volbu přijetí tohoto typu práce především z důvodu představy pracovní a časové flexibility, a to zejména ve vazbě na péči o malé děti a dále z důvodu rychlejšího a vyššího výdělku. Komunikační partnerky jak z ČR, tak z Ukrajiny v tomto kontextu uváděly, že přijetí práce na švarcsystém je pro ně určitým řešením, jak skloubit pracovní, v případě Ukrajinek často existenční nároky s péči o malé děti. Teprve v situaci, kdy komunikační partnerky zjistily, že je tento typ práce finančně nezajistí v případě nemoci nebo rodičovství, vyplynula pro mnoho komunikačních partnerek negativa práce na švarcsystém. Například Filipa začala vnímat nevýhody práce na tzv. švarcsystém teprve v souvislosti s plánováním rodičovství a zjišťováním, jaké jsou podmínky čer-

pání rodičovského a mateřského příspěvku pro podnikající. I přesto u tohoto typu práce zůstala a upřednostnila tak možnost časové flexibility kvůli péči o dítě před větší jistotou nebo sociální ochranou.

Absence nutnosti odvádět daň ze mzdy, kterou je povinen za zaměstnance a zaměstnankyně odvádět zaměstnavatel, se tak stává argumentem pro zaměstnavatele, proč tyto formy práce nabízet a pohybovat se tak na poli šedé ekonomiky. I přesto, že je tato forma zaměstnávání postavena mimo zákon,[11] jeho právní definice je poměrně vágní a spolu s absencí účinného postihování ze strany Státního úřadu inspektorátu práce se tudíž otevírá prostor pro obcházení zákona.

Společná pro podnikatelky původem z Ukrajiny a z ČR byla uváděná nedůvěra v sociální kontrolu nebo pomoc ze strany státu. Obě skupiny deklarují, že se spoléhají samy na sebe. Z této perspektivy se pak přijetí takové formy zaměstnání jeví jako racionální a často jediná možná volba. Zaměstnání na švarcsystém nese známky prekarity, např. v souvislosti s riziky spojenými s ilegalitou tohoto pracovního vztahu nebo v souvislosti s nedostatečnou mírou sociální ochrany (v českém kontextu viz Hašková, Dudová 2017; dále viz Vosko, Zukewich, Cranford 2003). Jedná se např. o absenci ochrany v době nemoci, v nezaměstnanosti nebo v souvislosti se sociálními dávkami, jako jsou peněžitá pomoc v mateřství nebo důchod, které opět v důsledku více postihují podnikatelky původem z Ukrajiny, mimo jiné i z důvodu nedostatku sociálních sítí (rodičů, prarodičů, přátel) v České republice.

Zdravotní pojištění, sociální pojištění a daňové odvody

V kontextu většího ohrožení nízkými příjmy pro podnikatelky ukrajinského původu disponující obvykle dlouhodobým statusem je právní ustanovení vztahující se k povinnosti hradit zdravotní pojištění pro OSVČ vícenásobně rizikové. Tento stav má za důsledek, že podnikatelky ukrajinského původu mnohdy pobývají na území ČR bez jakéhokoliv zdravotního pojištění a každé lékařské ošetření si musí hradit samy. Podnikatelky původem z Ukrajiny prekarizovalo také navázání zdravotního pojištění na typ pobytového statusu. Pokud totiž nemají trvalý pobyt,[12] nemohou být účastny veřejného zdravotního pojištění, které je levnější než komerční. Vzhledem k deklarovaným nízkým příjmům se vynakládání těchto prostředků jeví jako zásadní pro ochranu zdraví, zároveň ale také často finančně těžko dosažitelné, jak ve své výpovědi popisuje Nikoletta:

11 Takzvaný švarcsystém je nelegální zaměstnávání formou zastření faktického pracovněprávního vztahu jinou smlouvou.

12 To znamená, že mají dlouhodobý pobyt nebo jinou formu krátkodobého pracovního víza bez ohledu na státní občanství. Podle zákona č. 48/1997 Sb. o zdravotním pojištění.

To jsem opravdu pochopila, že musím být zaměstnaná. Ale takhle to mají všichni, že nemají deset nebo dvacet let to pojištění. Když jsem o Velikonocích dostala chřipku, tak všichni z mých příbuzných byli pryč. Já jsem měla čtyřicítky horečky a myslela jsem, že umřu. Ale byla jsem bez zdravotního pojištění. Nemohla jsem si zavolat záchranku, protože bych to musela zaplatit ze svého, a na to jsem neměla. (Nikoletta, UA)

Komunikační partnerky původem z Ukrajiny kritizovaly nutnost odvodů na sociální a zdravotní pojištění především v začátcích podnikání, kdy mají malé příjmy. Stejné situaci ale čelí i české podnikatelky. Možnost doplatit si nemocenské pojištění zpětně za účelem doplnění zákonného období pro získání nároku na nemocenské dávky, a tedy i na peněžitý příspěvek v mateřství, byla zrušena v roce 2010. Podnikatelky původem z Ukrajiny vzhledem k dlouhodobě nízkým příjmům jsou pak povinny platit zdravotní pojištění v minimální výši, které činí 13,5 % z platné minimální mzdy. Jak popisuje Emilia, tato situace je pro podnikající Ukrajinky o to náročnější, jelikož jsou do větší míry než podnikatelky z ČR ohroženy nízkými příjmy.

V podnikání není jednoduché vydělat peníze, a hlavně pokud jste cizinec. Neříkám, že je to u všech, ale u cizinců určitě. A když máš dlouhodobý pobyt a máš živnost, tak nemůžeš mít normální zdravotní pojištění. Jenom takový, co si sice platíš, ale vůbec nic ti nehradí. Šla jsem za doktorkou a na vyšetření, a všechno jsem si platila sama. Ale cizinecká policie po tobě žádá mít nějaký pojištění. Tohle kdyby se změnilo. Ale já už mám trvalý pobyt, tak je mi dobře. Ale ty lidi, který sem přijedou, vždyť jsem to zažila, co to je vydělat si na zdravotní pojištění, vydělat si na doktory, vždyť to je strašné. (Emilia, UA)

Z výpovědí obou skupin podnikajících matek je také patrné, že si poměrně značná část platí sociální pojištění pouze v minimální výši. Důvody se různí, primárně se jedná rovněž o důsledek nízkých příjmů nebo podnikatelky deklarují nedůvěru v návratnost těchto výdajů, a to především v souvislosti s absencí sociální ochrany podnikatelek ze strany státu. Pro zajištění v důchodovém věku tak většina komunikačních partnerek z obou skupin často volí nějaké formy připojištění na komerční bázi. To byl i příklad Filipy:

Takže já budu muset pracovat do osmdesáti, abych vůbec dostala nějaký důchod. Takže musím přemýšlet jinak. Musím přemýšlet tak, že se musím na stáří zabezpečit sama. Takže jsme nějaký kroky podnikli. Udělala jsem si životní pojištění s výnosem. (Filipa, CZ)

Vícenásobné riziko pro podnikatelky ukrajinského původu představuje situace, kdy nemají odpracované potřebné roky pro přiznání důchodu nebo se jim léta odpracovaná v jiných státech neuznávají. V kontextu jejich nízkých příjmů může být i drahé komerční pojištění prekarizační.

Obě skupiny podnikajících matek považují za nejpalčivější téma nastavení daňové politiky státu v kontextu rodičovství, a to především v podmínkách upravujících čerpání peněžité dávky v mateřství, a nastavení rodičovské a podmíněnost jejich čerpání pro podnikající. Podnikatelky opět zdůrazňovaly složitost systému čerpání rodičovského příspěvku, přičemž pro podnikatelky původem z Ukrajiny bylo jeho pochopení v důsledku jazykové bariéry složitější. Naopak podnikatelky původem z ČR negativně hodnotí podmínku čerpání tohoto nároku v návaznosti na povinnost účasti pojištěnky na zdravotním pojištění alespoň po dobu 270 kalendářních dní v posledních dvou letech před nástupem na peněžitou pomoc v mateřství. Především v souvislosti s rodičovstvím šlo o hojně uváděný problém. Podnikatelky z ČR často uváděly, že tuto informaci získaly až v době, kdy buď začaly plánovat rodičovství, nebo zjistily, že jsou v jiném stavu. V důsledku toho při formulaci možných doporučení pro zlepšení situace podnikajících matek v ČR upozorňovaly na důležitost rozšíření informovanosti právě o tomto legislativním opatření. Komunikační partnerky původem z Ukrajiny paradoxně neuváděly tyto předpisy za problematické, což je možné chápat v kontextu neznalosti české legislativy. Komunikační partnerky z obou komparovaných skupin shledávají systém daní a sociálních odvodů složitý a diskutovaly o rozdílných strategiích získávání informací. Obě komparované skupiny nejčastěji volily přímé dotazování úředníků a úřednic anebo využily internet. U komunikačních partnerek původem z Ukrajiny se objevovala strategie sdílení informací v rámci sociální skupiny.

