



A TOOLKIT FOR ADVOCATES

SHARING THE MUSAWAH FRAMEWORK AND KEY MESSAGES



musawah

© Sisters in Islam, 2013

Published in Malaysia by:

Musawah

an initiative of Sisters in Islam (SIS Forum Malaysia)

4 Jalan 11/8E, 46200 Petaling Jaya, Selangor, Malaysia

Tel: +603 7960 5121 Fax: +603 7960 8737

Email: musawah@musawah.org Web: <http://www.musawah.org>

Developed by: Cassandra Balchin with inputs from Musawah Advocates and the Musawah Secretariat.

With thanks to the following for pilot testing and feedback: Anna Turley, Hadil el-Khouly, Imrana Jalal, Jana Rumminger, Johaira Wahab, Layali Eshqaidef, Manal Abdel Halim, Meghana Bahar, Rozana Isa, Zainah Anwar

Creative Direction: Meghana Bahar

Cover Design: Ezrena Hussain

Illustrations: Shieko Reto & Rini Templeton (www.riniart.org)

Layout: Ezrena Hussain

Any part of this publication may be copied, reproduced, adapted, stored in a retrieval system or transmitted in any form or by any means to meet local needs, without permission from Musawah, provided that there is no intention of gaining material profits and that all copies, reproductions, adaptation and translation through mechanical, electrical or electronic means acknowledge Musawah and the authors as the sources. A copy of any reproduction, adaptation or translation should be sent to Musawah at the above address.

*This Musawah Toolkit is dedicated to the memory of Cassandra Balchin,
who researched and wrote this training guide.
Cass was a founding member of Musawah and its first
Communications Coordinator and
a member of the Musawah International Advisory Group.
We miss her, not least her writing and communication skills.*

A TOOLKIT FOR ADVOCATES:
SHARING THE MUSAWAH FRAMEWORK
AND KEY MESSAGES

CONTENTS

| | |
|---|----|
| Suggestions for Using this Toolkit | 5 |
| Musawah's Hope for Equality | 10 |
| Musawah Key Messages | 11 |
| The Musawah Principles | 12 |
| Why 'Musawah'? | 13 |
| Global | 15 |
| Movement | 17 |
| Equality in the Family | 19 |
| Equality and Justice in the Muslim | |
| Family are <i>Necessary</i> | 21 |
| The <i>Time</i> for Equality and Justice is <i>Now!</i> | 23 |
| Equality and Justice in the Muslim Family | |
| are <i>Possible</i> | 25 |
| Holistic Framework | 27 |
| Why Equality <i>and</i> Justice? | 31 |
| Equality and Substantive Equality | 33 |
| Equality in the Family is the Foundation | |
| for Equality in Society | 35 |
| Families are Central to Our Lives | 37 |
| Safe and Happy Space, Equally | |
| Empowering for All | 39 |
| The Muslim Family and Families in All | |
| Their Multiple Forms | 41 |
| To Promote and Protect Equality | 45 |
| Led by Muslim Women | 47 |
| Women and Men | 49 |
| Publicly Reclaim Islam's Spirit of Justice | 52 |
| For All | 54 |
| Individuals and Groups | 56 |
| Musawah Ways of Working: | |
| Knowledge Building, Outreach and | |
| International Advocacy | 58 |
| The Story of the Musawah Framework | |
| for Action | 61 |
| Musawah Launched | 62 |
| Annexe 1: Examples of Advocacy Guides | |
| and Manuals for You to Adapt | 64 |
| Annexe 2: How You Can Get Involved | 83 |
| Facilitator Notes | 85 |

Suggestions for Using this Toolkit

How can this toolkit be used?

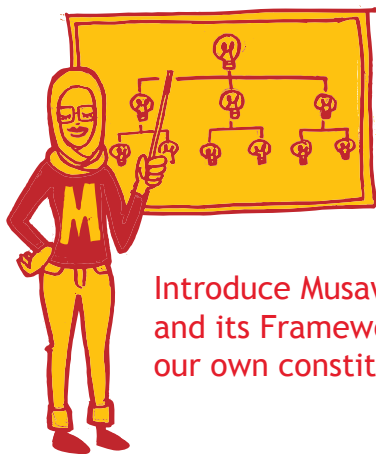
This toolkit is designed mainly for Musawah Advocates, and to help Advocates to:



Promote the
Musawah
Key Messages



Think about
the key ideas
in the Musawah
Framework



Introduce Musawah
and its Framework to
our own constituencies



Find other Musawah key analyses
and resources, for example our
website and publications

The Musawah Framework for Action is the founding document for our global movement. Its six pages explain our vision, our principles and our arguments for why equality and justice in the family are necessary and possible.

In order to build our movement and reach out to as many women and men as possible, we need to make these principles and arguments accessible, and show how they are relevant to local activism. We also need to share with other activists, potential allies, media, policymakers, and women and men affected by the issues what our movement is about and what it does.

The Musawah key messages summarise our Framework and how our movement works. They are short, simple statements that Advocates can memorise and share.

So this kit is a tool for building knowledge and mobilising (doing advocacy) on equality and justice in the family.

We hope this toolkit helps to bring the Musawah Framework to life for you. We also hope it gives you information and inspiration, and equips you and those you work with to be an active part of our global movement to ensure equality and justice in the family.

What does the toolkit include?

This is what you will find inside:

- The Musawah key messages, a statement of our Hope for Equality, and the Musawah Principles;
- Explanations for the main terms in the key messages and the Musawah Framework;
- Suggested activities for you to do on your own or with a group of Advocates or your constituencies, to start thinking about Musawah and discussing its approach;
- Suggested follow-up activities like accessing audio-visual clips of Musawah Advocates speaking about their experiences and ideas; information to find out or to research to do and share with other Advocates; resources to read and websites to check out.

What does the toolkit not include?

This toolkit is mainly about Musawah's analyses. You can find more information about our hope for equality, our ways of working and our structure in our collectively developed 2011 [Strategic Direction document](#). Our website also has a section [Get Involved](#) where you can find out or show others how to become more closely involved with Musawah.

