



# musawah

For Equality in the Muslim Family

## **‘Men are the Protectors and Maintainers of Women...’: Three Fatwas on Spousal Roles and Rights Lena Larsen**

In this chapter, Lena Larsen explores how practising Muslims in Europe and religious actors, namely muftis, are engaging with the shifting realities of spousal roles in Muslim families. These realities no longer reflect the gender roles ascribed by the juristic concept of *qiwamah*. Muslim wives in Europe are increasingly shouldering the responsibility of providing for their families; husbands are no longer undertaking the role of the sole provider. Larsen focuses on fatwas – normative legal statements issued by muftis in answer to a question by a petitioner – as expressions of the encounter between text and lived reality.

How do the shifting realities of Muslim minority communities in Europe impact religious discourse on gender roles and rights, as constructed by muftis in their fatwas? How do individual Muslims negotiate the disconnect between their new contexts and the gender norms of their religious tradition through the process of seeking religious guidance and advice in the form of fatwas?

Larsen first discusses the relevance of fatwas to Muslims in Western Europe. She describes the purpose and form of fatwas and the process of fatwa-giving within Muslim legal tradition. She then outlines a typology of fatwa institutions in Western Europe, trends in fatwa-making in Europe, and details about two important actors involved in issuing fatwas: the renowned mufti Syed Mutawalli ad-Darsh (d. 1997) and the transnational European Council for Fatwa and Research (ECFR).

Next, Larsen examines selected fatwas issued by ad-Darsh and the ECFR that tackle spousal roles and rights in marriage. She shows how these muftis, in light of the new realities of Muslim families in Europe, are navigating the process of arriving at nuanced and somewhat new understandings of *qiwamah*. Such understandings still maintain that it is the obligation of the husband to provide if he is able, but leave room for reinterpreting the husband’s religious and legal roles to encompass a diverse range of care responsibilities in the household and do not always require that they provide financially. In this new notion of *qiwamah*, women are still not obligated to provide; however, they are encouraged to do so if their families are in need of their income, especially if their families are affected by their absence from the home during working hours. At the same time, the fatwas underscore the right of Muslim women to safeguard their own financial resources, advising working wives to protect their incomes and control of their bank accounts.

These fatwas reflect the complexities and tensions that muftis are grappling with as they try to develop rulings that are responsive to the new realities; balance the interests of the

petitioner and the other party; support harmonious familial relations and the stability of the Muslim family in the West; and stay within the boundaries of mainstream transnational Islamic discourse, which still maintains the notion of gender complementarity and hierarchy within families. Larsen concludes that understanding the factors muftis weigh in issuing such fatwas could be useful for Muslim feminists as they promote women's rights from within Islamic tradition.