Diskuse a závěr

Cílem tohoto textu bylo odpovědět na otázku: jak prožívají a popisují svá podnikání matky malých dětí původem z Ukrajiny a z ČR a zda (a do jaké míry) vnímají svá podnikání jako prekérní. V analýze jsme se zaměřily na to, jak se osy z(ne)výhodnění definované primárně genderem, rodičovstvím a migračním statusem protínají, a ustavují tak sociální pozici podnikajících matek původem z ČR a Ukrajiny. V jednotlivých sekcích analýzy jsme ukázaly, že protnutí těchto tří dimenzí skutečně nastavuje určité mantinely, které strukturují, omezují nebo nabízejí konkrétní volby pro komunikační partnerky. Naše analýza potvrzuje, že podnikání je formou prekérní práce, nicméně osobní prožívání prekarizačních aspektů podnikání se u matek malých dětí původem z ČR a migrantek z Ukrajiny liší.

Komunikační partnerky z obou skupin podnikaly hlavně ve feminizovaném oboru služeb. Nejen gender, ale rovněž migrační status se zde podílely na specifické formě

znevýhodnění. Podnikatelky původem z ČR uváděly zájem využít dosažených dovedností, schopností nebo sociálních kontaktů v oboru, kde dříve pracovaly, což jim spíše pomáhalo podnikání udržet a do určité míry jim to také pomáhalo eliminovat určité aspekty prekarity. Důvody vstupu do oboru služeb byly u podnikatelek původem z Ukrajiny navázány na tzv. sociální sítě (Leontiyeva, Pokorná 2014), často tak tyto komunikační partnerky začaly podnikat v oborech, kde podnikají jejich krajané a krajanky. Vstup do genderově tradičních oborů byl u žen původem z Ukrajiny motivován snahou vyhnout se znevýhodnění na českém trhu práce kvůli jejich migračnímu statusu. Zároveň tyto komunikační partnerky narážely na problém neznalosti českého jazyka nebo neuznání vzdělání, které získaly na Ukrajině. V důsledku toho však začaly podnikat v nízko kvalifikovaných a nízko ohodnocených oblastech služeb.

Výběr feminizovaného oboru, kde panují nízké příjmy, je jednou z příčin nízkých výdělků u obou komparovaných skupin. Podnikatelky původem z Ukrajiny navíc řešily závazek finanční výpomoci rodině v zemi původu. T. Rejšková et al. (2009) uvádějí, že remitence jsou pro rodiny v zemi původu existenční nutností, navíc sami migranti a migrantky vnímají remitence jako svou povinnost a také možnost, jak udržovat na dálku rodinné vztahy. Ačkoliv byla migrace do ČR podnícena vidinou lepších příjmů, podnikatelky původem z Ukrajiny se v ČR spíše potýkaly s nízkými příjmy. Nejen snaha finančně podpořit rodinu v zemi původu, ale rovněž využití tzv. zprostředkovatelské agentury již tak nízké příjmy ještě více snižovalo. Častou strategií, jak sebe i rodinu v zemi původu finančně zabezpečit, byla práce v několika druzích práce či podnikáních současně nebo práce na více než deset hodin denně. Migrační status proto pozici podnikatelek původem z Ukrajiny mnohem více prekarizoval. Podnikatelky původem z ČR naproti tomu rozebíraly spíše téma nepravidelnosti příjmů, např. v souvislosti s tím, že jejich příjmy kolísají v závislosti na klientele nebo zakázkách, a proto je jejich finanční situace velmi nestabilní.

V souvislosti s pečujícími závazky komunikační partnerky z obou komparovaných skupin zdůrazňovaly, že pro ně podnikání představuje možnost volného nakládání s časem. Nicméně obě skupiny podnikatelek na konec pracovaly i v nesociálních časech (víkendy a večery) a i více než deset hodin denně. Výsledkem tak není očekávané efektivní rozdělení času mezi práci a péči, ale spíše nutnost neustálého balancování a vyjednávání mezi pracovním a rodinným životem dané velkou pracovní zátěží. Podnikatelky původem z Ukrajiny práci v nesociálním čase na rozdíl od podnikatelek původem z ČR nehodnotily natolik negativně, a to v souvislosti s nízkými příjmy nebo v souvislosti s nemožností hlídání dětí rodinnými příslušníky, kteří často zůstávali v zemi původu.

Migranti a migrantky jsou coby podnikající mnohdy v postavení zaměstnaných a stávají se součástí tzv. švarcsystému. Jde o poměrně rozšířenou strategií (sebe)zaměstnání u migrantek původem z Ukrajiny (Leontiyeva, Nečasová 2009), která je ale dána jejich

nevýhodnou sociální pozicí, především z důvodu migračního statusu. Právní definice tohoto typu zaměstnávání však zůstává poměrně vágní a z hlediska daňové zátěže pro zaměstnavatele je stále finančně výhodná. Naše analýza ukázala, že komunikační partnerky původem z Ukrajiny práci na tzv. švarcsystém vnímají jako výhodnou v kontextu ekonomického zajištění nebo v kontextu pečujících závazků, nicméně nevnímají natolik negativa tohoto typu práce, jako je např. nedostatečná sociální ochrana v době nemoci, mateřství nebo při odchodu do penze. Naopak podnikatelky původem z ČR zpravidla přijaly tento typ práce zejména z důvodu očekávané pracovní a časové flexibility kvůli péči o děti. Paradoxně teprve v souvislosti s rodičovstvím si začaly uvědomovat negativa plynoucí z nízké nebo žádné sociální ochrany toho typu práce. Analýza tak ukázala, že sociální pozice je určujícím faktorem, který ovlivňuje volby komunikačních partnerek k přijetí práce na tzv. švarcsystém. Možnost volby ve smyslu odmítnutí tohoto typu práce je však pro komunikační partnerky původem z Ukrajiny omezena. Ohrožení v souvislosti s nižší právní ochranou podnikajících než u klasického zaměstnání (Nekorjak 2006) čelí jak podnikatelky z ČR, tak z Ukrajiny.

Dalším problémem obou komparovaných skupin byla povinnost plateb sociálního a zdravotního pojištění pro podnikající. Komunikační partnerky původem z ČR kritizovaly tuto povinnost především v začátcích podnikání, kdy mají malé příjmy. Rovněž placení odvodů na sociální a zdravotní pojištění ve výši 13,5 % je značně znevýhodňující pro podnikatelky jak z Ukrajiny, tak z ČR, které v začátcích podnikání disponují malými příjmy, a to leckdy i nižšími, než je minimální mzda. Podnikatelky původem z Ukrajiny v diskusi o platbách zdravotního pojištění hovořily také o vlivu pobytového statusu. Pokud totiž nemají trvalý pobyt,[13] nemohou být účastny veřejného zdravotního pojištění, které je finančně dostupnější než komerční. Vynakládání těchto prostředků je pro ně pak finančně těžko dosažitelné především z důvodu vyšší pravděpodobnosti ohrožení nízkými příjmy. V tomto kontextu lze vnímat možnosti doporučení pro případné změny migrační politiky České republiky, například ve smyslu možnosti účasti na veřejném zdravotním pojištění pro osoby disponující migračním statusem k dlouhodobému pobytu. Obě skupiny podnikajících matek rovněž upozorňovaly na nastavení daňové politiky státu v kontextu rodičovství, zejména v podmínkách upravujících čerpání peněžité dávky v mateřství, v nastavení rodičovské dovolené a v podmíněnosti jejich čerpání pro podnikající. Podnikatelky původem z ČR především negativně hodnotily podmínku čerpání peněžité pomoci v mateřství v podobě platby nemocenského pojištění po dobu 270 kalendářních dní a také nemožnost jeho zpětného doplacení, např. v souvislosti s neplánovaným rodičovstvím. Jak podnikatelky původem z Ukrajiny, tak ale i z ČR zdůrazňovaly složitost systému ustavujícího pod-

13 To znamená, že mají dlouhodobý pobyt nebo jinou formu krátkodobého pracovního víza bez ohledu na státní občanství. Podle zákona č. 48/1997 Sb. o zdravotním pojištění.

mínky pojištění a daňových odvodů rovněž v kontextu nejistot souvisejících s přiznáním nároku na důchod a jeho výši. Navíc pochopení a získání relevantních informací o daňovém nastavení nebo platbách pojistného je složitější pro podnikatelky z Ukrajiny kvůli jazykové bariéře.

Analýza prekarizačních aspektů v podnikání matek z ČR a z Ukrajiny na trhu práce v ČR přispěla k dalšímu rozvoji výzkumu prekarity v českém kontextu. Ukázala, že rodičovství a pečující závazky (očekávané i realizované) jsou osou z(ne)výhodnění, která se intersekcionálně promítá do všech oblastí prekarity a často stojí v základu samotného rozhodnutí začít podnikat. Péče a rodičovství tedy musí být v analýze podnikání žen vždy reflektovanou dimenzí, neboť pečující závazky výrazně strukturují možnosti i zkušenosti podnikajících matek. V analýze jsme také potvrdily, že studovat prekaritu podnikání nelze bez individuální reflexe podnikajících, neboť intenzita prožívání dané situace jako prekérní je dána konkrétním průsečíkem os z(ne)výhodnění, který určuje subjektivní vnímání vlastní sociální pozice.