This toolkit is not a general guide about how to do advocacy. Many excellent resources already exist which can give you ideas about how to do advocacy with people, how to promote your ideas to decision-makers or to the media. A few examples are included in Annexe 1 and in the [Resources](#) section of our website.

Many Advocates have lots of experience of talking about controversial subjects and persuading people to share your point of view—even if you don't know you have this experience! Persuading your parents to let you study your chosen subject, or persuading your spouse, children or siblings to help you in the house, or persuading your friends to visit the place you want to visit, all use the same basic skills:

- ❖ Choose an appropriate moment and appropriate topic;
- ❖ Know your audience and what matters to them;
- ❖ Respond to your audience's needs and perspectives;
- ❖ Use effective facts and knowledge
- ❖ Bring in the right allies to support you.

You can do it!

How should I use the toolkit?

Advocates can use this toolkit in different situations, including:

- Alone or with other Advocates as a tool to help reflect about Musawah and the issues of equality and justice in the family;
- As a quick key messages reference when you are speaking publicly to allies, the media, decision-makers or donors, or writing about Musawah;
- As a manual for advocacy work with our constituencies on the issues, Musawah and our Framework.

There are a few things to bear in mind when using this toolkit.

❖ **The main aim of this toolkit is to get everyone thinking and talking** about the issues of equality and justice in the family and about Musawah. It doesn't have all the answers and only suggests some ways of thinking about Muslim family laws and practices: it's the debate and open discussion that is important and not everyone has to agree with everything. Musawah meetings always involve lots of lively debates!

❖ **The best place to start is with the key messages.** This page could even be printed out and photocopied as a handout. Each of the highlighted words or phrases in the key messages is explained in this toolkit. If you click on the word or phrase, you will link to the page discussing it from a Musawah perspective.

- So you can click on the words or phrases you are interested in discussing

OR

- You can go through the sections of the toolkit one by one, starting at the beginning and working your way to the end

OR

- You can use the table of contents to find the ideas you want to discuss and think about.

Each section of the toolkit is designed to be a stand-alone section, which means there is some repetition across the toolkit. Many sections also have links backwards and forwards to other sections. So, you can work in a straight line, dip in and out, or jump around in the toolkit—see what works best for you.

❖ **Perhaps attempt only one or two sections at a time.** The issues are big subjects and need time for debating and digesting, even for the most experienced activist. Perhaps choose which issues are most important for your particular audience and start there as a way of ensuring their attention.

❖ **If possible, use this toolkit online.** That way, all the interactive links to the Musawah website and other websites will work, and so you will have access to more information and multi-media resources. If you are using the CD version, we have tried to include as many of the resources as possible on the CD.

❖ **How each section works:**

- Each section explains a word or phrase from the key messages, mostly using quotes from the Musawah Framework or other Musawah sources. Depending upon your audience and their capacity, you could print out (all or some of)

this information and use it as a handout, project selected paragraphs on a PowerPoint or write them on a flip-chart, or just use the explanation as your own notes for facilitating and guiding a discussion.

- Most sections have a subsection 'To Talk About'. These are meant as suggestions for the session facilitator. Depending upon the audience and the questions, they can be used to *start* the discussion even *before* sharing the explanations and extracts from the Musawah Framework. Or, they can be used as ideas for additional discussions *in between* or *after* sharing the explanations. If there's more than one suggested point, you don't have to discuss them all. Maybe only one question is enough to kick off the discussion... It's all up to you, the facilitator, to decide what will be interesting and important for your audience—and to anticipate problem areas.

The 'To Talk About' sections can also work as questions to ask yourself if you are using the toolkit alone to build your own thinking.

And remember: there are no 'right' or 'wrong' answers—the idea is to begin discussions.

- Finally, most sections have some suggestions for things 'To Do'. These may be further readings or extension activities or possible ways of getting involved with Musawah.
- The separate *Facilitator Notes* section provides a short list of possible learnings or discussion aims for each section to further guide the facilitator. They are not the only learnings that can arise out of the section. Some of them point to flashpoints that may be difficult for people to discuss, either because they are sensitive or challenge dominant ways of thinking.



Musawah Advocates
speaking at the 2009
Global Meeting in
Kuala Lumpur



Musawah's Hope for Equality

Our Vision

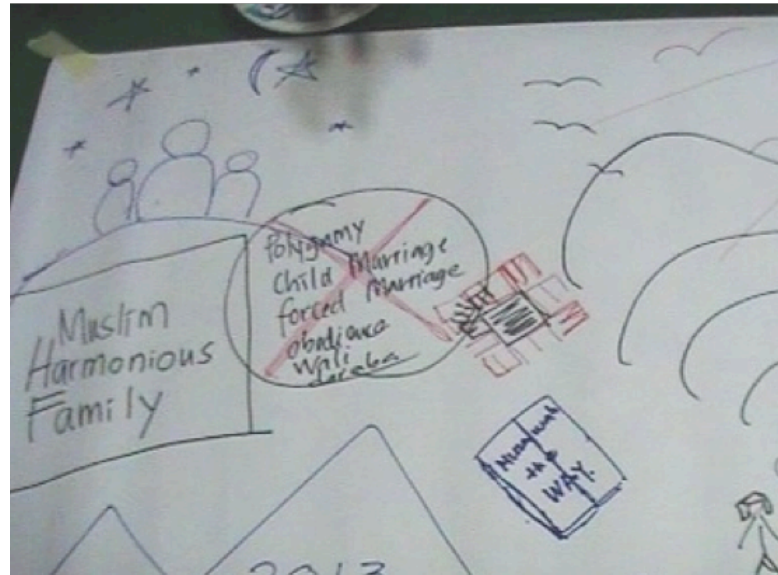
A world where equality, non-discrimination, justice and dignity are the basis of all human relations.

Our Goal

A global movement for equality and justice in the Muslim family, which advances human rights for women in Muslim contexts, in both their public and private lives.