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Přílohy

Tabulka 1: Seznam komunikačních partnerek původem z Ukrajiny a jejich charakteristiky

Číslo rozhovoru	Přezdívka	Věk*	Vzdělání	Počet a věk dětí	Obor podnikání**
1.	Arina	25–30	VŠ	1 (1,5 roku)	Služby
2.	Darya	31–35	VŠ	2 (8 a 10 let)	Služby
3.	Oxana	36–40	VŠ	2 (10 a 10 let)	Výroba
4.	Elina	31–35	SŠ	1 (2 roky)	Služby
5.	Nina	36–40	SŠ bez maturity	1 (2 roky)	Služby
6.	Bettina	25–30	SŠ	1 (4 roky)	Výroba/služby
7.	Olena	36–40	SŠ	2 (7 a 12 let)	Výroba
8.	Rosana	46–50	SŠ bez maturity	2 (10 a 23 let)	Obchod
9.	Yulia	31–35	SŠ	2 (9 let a 1 měsíc)	Služby
10.	Nikoletta	31–35	VŠ	1 (2 roky)	Služby
11.	Emilia	31–35	SŠ	1(3 roky)	Služby
12.	Lana	31–35	VŠ	2 (4 roky a 10 let)	Služby
13.	Rosita	25–30	VŠ	1 (1 rok)	Služby

* Pro větší anonymizaci jsme zvolily věkové kategorie.
** Obory podnikání jsme rozdělily do kategorií: služby, prodej, výroba.

Tabulka 2: Seznam komunikačních partnerek původem z České republiky a jejich charakteristiky

Číslo rozhovoru	**Přezdívka**	**Věk***	**Vzdělání**	**Počet a věk dětí**	**Obor podnikání****
1.	Alberta	31–35	VŠ	3 (3 a 4 roky, 5 let)	Služby
2.	Drahomíra	31–35	VŠ	2 (2 a 4 roky)	Služby/obchod
3.	Eleanora	25–30	SŠ	1 (7 let)	Služby
4.	Darina	31–35	VŠ	1 (4 roky)	Služby
5.	Filipa	31–35	SŠ	1 (2 roky)	Služby
6.	Gábina	31–35	VŠ	2 (1 a 3 roky)	Služby
7.	Alosie	36–40	VŠ	2 (1 a 3 roky)	Služby
8.	Cecílie	36–40	VŠ	3 (2 roky, 5 a 6 let)	Služby
9.	Božena	41–45	VŠ	2 (4 roky, 12 let)	Služby/obchod
10.	Jarmila	31–35	VŠ	3 (4 roky, 6 a 7 let)	Služby
11.	Klára	36–40	SŠ	2 (6 a 8 let)	Služby
12.	Jindřiška	31–35	SŠ	2 (2 a 8 let)	Služby
13.	Amálie	36–40	SŠ	3 (4 roky, 9 a 17 let)	Obchod
14.	Katrin	41–45	VŠ	3 (4 roky, 9 a 20 let)	Služby
15.	Jaroslava	31–35	VŠ	1 (1 rok)	Služby
16.	Lýdie	31–35	SŠ	1 (1 rok)	Služby
17.	Dita	41–45	Vyučena	2 (1 rok, 13 let)	Služby

* Pro větší anonymizaci jsme zvolily věkové kategorie.

** Obory podnikání jsme rozdělily do kategorií: služby, prodej, výroba.

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The Political and Racial Ramifications of Conversion in Europe: The Case of German Muslim Converts

Fatma Tütüncü

Özyürek, E. 2015. *Being German, Becoming Muslim: Race, Religion, and Conversion in the New Europe*. Princeton and Oxford: Princeton University Press.

Following the racist attacks at mosques in Christchurch, New Zealand, by an Australian white supremacist with links to far-rights groups in Europe, Esra Özyürek's book on religious conversion is a very illuminating read for understanding rising anti-Muslim and anti-migrant radicalism. Political anthropologist Esra Özyürek's book *Being German, Becoming Muslim: Race, Religion, and Conversion in the New Europe* is based upon her three and a half years of research in Germany amongst German converts to Islam. From the very beginning of the book, Özyürek underlines an astonishing fact. Even German converts to Islam express their anti-Muslim sentiments by stating: 'I would never have become a Muslim if I had met Muslims before I met Islam.' (p. 1)

The book sheds light on the paradoxical circumstances and feelings of tens of thousands of indigenously European or more specifically ethnically German converts who leave their Christian and/or atheist origins behind to embrace Islam in a context where Islam is considered as external. Özyürek explains the exclusionary attitudes towards Muslims as Islamophobia. The Islamophobic understanding basically racialises Muslims, disseminating the idea that white Europeans cannot be Muslims. As opposed to this understanding, ethnically German converts play a subversive role by showing that it is perfectly possible for a white/German/European to be a Muslim. The cover of Özyürek's book shows the subversive image of what looks like a white woman wearing hijab, who, according to the photographer Lia Darjes, is a convert named Ela. Ela has beautiful make-up, with a matching colour of lipstick and nail polish; her 'difference' is also reflected in her hand, which has a henna tattoo and with which she holds a cigarette. Ela is not just an image. She has a voice and offers an important explanation about her conversion: 'I received a Koran from a friend. For me, the special thing about Islam (as compared to other religions like Buddhism) is that it is clearly structured. We converts have the advantage that everything we did wrong before is wiped away. The moment you speak the Shahada, you are practically absolved from all your prior misdeeds.'[1]

1 https://www.lensculture.com/articles/lia-darjes-konvertieren-converting-to-islam-in-germany#slideshow.

Even if conversion promises absolution from one's misdeeds, it cannot prevent prejudice and misdeeds against converts in Europe. The book shows how converts are marginalised and their very identity as German and European is questioned; they are even labelled 'internal enemies' with the potential to engage in terrorist attacks. As the first chapter of the book explains, German converts are determined to give Islam a German face even despite the hostile environment. Converts try hard to find a middle way between their German identity and their new Muslim identity; they try to prove that they are still German, because even their relatives accuse them of not being German anymore. Proving their German identity can entail distancing themselves from immigrant Muslims such as Turks and Arabs. Özyürek surprisingly witnesses that ethnically German convert women have serious concerns about not being taken for Turkish women in their neighbourhoods. The easy way to not look like a Turk but still look like a Muslim is to use a different style of head covering. Unlike other Muslim immigrants, Turkish migrant women tend to be working class; they are under-educated and most of them cannot speak German. This public image usually irritates converts. As the author observed: 'Many German women who had donned the headscarf found themselves suddenly being treated as helpless, oppressed females short on linguistic ability, or worse, intelligence. In other words, overnight, they began to be treated as if they were Turks.' (pp. 67–68).

German converts to Islam seek to combat the racialised image of Islam in the German social and political context by purging Islam of the cultural practices of poor and undereducated Muslims by birth. However, at the same time they racialise immigrant Muslims, particularly Turkish women, as unenlightened subjects. They idealise Islam per se as opposed to all its cultural interpretations, so that, they argue, Germany (and perhaps also Europe) could be the best place to live an Islamic life. The only condition is, as Özyürek states, 'if one can eliminate immigrant Muslim traditions- if not traditional Muslims themselves, who give Islam a bad name'. (p. 68)

If such racist discourse aims to disseminate the idea that a Muslim cannot be German, or a German cannot be Muslim, then one may fairly ask whether someone from East Germany can be a true German. And what happens when an East German converts to Islam? Chapter 3 deals with East German converts to Islam after the fall of the Berlin Wall. From the very beginning of unification, East Germans have found themselves as second-class members of the new Germany. A group of East Berliners converted to Islam during this process of unification. While Islam has offered them a kind of spiritual fulfilment that they were not able to enjoy under an atheistic regime, being Muslim, and being a convert as well as being an Easterner, offers a very limited asset within the new German context.

The story of Zehra, an East German convert, provides a good illustration of the difficult situation of an 'Ossie' (as opposed to a 'Wessie'). Having grown up in an

authoritarian regime, Zehra sees nothing good in communism; but since unification, she has found nothing desirable about capitalism either. This is not an isolated feeling on the part of Zehra, as, the author explains, East Germans generally feel disappointed: 'After a few weeks of euphoria, the dominant feeling that surrounded East Germans was collective depression.' (p. 74)

First of all, the economic situation of many former East Germans is bad, and everything seems very expensive for them. The fall of the wall does not sound so much like it was a victory but a defeat for them. Like others, Zehra does not know what to do with her life and gets very depressed. She explains her feelings, which seems quite similar to an immigrant's feelings, as follows:

> I began to see everything through dark glasses. It was not possible for me to get a job anywhere as an East German. In East Germany, we did not learn how to use computers. That was a big disadvantage... They were already firing all East Germans from their jobs and appointing West Germans in their place... Imagine, suddenly your money is worth nothing, you are poor, no one wants you to work for them, you have no value... (p. 75).

Converting to Islam in Germany may not seem like the right way to get past a sense of worthlessness, but Zehra was searching for something, something spiritual, something that Germany, East or West, cannot give her. She enjoyed meeting different people and different religions. She wanted to see Arabic lands, but she had no money to travel. If she could not travel to any Muslim lands, Muslim people in Germany could enter her life. She started praying and trying to understand the idea of God, which was quite unfamiliar to her. Her conversation with a German convert to Islam at a library, affected her positively. For the first time in her life she began accepting everything as it is, and she accepted herself: She was even able to look into the mirror and see herself as beautiful. Apparently, embracing Islam has deeply empowered her and given her a chance to leave all her turmoil behind and embrace a new life in Germany as it is.

A more organised claim to German identity and Muslim identity can be observed in an organisation named the Muslimische Jugend Deutschland (Muslim Youth of Germany, or MJD). This organisation was established in 1994 by a German convert and quickly became an important agent for empowering German Muslim youth by 'developing practices that are Islamically acceptable and compatible with the German way of life' (p. 89).

German as a common language gives the members of the MJD a chance to transcend their various ethnic origins. Mixed marriage in this sense becomes another significant opportunity to raise generations of genuinely German Muslims and

to create a feeling of Ummah as opposed to partial nationalist identities based upon different ethno-cultural roots. Creating an entertainment culture for German Muslims is another aim of the MJD. Accordingly, Germany's first 'halal rapper' Ammar114 has the right context in which to flourish thanks to the MJD network. Ammar144 in his songs expresses resistance to German nationalism and racism by voicing the idea that Muslims are also part of Germany, they are Germans and claim equal rights.

In the heterogenous social context of Germany and Europe, converts do not follow the same path in embracing Islam. Accordingly, 'Is Salafism the Future of European Islam?' is made the central question of Chapter 5. Here Özyürek investigates why 'the allegedly most conservative and most radical mosque in Berlin" attracts so many German speaking youth from indigenous German background to Russian, eastern European, African and Latin American roots' (p. 112). Salafism is the most stigmatised interpretation of Islam and the German authorities usually associate Salafism with radicalism and terrorism. Özyürek's explanation for Salafism's appeal to converts runs counter to the functionalist idea that underlines how Salafism helps school drop-outs and drug addicts to pull their life together; that is to say, it gives deprived groups and gives people who feel alienated an instrument with which to empower themselves in a hostile society.

Özyürek instead argues that Salafism attracts converts through its peculiar theological, anti-culturalist and anti-nationalist stance. In this sense, the author likens Salafism to Evangelism and Pentecostalism, all of which appeal to human beings in a psychological and spiritual sense. In addition, Salafism is a form of fundamentalism that has commonalities with Christian fundamentalism. Özyürek observes four common features that make Salafism efficient and transformative for newcomers. These are conversionism, a rejection of tradition, literalism, and the breaking of traditional religious hierarchies (p. 116). Salafi puritanism in short appeals to both converts and Muslims by birth by making them feel superior to all other Muslims because of their rejection of traditionalism, hierarchy, and nationalism. It embraces people from all backgrounds, in this sense it fits well with a multicultural German/European context. And this context resembles the golden age of Islam, when Meccan and Medinans transcended their tribal roots and united together as the first Ummah.

In her concluding remarks, Özyürek reminds us of the rising anti-Muslim sentiment in Germany. She describes how converts have been instrumentalised in a way to create a public fear of Islam; to make ordinary German citizens worry about the idea that Islamic culture is taking over Germany. This idea is particularly voiced by the mainstream media and by certain best-selling anti-Muslim and anti-migrant authors. Among others, the author of the best-selling *Hurra, Wir Kapitulieren* (Hurray! We

Are Capitulating), Henryk M. Broder, is fuelling anti-Muslim sentiments, is seeking to enrage the public against Islam, and even suggests that 'young Europeans who love their freedom should emigrate to Australia or New Zealand' (p. 135). These ideas resonate with the Australian white supremacist's discourse on Muslims in Europe as 'invaders'.

All in all, Esra Özyürek's book is a great contribution to the fields of anthropology, political science, and religious and racial studies in that it richly documents the growing racist, xenophobic, and Islamophobic discourse in the new Europe. The book successfully shows the counter-discourses and empowerment strategies used by Muslims by birth and converts to make Europe a home for Islam. While revealing to us the most intimate details of the lives of converts, the book also indicates the political ramifications of religious conversion, which can take the form of threats, fear and violence against the converts. This book should be on the current 'must-read' list of books about the new Europe that is being re-shaped along the lines of race, religion, and the 'refugee crisis'.

Unveiling Lower-Class Bodies and Queering Labour History: 'Industrial Sexuality'

Claire Savina

Hammad, H. 2016. *Industrial Sexuality: Gender, Urbanization, and Social Transformation in Egypt.* Austin: University of Texas Press.

In *Industrial Sexuality, Gender Urbanization and Social Transformation in Egypt,* Hanan Hammad investigates the effects of industrialisation, urbanisation, and mass capitalism on the construction of modern gender and sexual identities. She focuses on the daily experiences of male and female workers, adults and children, in al-Maḥalla al-Kubrā, the largest and most productive Egyptian textile factory and, in 1947, the stage of the most important protest in the history of modern Egypt. Through a challenging exploration of archival sources that have been left aside by historians of labour, on the one hand, and historians of gender, on the other hand, the author describes how the industrial modernisation and organisation of the town and a coercive class hierarchy led to the concentration of tens of thousands of strangers, men, women, and children at work and at home and to aggravated

violence, sexual harassment, molestation, prostitution, and the spread of diseases. She argues that this, along with a fair sense of injustice and a feeling of national solidarity, led to the tremendous strike of 1947. She exposes the social and national anxiety around sexuality and reveals how the private and public boundaries, in al-Maḥalla's compounds, were blurred, exposing both homosexual and heterosexual sexualities to the public. As put by Liat Kozma on the cover, author of *Policing Egyptian Women: Sex, Law, and Medicine in Khedival Egypt*, 'Hammad's book is a beautiful micro-history of a place, one of the best histories of labour I have ever read, and also a wonderful exemplar of gender history.'

Industrial Sexuality focuses on the first half of the 20th century, namely between the 1920s and 1947-49, when, after the Egyptian Revolution, the Egyptian bourgeoisie launched a drive for industrialisation, financed by the Bank Misr Group and the Egyptian Industrial Federation. The book follows the evolution of the working and living conditions of workers at the Misr Spinning and Weaving Company since its establishment, in 1927, in al-Maḥalla al-Kubrā – which was already home to what since 1912 had been the second most active cotton market in the country, and notably was also one of the tension points during the uprising of 2011 – up to the infamous strike of 1947 that caused its unthinkable closure for two months.

Her work is, Hammad writes, 'based on the idea that local social groups play a key role in the struggle between change and continuity'. Originating in the – necessary – trend of 'from below' history, she argues that '[m]ale and female peasants, artisans, and workers were not merely recipients of change imposed by outside forces' but also participated in making and writing history. Consistent with what makes her research and book so rich and precious, Hanan Hammad chose to look at sources produced by the locals themselves, when available, along with state documents. Examining the archives of the company, the Department of Corporations in the Finance Ministry, and the Cabinet, among other official sources, and court reports, petition files from the *'Abdīn* Archive, contemporary periodicals, memoirs, and oral history, Hanan Hammad provides colourful yet tragic accounts of the working and living conditions of those workers, female and male, and both those who were originally from al-Maḥalla and those who had come, alone or with their families, from villages in the Delta to tempt their chances and build a better, modern life.

The text, which follows 'men's and women's journeys as they were transformed into gender-classed industrial urbanites', is divided into six chapters:

The first chapter describes the relationships between the 'docile' male workers and the supervisors, the 'afandiyya', and explores the transitional and at times conflictual navigation between traditional and modern masculinities. It presents the constant violence, which was occurring here at the nexus of two forces: the hostile population from al-Maḥalla, the 'al-Maḥallawiyya' (as opposed to the 'Shirkawiyya',

the population of al-Shirka, "the company", familiar term used for the MSWC), and the coercive and intrusive industrial organisation, as the performance of both a contestation and alteration of men's masculine identities. The paternalist attempt to recruit 'docile' workers and to control them with threats and physical violence is shown here to result in contradictory and competing (hyper)masculinities.

The second chapter continues the exploration of masculinity at the time of industrialisation and urbanisation. It goes further in the exploration of violence as an expression of manhood, which was necessary and crucial, the author argues, to the process of adapting to industrial and urban life. Males from the rival communities of the Maḥallawiyya and the Shirkawiyya, and namely the futuwwa, who disappeared from bigger Egyptian cities at the turn of the 20th century, still control al-Maḥalla, especially in specific, men-only spaces, and seek to protect their communities and challenge the state. The chapter also retraces the micro-history of three families in al-Maḥalla and their powerful ties (e.g. oversight over parades and ballot boxes) to the nationalist notables in the period after the 1923 Constitution was introduced. This serves Hammad as an opportunity to engage with another, this time bourgeois, representation of masculinity. The chapter ends by emphasising the overall solidarity, the 'male glue' that was at work in the hyper-populated town and factory of al-Maḥalla.