Our Objectives

1. To build and share knowledge that supports equality and justice in the Muslim family using a holistic approach that combines Muslim jurisprudence, international human rights standards, national laws and constitutional guarantees of equality and non-discrimination, and the lived realities of women and men;
2. To build a critical mass of organisations and individuals that support, use and promote the Musawah Framework for Action and engage in the public discourse on Islam and women's rights;
3. To support the work of human rights mechanisms, groups and individuals working with these processes at the international, regional and national levels to advance equality and justice in the Muslim family.



Nur Rofiah, Indonesia, Musawah Outreach Strategy Meeting, Yogyakarta, 2010

“The harmonious Muslim family is: no polygamy... no child marriage”

Musawah Key Messages

Musawah is a global movement of women and men who believe that equality and justice in the Muslim family are necessary and possible.

In the 21st century there cannot be justice without equality;
the time for equality and justice is now!



Equality in the family is the foundation for equality in society.
Families in all their multiple forms are central to our lives, and should be a safe
and happy space, equally empowering for all.



Musawah builds on centuries of effort to promote and protect equality and justice
in the family and in society.



Musawah is led by Muslim women who seek to publicly reclaim
Islam's spirit of justice for all.



Musawah acts together with individuals and groups to grow the movement,
build knowledge and advocate for change on multiple levels.



Musawah uses a holistic framework that integrates Islamic teachings,
universal human rights, national constitutional guarantees of equality, and
the lived realities of women and men.



Musawah was launched in February 2009 at a Global Meeting in
Kuala Lumpur, Malaysia, attended by over 250 women and men from
47 countries in Africa, Asia, Europe, the Middle East,
North America and the Pacific.

For details see www.musawah.org

The Musawah Principles

The Musawah Framework outlines our movement's three principles:

- ❖ **PRINCIPLE 1:** The universal and Islamic values of equality, non-discrimination, justice and dignity are the basis of all human relations.
- ❖ **PRINCIPLE 2:** Full and equal citizenship, including full participation in all aspects of society, is the right of every individual.
- ❖ **PRINCIPLE 3:** Equality between men and women requires equality in the family.

What these principles mean in terms of actual family laws and practices is discussed in Equality in the Family.

Principle 1 is discussed in many sections in this toolkit. For example, it is reflected in our movement's name; in our effort to reach all countries of the world; in our understanding of substantive equality; in our recognition of the many forms of the Muslim family; in our insistence that equality and justice in the Muslim family are possible; in our holistic Framework's use of both Islamic principles and human rights.

Principle 2 is discussed in several places, including the ideas that all people have a right to discuss the role of religion in public policy, irrespective of their religion or belief, their level of expertise, and whether they are a woman or a man. Making citizenship a reality for women also requires substantive equality.

Principle 3 also appears in many sections. For example, it is highlighted in our movement's name and our vision of equality in the family. It is part of our understanding of substantive equality, and of why equality and justice in the Muslim family are necessary now. Principle 3 also means we say equality in the family is the foundation for equality in society, and that families must be safe, happy and empowering for all.

This principle is reflected in the fact that Musawah includes both women and men, and acknowledges that Muslims and non-Muslims are affected by injustice in the family.

WHY 'MUSAWAH'?

- ❖ Musawah means 'equality' in Arabic.
- ❖ We chose this word because equality in the family is the goal of our movement.
- ❖ This is what the Musawah Framework for Action states about equality:

Islam calls for equality, justice, compassion and dignity between all people. Family laws and practices must therefore fulfil this call by promoting these principles and responding to the lived realities of Muslim women and men today.

Women and men alike are entitled to equality and justice within the family, as well as respect and recognition for their contributions. The acknowledgement of joint responsibilities within the family must be accompanied by equal rights, equal decision-making practices, equal access to justice, equal property ownership, and equal division of assets upon divorce or death.

- ❖ We chose an Arabic word because the Qur'an was revealed in Arabic so this language has meaning for all Muslims, even if it is not their first language.
- ❖ We want to show that the language of the Qur'an can support our vision of equality in the family.

To talk about



What would have been the advantages and disadvantages if we had decided to use a different language for the name of our movement?

Does it matter how you pronounce 'Musawah'?
What if your first language is not Arabic?

Some cultures have words and traditional phrases that seem to support gender equality. In parts of South Asia they say, "Women and men are like the two wheels of a bicycle." Can you think of words and sayings in your language?

To do



At the end of the Musawah launch video you can hear people from different countries calling for 'Musawah!' in different accents: [YouTube - Musawah Opening Video 2009](#).

Global

Is Musawah truly 'global'?

At the launch of Musawah in February 2009, there were over 250 participants from 47 countries. That is not the whole world but we already cover:

5 different continents: Africa, Asia, Australia, Europe and North America as well as the Pacific. There are quite significant Muslim minorities in some countries in South America such as Suriname and Brazil. We would like to make contact with groups there too.

We also reach...



- **Countries with family laws based on religion:**
e.g. Lebanon, Pakistan
- **Countries with secular family laws:**
e.g. Fiji, Turkey, Uzbekistan
- **Countries with secular family laws with some elements of custom and religion:**
e.g. Benin, Senegal
- **Countries with no codified family laws:**
e.g. Saudi Arabia
- **Countries where family laws have recently been codified or reformed:**
e.g. Morocco, Bahrain
- **Countries where reform towards greater equality has been blocked by conservatives:**
e.g. Malaysia, Mali
- **Some of the world's largest Muslim majorities:**
e.g. Mauritania, Niger (99% Muslim)
- **The world's largest Muslim minority:**
e.g. India (over 155 million Muslims)
- **One of the world's smallest Muslim minorities:**
e.g. New Zealand (about 42,000 Muslims)
- **The world's most populated Muslim country:**
e.g. Indonesia (over 200 million Muslims)

Musawah also reaches countries experiencing conflict and countries at peace, democracies and dictatorships, developing and developed countries... Musawah is global because Muslims are everywhere and equality is an issue everywhere.

To talk about



Does being 'global' mean that all the groups and individuals who are Musawah Advocates are (or have to be) the same? What do we share and what might be different?