Chapters 3 and 4 focus on women and the construction of a modern, urban, industrial female identity. Chapter 3 looks specifically at lower-class women workers and engages with both gender equality and inequality. Demonstrating that mechanised factory work, equally new for all new workers, women and men, in essence neutralises gender basic dichotomy, Hammad points out that no women served on the company's board or in high administrative positions. She brightly analyses the processes whereby women's labour is rendered invisible in modern work production and examines the separation or absence of women in labour history. Inequality of pay and violence – both between women and perpetrated by men jealous of female workers 'taking their jobs' (for less money) or while sexually harassing them – are here revealed to be a daily component of working conditions.

As a counterpoint, and in what seems to be a way of re-balancing a male-focused history while also exploring the small-scale management of a newly urbanised area, Hanan Hammad focuses her fourth chapter on middle-class women. Here she examines the social history of landladies and their contribution to the town's socio-economic transformation. This chapter gives the reader another perspective, one that is entirely situated outside the factory, and provides an understanding of the nature of the housing market at a time of intense urbanisation, with the constant arrival and multiplication of new workers.

The fifth chapter, following the analysis of the construction of female and male

workers' identities in a newly industrialised urban context, engages with two other forms of violence: sexual abuse and public coercion. If the cases of sexual harassment (and rape) of women seem under-represented here, probably because of the lack of written, accessible sources, the sexual violence suffered by children working at al-Maḥalla al-Kubrā is greatly exposed through multiple cases. Hammad describes how homosexuality between lower-class men was treated under the scrutinous eyes of normative Egyptian society. By comparing the treatment of upper-class and lower-class alleged sex offenders she manages to demonstrate that the punishment of sexual offenses depended more on class than on the crime. The author unveils the hypocrisy of an oppressively surveillant society at the time and persuasively describes how the female body, which is supposed to be protected and hidden, was carelessly exposed to the public, in many cases through intrusive medical examinations, intended to ensure this very protection.

Particularly brilliant is how the 'journey of male and female workers', adults and minors, ends with the strike of 1947. Underlying the analysis of the construction of gender and sexual identities throughout the book, Hammad never fails to shed light on the common sense of injustice felt towards the company and constantly reminds us that this fast and violent concentration of men and women in al-Maḥalla also became the stage of unheard-of solidarity and resistance against the hierarchy. Chapter 6, which shows both the reality of the significant damages caused by urban industrialisation on working bodies and the dehumanising cover-up by the company, which unfairly blamed sexual practices and launched a war of words against brothels and prostitution, concludes this book on the largest labour strike ever known in modern Egypt.

Although Hanan Hammad takes on the challenge gracefully and brilliantly, we can only regret that, unfortunately, the local sources cannot present a balanced picture and, for different reasons, are unequal in terms of gender – because of the almost systematic illiteracy of lower-class women, the reluctance to and the shame attached to testifying in harassment and rape issues, and overall invisibilisation of women at work in historiography. The memoirs that Hammad had access to were all written by men and we find that, while court reports contain an abundance of information about child molestation, accusations of adultery or sex outside marriage, suspicion of homosexuality, etc., all of which are related from a patriarchal perspective, there are very few accounts in the book of rape and sexual aggression perpetrated on women. This, of course, is not a criticism of Hammad's work, quite the opposite; it only sheds light on the wager that, until the mid-1950s, the unequal treatment and perception of lower-class women represented for historians and reveals the mastery with which this study is undertaken and led.

At the intersection of labour and gender history, Hammad triumphs with what

would seem to be the impossible gamble of giving the lower-class bodies of al-Maḥalla a voice. Her comprehensive history of al-Maḥalla al-Kubrā allows us to (re)think class and gender violence and inequalities at a time of massive urbanisation and intense industrialisation during a key moment in modern Egyptian and global history, and it presents a brilliant example of what micro-history, based on local sources, voices, and sexualities, can bring to the field, whilst unveiling lower-class bodies and queering labour history.

The Struggle over Women's Bodies in the Global Beauty Industry

Anna Rybová

Jha, M. R. 2016. *The Global Beauty Industry: Racism, Colorism and the National Body*. New York: Routledge.

Looking for a nuanced analysis of beauty among gender studies literature? *The Global Beauty Industry: Racism, Colorism and the National Body*, published by Routledge in 2016, is a perfect introduction to the ways in which beauty standards are used to regulate women's bodies and lives. The author, Meeta Rani Jha, is a Black, British, Asian scholar, who entered academia after a decade of feminist and antiracist activism in the UK and is currently teaching at UC Berkeley. In her book, she introduces the reader to a subtle analysis of beauty starting with US culture and then taking a global and transnational perspective. The goal is to introduce beauty as an analytical category in order to examine how beauty cultures are formed in the political context of globalisation, highlighting here the role of mediated beauty pageants in three different countries: the United States, India, and China. Each chapter focuses on using beauty as an intersectional framework to think critically about beauty's imbrication in the structural power relations of gender.

The first chapter, 'Beauty as Structural Inequality', examines beauty as a structural inequality and deconstructs the myth of beauty pageants. The ultimate American dream for many young women and girls in the United States is to be crowned as the most beautiful woman in the country. Jha opens her book with an anecdote about Robin Morgan's 'No More Miss America' (Morgan 1970: 484), where she outlines ten reasons for boycotting the prestigious American beauty pageant. Morgan sparked

a debate on sexism and pointed out how the national beauty contest generates idealised versions of femininity. Through this anecdote the author is able to show how Miss America pageant contestants understand gendered inequality as an individual problem, thereby erasing its structural foundations. Resting on the Protestant work ethic, the idea is that if one works hard, one can rise above the structural inequalities of the social and education systems by winning a beauty contest. Jha, on the other hand, aims to point out that power and class positions are key constituents in the production of Miss America. Despite some major advances in beauty contests, they remain the site of a power struggle. To illustrate, only nine women of colour have become Miss America since its inception in 1921. The most recent 'un-American' winner, Nina Davuluri, was crowned in 2014, which generated a racial controversy in the United States. In fact, beauty intersects not only with the idea of gender and class but also with race. On the national level, every Miss America is a metaphor for the national and social body: a non-white body being rewarded as *the* American woman undermines the cultural hierarchy that is so deeply embedded in US society. While Davaluri's victory can be considered an indicator of progress in combating racial disparities, as the winner she was nonetheless regarded as a direct threat to the American ideal. Davuluri's performance of a Bollywood dance differed radically from the traditional spectacles performed by other contestants. On social media, her performance was judged as alien and strange, but she helped to increase the cultural visibility of South-Asian Americans, who are dramatically underrepresented in the mainstream US media. However, in order to win, Miss Davuluri had to demonstrate that she was able to conform to Anglo ideals and to abide by the demand for racial assimilation (Park 1939; Gordon 1981). The US beauty pageant sends out a clear message about who is excluded from the categories of beauty and femininity. Jha points out that Anglo-conformity is a necessary precondition for non-white women to experience upward class mobility. Therefore, beauty should be seen as a commodity that is exchanged for class mobility and considerably influences women's life chances and opportunities.

The next chapter, 'Black Is Beautiful', elaborates on the idea of gendered beauty, which generates unequal power relations among women and different ethnic communities. Jha walks the reader through the history of Black feminism and its contribution to the feminist movement. She considers Black feminism a direct anti-racist challenge to the dominant white beauty. The chapter explores the evolution and advances of the Civil Rights Movement of the 1960s examining beauty through the Black feminist framework. In American society, Black girls and women have often been considered less beautiful, less feminine, and less attractive because of their distinct hair, skin, and facial features. She traces the history of Black feminism and underscores how the beauty norms of a socially dominated group [socially

dominated groups] are underrepresented and promoted as 'ugly'. The beauty of the dominant group represents the norm and the universal standard of beauty. One of the main ideas is to point out that the beauty standards that are praised among non-white social groups are not the same as those of white communities. In the 1960s, Black communities honoured different beauty standards so that they could escape white disdain. Yet, the author highlights a paradox by pointing out that white beauty standards gradually affected Black people's evaluation of themselves. There was a time when there was a preference in Black communities for light-skinned people and straight hair, which were the beauty standards of the dominant class. The chapter also highlights that there is a close connection between beauty discourse, and racial politics (Craig 2002). When black women refused to accept white beauty standards, they were actually starting a political protest, because they were rejecting the norms of the dominant class: Common beauty practices among black women helped to build a sense of solidarity and empowered them to reject the ruling beauty standards. The references to African ancestry and black nationalism enabled Black feminists to change the values assigned to blackness. At the end of this section, Jha evokes black hip-hop and famous Black pop artists who, through their fame and influence, help to improve the image of the black community and their struggle to acquire a more important place in the public space. Hip-hop feminism inspires young generations and allows them to stay connected to their cultural origins. Black popular culture can facilitate a personal transformation, it is a source of political education, and it generates social awareness, all of which serve to strengthen links across differences of class, gender, and sexuality in the black community.

The third section of the book, titled 'Globalization, Indian Beauty Nationalism, and Colorism', focuses mainly on globalisation and the exportation of Western beauty standards to Asia and to India in particular. This chapter tackles issues connected with consumer capitalism and the influence of Euro-American beauty corporations seeking new, larger, middle-class markets around the world. At the beginning of the chapter, the author examines the social and gender impact of the skin-lightening and bleaching industry on women in India. This topic is linked to a much larger phenomenon – globalisation. Jha argues that globalisation can be both empowering and threatening. On a large scale, it seems that globalisation helps to reduce gender inequality in developing countries, but at the same time it drives apart different castes (or social classes in other part of the world). The heavy aggressiveness of various Euro-American beauty corporations pushes women in India to change their look and undergo drastic procedures. Expenditures on cosmetic products among middle-class Indian women has increased by $160 billion since 2010. It seems that globalisation has exacerbated gendered colourism in India (Parameswaran 2005). In order to have

a decent social status and promising life perspectives, Indian women have to be 'fair', that is to say, they have to have a light skin tone. Gendered colourism has become very serious as it puts women under extra pressure to be beautiful. Their quality of life depends on their physical attributes – their light skin. Fairness equated with beauty is recognised as social capital and is used to advertise lightening creams with the promise of social mobility. Fair skin is a crucial instrument of exclusion in globalising India. Having a light skin tone actually enhances your chances of obtaining a better power position. Globalisation conveys the ideal of perfect white middle-class women and brings new form of discrimination. The popular culture, spread through global mass media, perpetuates the gender inequality. For example, beauty contests are seen as a part of the 'process of modernisation': In order to win, women from the developing countries have to abide by certain Western values. Beauty pageants create a new Indian feminine role model: women have to be both patriotic and cosmopolitan. Indeed, middle-class women are turned into global celebrities. However much the promotion of Western beauty standards harms Indian cultural diversity, it also generates solidarity. The India's movement Dark Is Beautiful' campaign advanced by the Women of Worth used the media and cyber activism to challenge colourism and gender discrimination by empowering women and their darkness. This organisation seeks to erase the dark-skin stigma created by the economic transformation of the Indian nation. Jha's analysis goes even further by exploring why the globalisation of beauty pageants and the expansion of middle-class results in increasingly oppressive beauty standards.

The fourth, and final, chapter, called 'Chinese Femininity, Beauty Economy, Cosmetic Surgery', explores Chinese femininity and the popularity of cosmetic surgery in China, which is deeply embedded in the nation's consumer culture. The drastic cultural transformations that were set in motion by the country's incorporation into globalising processes have restructured Chinese identity and gender relations. The author notes that China became the first country in the world to host the 'Miss Artificial Beauty Pageant', on 18 December 2004 in Beijing, where the contestants were required to have undergone plastic surgery. Indeed, the economic boom has allowed many women to access new forms of modern femininities that were constructed by the cosmetic-surgery industry. Her research shows that Chinese women view white skin as a symbol of beauty, and they tend to aspire to this ideal. Referring to Huiliang Li (2013), skin-whitening beauty practices have been a part of different local traditions since pre-colonial times and have now been exacerbated by consumer capitalism. Jha points out that white feminine bodies and their properties are considered a site of modernity and progress. Therefore, adapting one's body to Western beauty standards amounts to keeping up with modernity. The discrimination against women who look 'native'

stems from the admiration and imitation of whiteness. Light skin tone enables women to access a better social position, especially since it allows them to aspire to a more prestigious marriage. Plastic operations and the skin-lightening cosmetic products are inaccessible to many women in China who, because of their gender, class, and social position, cannot enjoy these privileges. Chinese women's feelings of devaluation go hand in hand with the complex challenges of racism and the structural and cultural inequalities that they face because of the growing presence of global hegemonic beauty standards. Jha draws on Eugena Kaw (1993), who has described how Asian women undergo cosmetic surgery in the hope of improving their class and racial positions, which enables them to racially pass. In fact, Jha builds on this idea by explaining that women weigh cosmetic-surgery risks in the terms of an economic investment and their ability to compete in the labour and marriage markets. Aspiring to Western beauty standards creates a divide among Chinese women: women from minority rural communities are becoming even more disadvantaged, which pushes them to leave rural areas and migrate to larger cities where they can hope to obtain a better living standard. The female rural exodus is both a cultural and a demographic phenomenon. Women leave rural areas hoping to find a better-paid job, which, in return, will enable them to pay for the beauty products they need to shape their bodies according to the predominant Western beauty norms.

Lastly, it is worth mentioning that the book aims to examine beauty in its complexity: as a site of social control and as a site of resistance to gender oppression. Beauty is an aspect of identity-formation, desire, and sexuality. However, it is also an aspect of racial discrimination, social inequalities, and psychological damage. Indeed, beauty's emotional and affective force influences how women perceive their bodies and more largely their existence. It is a powerful tool which restricts women's aspirations and disciplines women's lives through their bodily properties. Beauty can be viewed as an uneven socialising force that influences the life chances and opportunities of individuals. Unfortunately, the author overlooks the fact that the leitmotif of her analysis is the fact that women, regardless of whether they live in the Global South or North, have to conform to beauty standards imposed on them by men. The book is easily accessible both to those who are passionate about gender studies and to those who are not familiar with this topic but who can use the rich glossary of important terms provided at the end of the book. It is a fascinating read filled with numerous examples that speak for themselves and that will definitely change the reader's perception of gendered power relations.

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Obituary: Remembering Ann Snitow

Iva Šmídová

The feminist community lost a dear friend, teacher, scholar, and activist in August 2019, Ann Snitow. The world has lost a precious, open-hearted, and open-minded woman, too.

Professor Snitow, based in her loft apartment in downtown Manhattan and professionally at The New School university, generously supported the development of gender studies in the countries of Central and Eastern Europe and even far beyond that region. She did so elaborately by building communities and lasting friendships, by helping to establish organisations, and by encouraging the local institutionalisation of feminist, gender, and queer expertise and local women's networks. As a co-founder of the Network of East–West Women (NEWW), Ann Snitow donated books and provided funding for purchasing books to establish gender libraries in the region and thus the foundations for informed scholarship. She also generously supported individual, such as researchers, teachers, and activists, by providing consultation, constant encouragement, engaging in critical but embracing debates, and through her unflagging sensitivity, attention, and firm conviction in the cause. Reflecting critically on her own US background, Ann Snitow was always very careful and sensitive in her approach to the issue of dominance in travelling of thoughts and ideas about feminisms.

I am one of the lucky women who experienced Ann's support repeatedly and even found a home away from home in the NYC apartment in which Ann Snitow and Daniel Goode, her life companion and husband, hosted many events and shared their private space with the community of feminists, musicians, and others. I am proud and honoured to have known Ann since 1997, I am grateful for her inspiration, enthusiasm, and lasting support on both the personal and the institutional level. She was a critical reader and a consultant on the syllabi for the very first gender courses taught at the newly founded Faculty of Social Studies of Masaryk University in Brno back in the fall of 1998. The co-operation was never just formal or purely academic, and it was her unflagging optimism, courage, and support that made Ann so special for many students, colleagues, and others.

Ann, we miss you tremendously, but your energy and inspiration, especially your all-embracing love and your passion for feminisms stays with us.

Who Shapes Global Migration Governance Today and Who's Affected by It? Report from the Conference 'Geopolitics and Transnational Migration'

Marie Heřmanová

Transnational migration has been widely discussed in both the academic and the public sphere in recent years and has become a highly sensitive political issue in particular since 2015. The working group on transnational migration within the research programme 'Global Conflicts and Local Interactions' at the Czech Academy of Sciences aims (among other things) to create space for interdisciplinary theoretical discussions about current migration trends through a series of conferences organised jointly by the Institute of Sociology of the Czech Academy of Sciences and the Faculty of Humanities of Charles University. Last year, the participants explored the issue of borders and justice, while this year the conference's main topic was migration governance and the political economy of migration. The presented papers discussed the role of families in transnational migration in the context of social reproduction, access of civil society actors to the processes of global migration governance, the ethnography of transnational care practices, and the linkage between migration governance and precarity. The conferences seek to open up interdisciplinary discussions on transnational migration in its various contexts and complexity, something that is urgently needed in the current debate.

In the first lecture, Professor Eleonore Kofman from Middlesex University in London outlined the changes in policies on the migration of family members and the implications of this for the process of social reproduction, which is becoming more and more transnationalised. On both sides of the Atlantic policies on family reunification and the migration of family members have become increasingly stricter since the 1990s. Kofman noted the example of Canada, which has seen a significant decrease in the migration of family members as a result of stricter rules specifically targeting parents and grandparents. The situation in the EU is similar and generally all OECD countries have placed restrictions or quotas on the migration of family members (the EU restricted the rules even further after 2015 in reaction to the increased number of refugees coming mainly from the Middle East). Policies tend to use the argument of 'human capital' to justify the restrictions; in this perspective, family members, especially older parents and grandparents, are seen as 'irrelevant' for the economy of the destination country. The restrictions on family migration thus go hand in hand with the introduction of regulations and quotas aimed at

facilitating skilled migration that is directly adapted to the needs of the labour market in the settling country. Kofman argued that various tools such as requirements for minimal income or permanent housing are being put in place to ensure that the state can shuffle off any responsibilities for transnational social reproduction, while at the same time creating class-based migration and increasing the effect of social stratification.