How do our similarities and differences affect our movement?

Does your country have a Muslim majority or minority? Does it have codified or uncoded laws? Laws based on religion and customs or laws that are called 'secular' or 'civil'?

Do people follow the law or do they follow customs and practices?

If there is a country with no Musawah Advocates, should we search for them, create them, wait for them to contact other Advocates or find us through the website ...?

To do



Look at the names of the 47 countries that participated in the Musawah launch in 2009. Can you tell us about a group or individual who is working on Muslim family laws and practices in a country that is not on the list? If you can suggest someone, maybe direct them to the Musawah website's Get Involved section,

or

print out Annexe 2 of this Toolkit on How to Get Involved, or put them in touch with a relevant Affinity group (there's a list of current Affinity Groups on the website), or contact musawah@musawah.org.

Movement

Musawah calls itself a ‘movement’, rather than a network or an organisation. We were inspired by the global movement to end violence against women.

At the 2009 launch of Musawah, Zainah Anwar, in her opening speech as Musawah Director, said:

“At first, we thought we would just organise an international conference with about 100 participants. But at our first planning meeting in Istanbul in March 2007, we decided that what we were actually talking about was movement building. We looked at the Violence Against Women movement as a model: how some 25 years after it began, more than 60 countries in the world today have laws that make domestic violence a crime. How as an international movement, it developed the analysis to understand all forms of violence against women and gives support to national groups.”

We see a movement as being greater than the sum of its parts.

As part of a movement, each Musawah Advocate is free to choose their own strategies and activities. What binds us together is our agreement with the Musawah principles and the approach of the Musawah Framework for Action, as well as our shared Hope for Equality. According to their needs and capacities, Advocates can take part in activities in three thematic areas: outreach, knowledge building, and international advocacy.



The Beginnings of the Musawah Movement

Musawah was initiated by Sisters in Islam, Malaysia, and a planning committee of activists and scholars from 11 countries. It builds on decades of activism regarding equality and the family. The Framework was developed through a series of meetings and discussions with Islamic scholars, academics, activists and legal practitioners from approximately 30 countries. In February 2009, the movement was launched at the first Global Meeting in Kuala Lumpur with over 250 participants from 47 countries.

More details about landmarks in the Musawah story can be found in the Strategic Direction document.

To talk about



If you are already a Musawah Advocate or if you or your group are thinking of becoming one, what do you think might be the benefits of being part of a movement like Musawah for your work towards equality and justice in the family? How could you strengthen the work of others in the movement?

What are the differences in the ways that people and groups in a movement, a network and an organisation relate to each other?

If you are already part of Musawah, how has your relationship with the movement been so far? Is there anything you would like to change and if so, how?

Is Musawah already a movement?

To do



Write to musawah@musawah.org with any suggestions or questions you may have about how Musawah works.

Watch a 4-minute YouTube [film about the Musawah Movement](#). Musawah Advocates explain what 'movement' means to them; why equality and justice are necessary, what changes are needed in family laws, and how Musawah is mobilising.

Read the full [Opening Speech](#) by Zainah Anwar.

Equality in the family

The Musawah Framework for Action outlines our vision of equality in the family:

Women and men alike are entitled to equality and justice within the family, as well as respect and recognition for their contributions. The acknowledgement of joint responsibilities within the family must be accompanied by equal rights, equal decision-making practices, equal access to justice, equal property ownership, and equal division of assets upon divorce or death.

International human rights standards such as CEDAW Article 16 and national constitutional guarantees of equality offer some ideas of what equality in the family means. The Framework also outlines the following vision of equality between women and men according to Islamic principles:

- Marriage as a partnership of equals, with mutual respect, affection, communication and decision-making authority between the partners;
- The equal right to choose a spouse or to choose not to marry, and to enter into marriage only with free and full consent; and the equal right to dissolve the marriage, as well as equal rights upon its dissolution;
- Equal rights and responsibilities with respect to property, including acquisition, ownership, enjoyment, management, administration, disposition and inheritance, bearing in mind the need to ensure the financial security of all members of the family; and
- Equal rights and responsibilities of parents in matters relating to their children.

In the Qur'an, men and women are equal in creation and in the afterlife.

In the Qur'an, men and women are equal in creation and in the afterlife. Surah an-Nisa' 4:1 states that men and women are created from a single soul (*nafs wahidah*). One person does not come before the other, one is not superior to the other, and one is not the derivative of the other. A woman is not created for the purpose of a man. Rather, they are both created for the mutual benefit of each other.

The Framework states that realisation of this vision of equality in the family entails laws and practices that ensure:

- The family as a place of security, harmony, support and personal growth for all its members;

There is evidence of strong support for such a vision. For example, one paper for Musawah on *Women's Place and Displacement in the Muslim Family: Realities from the Twenty-first Century* states:

According to the UNDP Arab Human Development Report 2005, many Muslims no longer see polygamy as acceptable. A public opinion survey conducted in four Arab countries—Egypt, Jordan, Lebanon and Morocco—shows that at least half of the men and nearly all of the women surveyed disagreed with the practice of polygamy. And among those who did agree with it, they linked their approval to the agreement of the wives concerned.

To talk about



If you had magical powers, what is the one family law or practice that you would change immediately?

Acknowledging that 'family' means different things to different people and is varied across cultures, what do you think substantive equality in the family would look like in families you know?

In concrete terms, what laws and practices need to change so you can achieve equality in the family in your context?

Regarding the question immediately above, look at the text of the current local family law (if there is one in your country) and think about whether the main problem is with the law, with practices, or both.

If there is already a codified (written) family law in your country or a draft law, can you suggest new wording that would strengthen its provisions in line with substantive equality.

To do



Have a look at Musawah's holistic Framework which provides arguments that support a vision of:

- The family as a place of security, support, harmony and personal growth for all its members, with marriage as a partnership of equals (including polygamy)
- Equal rights upon entry into marriage (including minimum age of marriage and equal right to choose a spouse or to choose not to marry)
- Equal rights to dissolve marriage and upon its dissolution
- Equal rights and responsibilities with regard to financial issues
- Equal rights and responsibilities of parents in matters relating to their children

If you would like to add any information regarding your country's constitution, laws or cultural practices which support equal rights in the family, please send these in to musawah@musawah.org so we can share them with other Musawah Advocates and inspire their work.