The growing body of research on transnational families, transnational parenting, and the concept of care in transnational migration, on the other hand, provides increasing evidence of the importance of family migration in social reproduction. Much of the focus has been placed on those left behind, especially children, but in recent years more and more researchers have been providing insight into transnational parenting/family relations as such and the practices of care that emerge in response to the situation of living within a transnational family. While the policies are primarily designed around the notion of an independent adult who does not need care, the research shows that families are often a major source of care and support and thus play an indispensable role in social reproduction: family members play a role in childcare, elderly care (which may be otherwise inaccessible to migrants), and the socialisation of children and play an important role in the organisations within which social reproduction occurs.

An example of the latter was provided by Dr Monika Palmberger from Vienna University in her contribution. Palmberger uses the concept of care as a tool for analysing transnational migration and presented two examples from her own research: the situation of elderly migrants in Vienna and the transnational care practices developed among refugees using digital communication tools. For example, Palmberger discussed Turkish migrant associations in Vienna as 'places of caring' for ageing migrants. As she pointed out, almost every third person living in Vienna over the age of 50 is of migrant origin, a consequence of the massive Gastarbeiter migration that started in the 1970s. The idea of a Gastarbeiter was designed around very similar premises that Kofman described in her presentation (skilled migration being seen as relevant for the needs of the growing post-war economy and labour market), but many of the workers stayed and also brought their families. Yet, migrants are almost never included in the current public and political debates around ageing and care. While their mobility might be restricted (as spending more than two months outside of Austria might put their compensation payments at risk), they are increasingly forced to (re)produce 'places of caring' for themselves in their host country. Using examples from her ethnographic research Palmberger illustrated how voluntarily organised migrant associations and communities play an important role for elderly migrants as places for social reproduction and provide a social context for their personal stories of transnational family history.

While Kofman and Palmberger provided insight into current transnational migratory processes from below by focusing on those who are subjected to migration governance by geopolitical actors, the two remaining speakers, Stefan Rother from Freiburg University and Carl-Ulrik Schierup from Linköpping University, focused their lectures on migration governance from a top-down point of view.

Rother presented findings from his ongoing research on the role of civil society actors in migration governance through the example of Global Compact for Safe, Orderly and Regular Migration. He traced the organisation of various civil society bodies that represent migrant voices (such as the International Migrant Alliance and Global Coalition on Migration) and their involvement in the process of creating the Global Compact. As he pointed out throughout his talk, the involvement of civil society actors in the processes of migration governance is crucial not only because of the democratic principle and participatory approach that the international bodies seemingly aim to introduce, but also because global geopolitical tools and documents (such as the Global Compact or, for example, the UN Migrant Worker Convention) have a direct impact on national policies and subsequently on the individual lives of migrants, issues discussed by Kofman and to some extent also Palmberger. Rother used the concept of invited vs invented spaces to illustrate how civil society actors are trying to create as much an impact as possible, while resisting being contested and co-opted by the same policies that often push them into precarious positions. While Rother illustrated various examples where civil society actors managed to overcome these obstacles, the question remains as to whether the emerging global migration governance as it is employed nowadays helps or hinders the agency of those who are most affected by it. If a specific status is required in order to be able to participate in the governance processes that most migrants are not able to obtain (such as the ability to travel to the place where the convention is being held), how can we make sure that their voices are heard and listened to in the debate and how can they employ their agency without being co-opted by the governance regime that prevents them from being a part of it?

Finally, Professor Schierup's presentation provided the entire debate with a broad theoretical and conceptual frame, while addressing the question raised by Rother – how is migration governance linked to precarity? Schierup pointed out that most of today's migration is forced and thus followed up on a question already touched upon by all the other speakers – how do we acknowledge and analyse migrants' own agency in a situation where migration is mostly caused by neoliberal globalisation worldwide and subsequent dispossession? The deregulation of labour markets and increased regulation of the mobility of migrants themselves (as described by Kofman) are pushing more and more migrants into the position of extreme vulnerability, while at the same time truncating the concept of citizenship along the lines of ethnicity,

race, gender, and age (as Palmberger illustrated). In this sense, many of the 'invited spaces' of agency in relation to migration governance that Rother described in his presentation have already been co-opted by more powerful players representing corporate interests. Schierup asked what under these conditions is the actual space of action and influence for migrant organisations, unions, and civil society. Along with an analysis of global compacts, Schierup added a critique of the concept of 'managing migration' that was developed by the International Organization for Migration (IOM). Migration is being 'managed' instead of 'governed', and this is effectively excluding migrants and civil society actors from the decision-making process, which is subsumed into the neoliberal framing of migration. Schierup proposed various conceptual frameworks to develop a rights-based approach (Purcell's 'network of equivalence' and Hosseini's 'transversal cosmopolitanism') and cited the example of the World Social Forum on Migration (WFSM) as a potential invented space from below.

The four presentations and the debates thus all circled back to the question of *who* really participates in migration governance in a world shaped by geopolitics and neoliberalism and *how* they participate. How can migrant women, transnational families, elderly migrants, refugees, and grassroots civil society organisations representing the voices of these actors reclaim their agency in global migration governance processes? Several ensuing questions were addressed in the discussions, such as the need to rethink the current terminology of 'economic migration'. Are people migrating because of the harsh economic situation in their home country and working under extremely precarious conditions in the host country simply for purely economic motivations, or are they acting out of the need to survive, and if so, are they the victims of the neoliberal geopolitical order in the same way that refugees are victims of war and conflict? Is the label 'economic migrant' still applicable then? Many researchers have thus pointed to the need to fundamentally rethink the legal categories of 'migrants' and 'refugees', as they no longer reflect current migration trends and, most importantly, the root causes of migration, as discussed during the conference.

The conference's closing presentation by the photographer Antonio Cossa then symbolically concluded the discussion by offering a visualisation of the situation of those actors whose voices are currently not being heard in the discussion, though they are among the main subjects of current political and public debate – refugees seeking asylum in Europe.

The Sociological Imagination: Do We Build Boundaries or Do We Want Solidarity?

Romana Marková Volejníčková, Markéta Švarcová

This year's conference of the European Sociological Association was in the beautiful industrial city of Manchester. The title of the conference was *Europe and Beyond: Boundaries, Barriers and Belonging*. As that title suggests, the aim of the conference was to point to the boundaries between communities, society, groups of people, and families. It is important to note that within society there are some factors (such as gender, age, education, race, etc.) that can strengthen the boundaries between individuals or groups of people. These barriers take different forms. They can be seen as the impossibility to live in a safe country, or the impossibility to live in a good environment, but barriers may also be formulated as and introduced by national policies and legislation. However, the theme of this conference and of many of its papers and debates was in the sense of belonging. Through a sense of belonging we can eliminate the barriers, but we can also strengthen solidarity, empathy, and social well-being between individuals and groups of people.

Although it was a very large conference, it was very well organised with as extensive support provided by the organisers. The conference included its traditional keynote lectures, which focused on a wide range of topics (such as migration, racism, criticism of populism, gender inequalities and their implications for contemporary feminism, etc.), and the discussions around them were also diverse. On Thursday at noon the programme offered an inspiring presentation titled 'Refugees, Civil Society and the State'. Ludger Priese, from Germany, spoke about the European experience and global challenges in connection to migration. His new book was introduced by ESA Vice-President Lena Näre who stressed the dynamics between the European establishment and civil society concerning their different attitudes towards the so-called refugee crisis. Ludger Priese does not describe the 'refugee crisis' in 2015 in Europe as having been an actual crisis, but he considers the situation through the strategies and solutions adopted by European states and the European Union and how they dealt with it. In this point of view, he said, the 'refugee crisis' is a social movement, not a crisis. But how EU and European states deal with migration is what make the situation as a crisis. During the discussion Ludger Priese applied a historical perspective and recalled the Second World War. He argued that the German government now has a responsibility for refugees because of its responsibility for dislocating a large numbers of people during the Second World War.

The sociological imagination was a crucial part of all the presentations and

discussions. The conference was organised around numerous panel sessions and different research streams. Most of the panel sessions and research streams were thematically focused on current issues and encouraged the attending social scientists to think in more detail or in a larger context about different aspects of social reality. Thematically the conference was so wide that it had something to satisfy the interests of everyone. Our research interests drew us to attend sessions focused on gender inequalities in the labour market and/or precarious work and entrepreneurship and how other sociologists analyse these data in their countries. There were many opportunities to learn a great deal of new information and about contemporary research – for example, how other sociologists define self-employment, if they consider self-employment as precarious work, and how they measure and analyse precarity in the labour market.

Some of the contributions were also inspiring for research in the context of the Czech Republic. For example, a session entitled 'Emerging Forms of Precariousness: Hybrids between Employment and Self-employment' provided us with a look at international research focused on precarity in entrepreneurship. A paper titled 'Perceived Employment and Life Precariousness: A Study in Croatia, Italy and the Netherlands' presented a typology of precarious entrepreneurs, which could be applicable to the situation in the Czech Republic. This contribution presented the results of quantitative research on perceived precariousness and concealed / vulnerable self-employment, specifically determined according to the following four dimensions: income and welfare, work conditions and disempowerment, vulnerability in current life and future-oriented self-perception, and representation and rights exercising. Another paper presented in this session focused on the concept of 'passion for work'. A passion for work can be observed even in some precarious circumstances – for example, although some entrepreneurs work with great passion, they still face financial uncertainty and low incomes. However, through their passion for their work, their personal perception of their precariousness is different from that of others who are aware of the consequences of precarity, and the question is whether and to what extent this passion justifies precariousness and to what extent 'passionate' entrepreneurship is sustainable.

The family was an important topic at the conference and different concepts and forms of the family were discussed in several session and streams. The family is definitely not exhausted as a topic in world sociology. Family, different forms of families and barriers between family members are some of the subjects that were addressed in presentations focused on migration and its impact on family relationships. Many contributions also touched on the forms of family that are still prevailingly marginalised in some countries (e.g. homoparental parenting or transnational families that are divided as a result of the migration of some family members). However,

these family forms are increasingly becoming more common and widespread than traditional families.

The ESA conference sent a clear message to contemporary sociology: sociology is a science about society that should not insist on traditions but should analyse and present findings on the real status of society and should share its findings with other fields of research and of course with the public. To this end sociology should work to build a sense of belonging and to break down the barriers that often arise from adherence to tradition.

Acknowledgement

The journal Gender a výzkum / Gender and Research would like to thank all its reviewers for their participation in the review process in 2019. We greatly appreciate the voluntary contribution that each reviewer gives to the journal.

Prof. Nadje al-Ali (Brown University, Providence); Selin Akyuz, PhD. (Bilkent University, Ankara); Mgr. Valérie Bankoová (Charles University, Prague); Dr. Rebecca Barlow (Deakin University, Melbourne); Celine Cantat, PhD. (Central European University, Budapest); Delia Dutra, PhD. (University of the Republic Uruguay, Montevideo); Jennifer Philippa Eggert, PhD. (Humanitarian Academy for Development, Birmingham); Mgr. Petra Ezzeddine, PhD. (Charles University, Prague); PhDr. Jaroslava Hasmanová Marhánková, PhD. (University of West Bohemia, Pilsen); Maria Holt, PhD. (University of Westminster, London); Afaf Jabiri, PhD. (University of East London); Mgr. Lenka Jakoubková Budilová, PhD. (Charles University, Prague); Mgr. Lucie Jarkovská, PhD. (Masaryk University, Brno); Tereza Jermanová, PhD. (Charles University, Prague); prof. Ivan Kalmar (University of Toronto); Mgr. Miluš Kotišová (Praha); PhDr. Alena Křížková, PhD. (Institute of Sociology of the Czech Academy of Sciences, Prague); prof. Mechthild Nagel, PhD. (State University of New York, New York); Mgr. Olga Nešporová, PhD. (Research Institute for Labour and Social Affairs, Prague); RNDr. Michal Pitoňák, PhD. (National Institute of Mental Health, Klecany); Mgr. Blanka Plasová, PhD. (Masaryk University, Brno); Adriana Qubaia, PhD. (Central European University, Budapest); doc. PhDr. Martina Rašticová, PhD. (Mendel University, Brno); prof. Raja Rhouni (Chouaib Doukkali University, El Jadida); assoc. prof. Zakia Salime, PhD. (School of Arts and Sciences, New Brunswick); Mgr. Tomáš Samek, MA, PhD. (Charles University, Prague); Mgr. Renáta Sedláková, PhD. (Palacký University, Olomouc); Mgr. Zuzana Sekeráková Búriková, PhD. (Masaryk University, Brno); doc. dr. sc. Andreja Sršeň (University of Zagreb); Mgr. Michal Šípoš, PhD. (Institute of Ethnology of the Czech Academy of Sciences, Prague); doc. Iva Šmídová, PhD. (Masaryk University, Brno); PhDr. Jana Válková (Masaryk University, Brno).

Gender a výzkum / *Gender and Research* is a peer-reviewed transdisciplinary journal of gender studies and feminist theory. The journal publishes articles with gender or feminist perspective in the fields of sociology, philosophy, political science, history, cultural studies, and other fields of the social sciences and humanities. The journal was founded in 2000; it is published biannually by the Gender & Sociology Department of the Institute of Sociology of the Czech Academy of Sciences. Until 2016, the journal was published under the name *Gender, rovné příležitosti, výzkum* / *Gender and Research*. The editorial board supports work that represents a contribution to the development of transdisciplinary gender studies and it takes into account the analytical contribution of manuscripts.

The journal is listed in the SCOPUS, ERIH PLUS, CEJSH and other databases.

Časopis *Gender a výzkum* / *Gender and Research* je recenzovaný vědecký transdisciplinární časopis v oblasti genderových studií a feministické teorie. V časopise jsou publikovány stati, které uplatňují genderovou či feministickou perspektivu v oboru sociologie, filosofie, politologie, historie, kulturních studií anebo v dalších sociálních a humanitních vědách. Časopis vydává od roku 2000 Sociologický ústav AV ČR, v.v.i., do roku 2016 vycházel pod názvem *Gender, rovné příležitosti, výzkum*. Redakční rada časopisu podporuje publikace, které přispívají k rozvoji transdisciplinárních genderových studií s přihlédnutím k autorskému analytickému přínosu textů.

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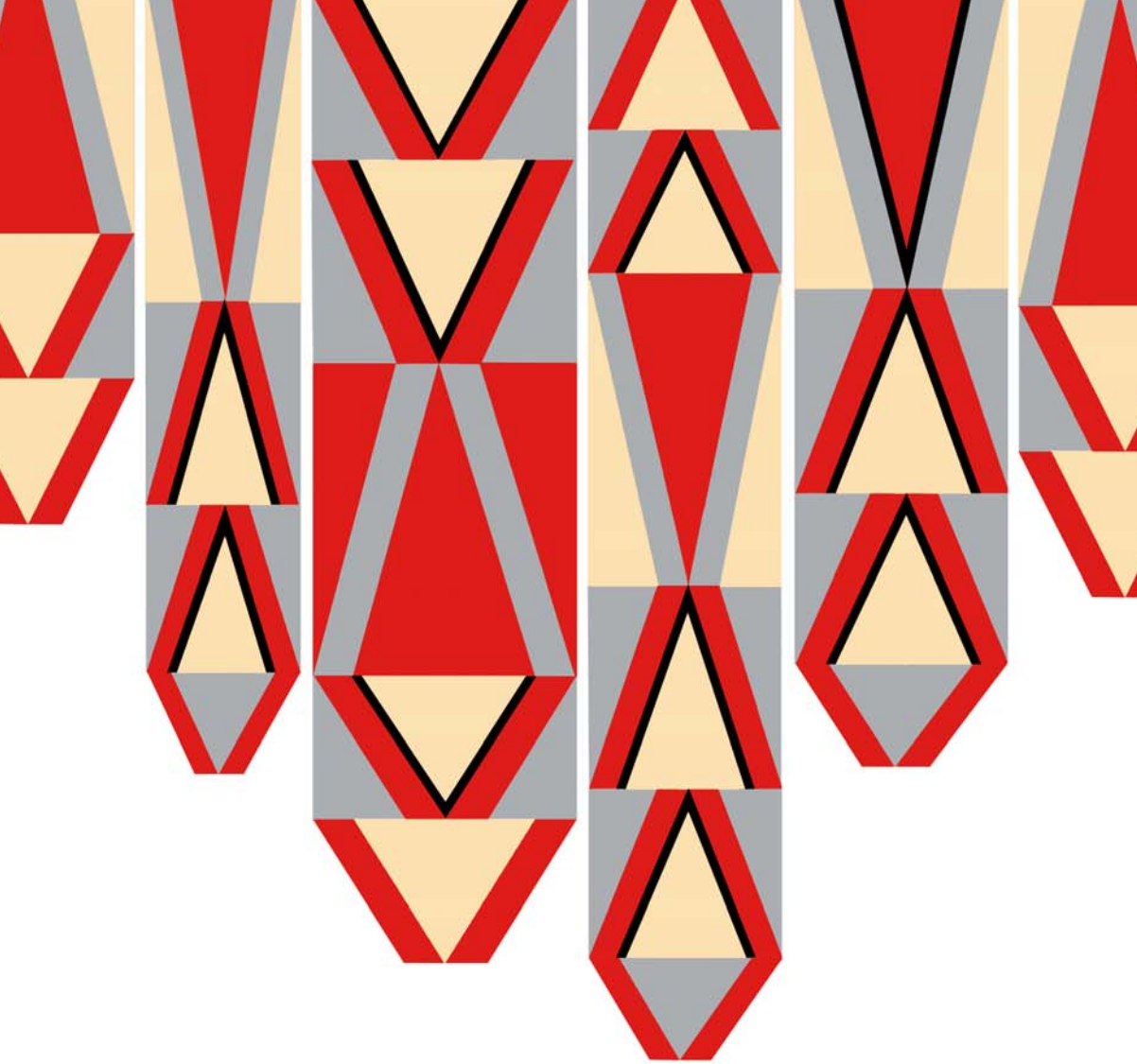

ISSN 2570-6578

GENDER A VÝZKUM