Equality and Justice in the Muslim Family are *Necessary*



Left: Images copyright Tetra Pak. Right: Hamed Saber, Flickr

According to the Musawah Framework for Action:

Equality in the family is necessary because many aspects of our current Muslim family laws and practices are unjust and do not respond to the lives and experiences of Muslim families and individuals.

Injustices resulting from this disconnect between outdated laws and customs and present-day realities are numerous and can be found in many Muslim countries and communities. Such injustices and discrimination were also common in secular laws throughout the world until changes were made in the twentieth century to bring these laws progressively in line with new universal norms of equality.

In other words, Musawah feels justice is no longer possible without equality, and the time for change is now.

The Framework states equality and justice in the family are also necessary because:

The teachings of the Qur'an, the objectives of the *Shari'ah*, universal human rights standards, fundamental rights and constitutional guarantees, and the realities of our lives in the twenty-first

century, all demand that relations between Muslim women and men in both the private and the public spheres be governed by principles and practices that uphold equality, fairness and justice.

Family laws and practices are connected with all aspects of our lives. Injustices within the family affect women in many other areas, including dignity, personal security, mobility, property, citizenship, nationality, employment, criminal laws and political participation.

Musawah's publication, *Home Truths*, gives examples from 30 countries of family laws and practices in Muslim contexts that are unjust and discriminate against women. As the Framework points out:

These laws and practices are not] defensible on Islamic grounds. Not only do they fail to fulfil the *Shari'ah* requirement of justice, but they are now being used to deny women dignified choices in life. These elements lie at the root of marital disharmony and the breakdown of the family.

In some countries where laws are already more equitable or rights-giving laws have been drafted, they are now under attack from those who oppose equality and justice in the family and who have a narrow understanding of gender roles in Islam.

To talk about



What makes equality and justice in the family necessary in your country or community? How far do family laws and practices meet women's needs and their lived realities?

How do existing injustices impact on women and families?

In your experience, how are family law issues connected with other areas of life?

Is changing the law sufficient to achieve equality and justice in the family?

To do



Watch this 4-minute YouTube [film about the Musawah Movement](#). In the film, Musawah Advocates explain why equality and justice are necessary:

If there is a section of *Home Truths* about your country, does it need updating? Has anything changed since it was written in 2008? Can you please send your updates to musawah@musawah.org?

If your country is not included in *Home Truths*, would you like to share information about it on our website so other Musawah Advocates can be informed and inspired by the similarities and differences with their contexts? Can you please send your input to musawah@musawah.org?

Do you have a copy of the family law in your country in English, French or Arabic? This can be shared on the Musawah website to inform and inspire other Musawah Advocates. Could you please send your copy to musawah@musawah.org ; either hard copy or electronic format would be gratefully received.

The *Time* for Equality and Justice is *Now*!

What has changed in our countries and in the world that makes it time that we have equality and justice?

The people who drafted the Musawah Framework for Action declared that:

We, as Muslims and as citizens of modern nations, declare that equality and justice in the family are both necessary and possible. The time for realising these values in our laws and practices is now.

Like all societies and cultures, Muslim countries and communities are constantly changing and evolving. These changes challenge dominant laws and practices that shape the Muslim family.

Some causes of this change are discussed here.

Greater educational opportunities, new industries, poverty and globalised migration are some of the factors that have increased women's economic activity in recent decades. According to a paper by Kamala Chandrakirana in *Wanted: Equality and Justice in the Muslim Family*, sub-Saharan Africa and South-East Asia, which include a large proportion of Muslims, have the world's second and third highest female labour force participation rates in the world. Women were almost 80 per cent of all migrants leaving Indonesia to work between 2000 and 2003. Even in the Arab region, where female labour force participation has been low in the past, there has been a rise. Between 1990 and 2003, the rise was more than six times the global rate.

Recognition of women's capabilities as well as conflict, displacement and drug addiction have also increased women's responsibilities for their families. Compared to migrant men, migrant women regularly send a higher proportion of their earnings back to their families. The same paper notes that the percentage of female-headed households in Muslim contexts ranges from 7 per cent in Pakistan, to 15 per cent in Morocco, to 29 per cent in Mauritania.

Even though women everywhere are contributing to the economic survival of their families (in addition to unpaid labour), most Muslim family laws and practices still regard women as dependents, who should therefore be obedient to their husbands, brothers and fathers.

These laws and practices are out of tune with reality which is creating a crisis in Muslim families, societies and scholarship. As the Framework puts it:

Most family laws and practices in today's Muslim countries and communities are based on theories and concepts that were developed by classical jurists (*fuqaha*) in vastly different historical, social and economic contexts.

In interpreting the Qur'an and the *Sunnah*, classical jurists were guided by the social and political realities of their age and a set of assumptions about law, society and gender that reflected the state of knowledge, normative values and the patriarchal institutions of their time.

By the early twentieth century, the world inhabited by the authors of classical jurisprudential texts (*fiqh*) had begun to disappear... Most of the current Muslim family laws are based on assumptions and concepts that have become irrelevant to the needs, experiences and values of Muslims today.

Understandings of justice and injustice change over time. These changing realities mean that:

To have justice in our time and to remain true to the spirit of Islam and its teachings, equality must be embodied in our laws and practices.

To talk about



How has women's economic activity changed in your country or community in the past few decades? Do you feel there are more or fewer women-headed households?

What has caused these changes?

How have these changes affected family relationships?

Are the laws and practices in tune with these changes and their impact? How have these affected women in particular?

Do you know of any Muslim scholars who are talking about these issues in your country or elsewhere? If there are some that are taking a rights-based position, how can you support their work, and if they are not visible how can you find out about them or create the opportunities for them to emerge?

As women's rights activists, how can you create the evidence and demand for change in laws and customs relating to the rights and responsibilities of the spouses?

To do



Real life stories of women who have taken equal or sole responsibility for their families can be very inspiring and also help build a pool of evidence that supports the demand for change. Do you have any stories you could share with other Musawah Advocates? You could interview the woman (maybe it's you!), or photograph her, or document her story (remember to protect confidentiality) and her story could be featured on the Musawah website.

You can find more facts and analyses about women's economic activity and responsibility for their families in a paper by Kamala Chandrakirana. A [longer version](#) of this paper is also available in *Wanted: Equality and Justice in the Muslim Family*.

You can read more about how *fiqh* has failed to keep up with the times in a paper by Ziba Mir-Hosseini. A [longer version](#) of this paper is also available in *Wanted: Equality and Justice in the Muslim Family*.

Equality and Justice in the Muslim Family are *Possible*

Equality and justice in the Muslim family are not impossible! There are many factors that make this vision possible.

Evidence that equality and justice in the family are possible comes from the examples of people who are working towards this goal within their own families.

We all know of examples of couples who have a harmonious life together and who make their family a safe and happy space for all its members, young and old.

Also, there is space within Islam for equality in the family. As the Musawah Framework for Action points out:

Islam embodies equality, justice, love, compassion and mutual respect between all human beings, and these values provide us with a path towards change.

Change in Muslim family laws towards equality and justice is also possible because these laws are human and not divine:

Contemporary family laws, whether codified or uncoded, are not divine, but are based on centuries-old, human-made *fiqh* interpretations that were enacted into law by colonial powers and national governments. Since these interpretations and laws are human-made and concern relations between humans, they can change within the framework of Islamic principles and in accordance with the changing realities of time and place.

Because these laws are not divine, it has always been possible in Muslim societies to change laws:

The reform of laws and practices for the benefit of society and the public interest (*maslahah*) has always been part of the Muslim legal tradition.

History also provides evidence that change is possible in Muslim laws. Although Muslim societies historically practised slavery and slavery is mentioned in the Qur'an, few people today argue that it is 'Islamic'.

The principles and ideals within the Qur'an lay out a path toward equality and justice in family laws and practices, as they did in ending the institution of slavery. As the injustices of slavery became increasingly recognised and the conditions emerged for its abolishment, laws and practices related to slavery were reconsidered and the classical *fiqh* rulings became obsolete.

Similarly, our family laws—as well as practices that have not been codified into law—must evolve to reflect the Islamic values of equality and justice, reinforce universal human rights standards and address the lived realities of families in the twenty-first century.

Recent history confirms the possibility of change towards equality and justice in the Muslim family. Many countries with Muslim populations have signed international human rights treaties like CEDAW that oblige states to introduce equality in the family.

Laws establishing equal rights and responsibilities between the spouses have been introduced in the past decade in Turkey and Morocco. Over the past 60 years in certain countries, some reforms in Muslim family laws have brought greater protection for women's rights in the family. Meanwhile, in other countries, there are growing movements demanding the reform of unjust laws or protection of rights-giving laws.

In some countries, reforms have been made possible by activists using a holistic framework that integrates Islamic teachings, universal human rights, national constitutional guarantees of equality, and the lived realities of women and men.

To talk about



Think about the way your grandparents experienced family laws and practices. Are there any similarities and differences with your experience? Do you know of any community or country that has different practices and Muslim family laws from the ones you experience?

Some people say Muslim laws and practices are divine and so cannot change. What does diversity in laws and practices tell us about the space for change?

What makes equality and justice in the family possible in your country?

How could you, as an individual or as part of a group, expand these possibilities or take advantage of them to improve your own situation and the situation of others?

To do



You can read Amina Wadud's analysis of how a gender inclusive Qur'anic analysis supports a harmonious relationship between the spouses based on mutual support cooperation and interdependence. The full version of the paper is also available [here](#).

You can read more about diversity in *fiqh* in a paper by Muhammad Khalid Masud. A [longer version](#) is also available in *Wanted: Equality and Justice in the Muslim Family*.

Home Truths contains information about the possibilities for equality and justice in 30 countries. What about your country, does it need updating? Has anything changed since it was written in 2008? Can you please send your updates to musawah@musawah.org?

You can also read more about how Muslim family laws have changed over the centuries in one region in a [paper](#) by Amira El-Azhary Sonbol, and globally in the contemporary period in a [paper](#) by Cassandra Balchin. Longer versions of [both papers](#) are also available in *Wanted: Equality and Justice in the Muslim Family*.

Activists from Morocco, [Turkey](#) and [Fiji](#) have documented the story of their struggle for equality and justice in the family, including in contexts where there was strong religious and cultural opposition. You can read the text of the laws and about their campaigns on the [Musawah website](#).

Have you thought about documenting your campaign to promote and protect equality in the family? It might not seem a priority now, but it can help other feminists and women's rights activists in your country or in other countries learn and strengthen future campaigns.

Holistic Framework

Across the globe, women have been actively campaigning for equality in the family for decades, even centuries. What Musawah contributes to Muslim contexts is a holistic framework for analysing and advocating for equality in the Muslim family, which integrates approaches from Islamic teachings, universal human rights, national laws and national constitutional guarantees of equality, and the lived realities of women and men.

The Musawah Framework for Action offers the possibility that these various approaches, which Musawah views as having equal value, can be in harmony with each other. This means our activism can draw upon both Islamic and human rights frameworks, and each Advocate can choose how to emphasise the different approaches in their advocacy strategies according to their specific needs and contexts.

This holistic Framework is based on our analysis that each of these approaches supports equality and justice in the Muslim family. As the Framework states:

The teachings of the Qur'an, the objectives of the *Shari'ah*, universal human rights standards, fundamental rights and constitutional guarantees, and the realities of our lives in the twenty-first century, all demand that relations between Muslim women and men in both the private and public spheres be governed by principles and practices that uphold equality, fairness and justice.

In the twenty-first century, the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)—which stands for justice and equality for women in the family and in society—are more in line with the *Shari'ah* than family law provisions in many Muslim countries and communities.

The Framework spells out the relationship between Islamic principles and human rights principles:

Qur'anic teachings encompass the principles of

justice (*'adl*), equality (*musawah*), equity (*insaf*), human dignity (*karamah*), love and compassion (*mawaddah wa rahmah*). These principles reflect universal norms and are consistent with contemporary human rights standards.

It also notes the link between the Islamic vision of human relationships and lived realities:

Islam calls for equality, justice, compassion and dignity between all people. Family laws and practices must therefore fulfill this call by promoting these principles and by responding to the lived realities of Muslim women and men today.

Musawah's report *CEDAW and Muslim Family Laws: In Search of Common Ground* provides examples of constitutions in Muslim majority countries and countries with Muslim minorities that guarantee equality and non-discrimination.

The Musawah website lists family laws in Muslim contexts that include examples which have rights-giving provisions.

The Musawah holistic Framework was inspired by the work of the Collectif '95 Maghreb Egalité which led to the reform of family laws in Morocco in 2004 and Algeria in 2005. Their *Guide to Equality in the Family in the Maghreb* (available in English, Arabic and Persian) proposes religious, human rights, sociological, and domestic legal arguments for reform.

Islamic Teachings

The Framework takes into consideration the Qur'an and the Sunnah, the ideals and objectives of the

Shari'ah as well as *fiqh* (classical jurisprudential texts) as part of Islamic teachings, although it distinguishes between *Shari'ah* and *fiqh*:

Shari'ah [is] the revealed way, and *fiqh* [is] the science of Islamic jurisprudence. In Islamic theology, *Shari'ah* (lit. the way, the path to a water source) is the sum total of religious values and principles as revealed to the Prophet Muhammad to direct human life. *Fiqh* (lit. understanding) is the process by which humans attempt to derive concrete legal rules from the two primary sources of Islamic thought and practice: the Qur'an and the Sunnah of the Prophet.

The Framework also mentions *ijtihad* (endeavour, self-exertion), *ikhtilaf* (diversity of opinion) and *maslahah* (the public interest) as important parts of *fiqh*.

Universal Human Rights Principles

These include international treaties that most Muslim majority and minority states have signed, for example the Universal Declaration of Human Rights (UDHR), the International Convention on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, some with reservations).

International human rights principles are broader than just the main treaties and include standards developed for example through Declarations and Conventions contained in UN General Assembly Resolutions, the work of all the human rights bodies in the Human Rights Council, and reports by the Special Procedures Mandates like the Special Rapporteur on Violence Against Women. In 2011 a new UN Working Group on discrimination against women in law and practice was set up.

Human rights principles are also being developed at a regional level. For example, there is a Protocol on the Rights of Women in Africa which is part of the African Union's Charter on Human and People's Rights, and a Charter of Fundamental Rights of the European

Union. These can also be used to demand equality.

National Constitutional Guarantees of Equality/ National Laws and Constitutions

Many constitutions in Muslim majority and minority contexts guarantee equality or non-discrimination, including that between women and men. This can be a strong basis for demanding equality.

But sometimes, family laws are excluded from this guarantee. If a constitution recognises international treaties or the fundamental right to a family, it can be one way to counter this exclusion and to push for equality in the family.

Sometimes constitutions appear to have contradictions between constitutional guarantees of equality and non-discrimination, and provisions which state that Islam is a source of law or the supreme source of law. The Musawah holistic approach suggests that these apparent contradictions can be resolved through rights-based interpretations of Islamic principles.

Lived Realities of Women and Men

The Framework talks about 'the lived realities of women and men today'. It also talks about the 'lives and experiences of Muslim families and individuals' in the twenty-first century. It does not define these realities because they are very diverse and depend upon a person's and family's context.

A longer discussion of what lived realities mean in practice can be found in a paper by Kamala Chandrakirana. A longer version of this paper is

To talk about



What do you think are the advantages of using a holistic framework to analyse and advocate for equality and justice in the Muslim family? Are there any disadvantages you can think of?

Can you think of advocacy work in other areas of rights activism that has successfully used or is using a combination of approaches? What does this tell you about using a holistic approach in arguing for equality in the family?

In your context, is any one of the four approaches more or less effective in advocating for equality in the family? What combination, if at all, might work best for your context?

What gaps in knowledge do you have about each of the four approaches?

To do



You can read more about human rights and Islam in this [paper](#) by Khaled Abou el-Fadl. A [longer version](#) is also available in *Wanted: Equality and Justice in the Muslim Family*.

Read Musawah's report [CEDAW and Muslim Family Laws: In Search of Common Ground](#) to strengthen your work on family laws through a combination of approaches using international human rights and Islamic principles. In section 3.3 it also discusses ways of using constitutional approaches to argue for equality in the family.

Build your knowledge of option-giving family law provisions in other countries by looking at WLUM's [Knowing Our Rights: Women, family, laws and customs in the Muslim world](#) (2006), and by checking the texts of laws on the Musawah website.

Have a look at a copy of Collectif '95 Maghreb Egalité's [Guide to Equality in the Family in the Maghreb](#), (available in English, Arabic and Persian) from Women's Learning Partnership) (2005).



Musawah Advocates
speaking at the 2009
Global Meeting in
Kuala Lumpur



Why Equality *and* Justice?



In our time and contexts, there cannot be justice without equality.

In today's world, our understanding of justice includes equality, or as the Musawah Framework for Action puts it:

In our time and contexts, there cannot be justice without equality.

This is a change from the past, when the idea of gender equality had no place in, and little relevance to, people's concept of justice. For those ulema and jurists who developed Muslim family laws in the past, gender equality was not part of their social experience. It was also not part of other religious traditions and societies.

However, by the early 20th century, the idea that

equality is an essential part of justice began to take root across the world. In other words, the past does not have all the answers and we need to build an understanding of Islam for the 21st century.

As the Framework notes:

Understandings of justice and injustice change over time. Within the context of the Qur'anic worldview of justice and equality, there are many verses that can provide a model for relations within the family and between all human beings that is in line with contemporary notions of justice. To have justice in our time and to remain true to the spirit of Islam and its teachings, equality must be embodied in our laws and practices.

To talk about



What changes do you think happened in the 20th century that made equality, and especially gender equality, an essential part of understandings of justice?

Try to make a drawing showing the relationship between equality and justice. How does drawing this relationship help your understanding of the two ideas?

To do



You can read more about how gender justice was not a part of the early development of *fiqh* [here](#). A [longer version](#) of this paper by Ziba Mir-Hosseini is also available in *Wanted: Equality and Justice in the Muslim Family*.

Equality and Substantive Equality

According to the Musawah Framework for Action:

Islam calls for equality, justice, compassion and dignity between all people. Family laws and practices must therefore fulfill this call by promoting these principles and responding to the lived realities of Muslim women and men today. [...]

International human rights standards require dignity, substantive equality and non-discrimination for all human beings.

In other words, human beings have a right to equality just because they are human beings.

People understand 'equality' in many different ways, and Musawah acknowledges that equality isn't a simple matter.

Does equality mean that if the husband and wife have an equal right to decision-making power they must both contribute exactly 50 per cent of the family's income? And if the husband or the wife brings in 73 per cent of the income, do they get 73 per cent of the decision-making power?

- Even if we could measure income, unpaid labour and decision-making, is the relationship between spouses just a matter of mathematics?

Musawah's Strategic Direction document, which was developed through consultations with Advocates, provides an alternative approach. It states:

Our understanding of equality recognises the different circumstances and experiences of women and men. We seek to achieve the full development of every individual's potential, rather than simply seeking sameness or equity.

In other words, there is a difference between *formal equality*, which is about identical treatment no matter what, and *substantive equality*, which is the kind of equality Musawah hopes for. Substantive equality attempts to address the gap between women and men caused by systematic discrimination against women.

It is about ensuring equal outcomes, effects or impacts for women. In some instances, this can require active steps ('affirmative action') to close the gap.

Islam calls for equality, justice, compassion and dignity between all people.

There are problems with this approach.

- It doesn't count any *unpaid* labour which contributes to the family's wealth and survival, such as domestic work, bearing and bringing up children, working on the family land, caring for animals, repairing the home, running the household, , and other such tasks or responsibilities. Most unpaid labour within the family is done by women, and so women's contribution to the family's wealth and survival is usually overlooked and undervalued.
- Measuring unpaid labour is very difficult: how can you measure a mother's care or even put a financial value to it?

For example, formal equality just looks at whether parents send their daughters to school as well as their sons. Substantive equality looks deeper. It understands that equal access to education requires teachers to actively encourage girls to participate in class and not be silent; it means schools and parents must enable girls to study a whole range of subjects; it also means parents and teachers have to work together to make sure that at home, girls have time for homework rather than only doing housework.

Musawah's vision of equality in the family is discussed [here](#).

To talk about



Women and men are biologically different: does this automatically mean they should have different social roles?

Can you share examples of laws and practices that support discrimination, formal equality and substantive equality?

What would substantive equality mean in your life? And what needs to change in yourself and others to move towards equality and justice in the family?

Take one concrete family law issue, and discuss what could be the text for a new family law that would support substantive equality for that issue.

To do



You can [read](#) a summary of Amina Wadud's paper explaining Musawah's understanding of the Qur'anic vision of equality between women and men. The full version of the paper is also available [here](#).

Write down three existing constitutional provisions, laws or practices in your community, neighbourhood or country which can support substantive equality in the family. Share them through the Musawah website and inspire others!

Have a look at some further reading on the topic of substantive equality. IWRAP Asia Pacific has some useful material:

- This [page](#) explains, in brief, the principle of substantive equality as espoused by CEDAW.
- [Occasional Paper No 14: Equity or Equality for Women? Understanding CEDAW's Equality Principles](#) (2009);
- [Occasional Paper No. 8: Addressing Intersectional Discrimination with Temporary Special Measures](#) (2006).

Equality in the Family is the Foundation for Equality in Society



Without equality in the family, there cannot be equality in society.

For example, if family laws and practices do not allow women freedom of movement, and an equal share in decisions regarding the family finances, then women will not be able to work according to their capabilities; they will not be free to take part in local and national politics, or make a full contribution to the life of the community according to their capabilities. That is an unequal society.

Inequality in the family is a form of violence which affects all the family members, including children. Discrimination and violence in relationships within the home is a pattern that is repeated outside the home, too.

Equality in the family relates to all areas of life. For example, if a mother has the right to sign all official documents as an equal guardian of her child, then she can ensure her child can have emergency medical care if needed. If women are denied equal rights to

property due to discriminatory divorce or inheritance laws and practices, it affects their economic security. This can also make them vulnerable to violence.

Almost everyone lives in a family for all or part of their lives, even if 'family' has multiple forms. So family is an important part of society. That is one reason why laws and policies about the family can be so hotly debated.

According to the Musawah Framework for Action, Islam's message of justice requires equality in the family too:

Islam calls for equality, justice, compassion and dignity between all people. Family laws and practices must therefore fulfil this call by promoting these principles and by responding to the lived realities of Muslim women and men today.

To talk about



Can you think of examples of how inequality in the family affects people's lives outside the home? How would their lives outside the home be different if there was equality in the home?

What benefits would equality in the family bring to society as a whole?

In your country or community, who supports equality in the family and who resists it, and why?

To do



Watch this [video](#) of Advocates sharing their vision of how the world would be different if there was equality in the family.

Try mapping the connections between all the different aspects of family laws and other areas of life—for the family and for society—that are affected by inequality. You can share it with other Advocates through the Musawah Facebook [page](#).

Families are Central to Our Lives



The vast majority of people have a family—whatever form it takes. It may be a family they were born into or grew up with, or may be their spouse's family or a collection of relatives and close friends; it may be large with multiple generations under one roof or be just two spouses of the same age. Most of us have a family no matter whether we are married or unmarried, have children or none.

The multiple forms of the Muslim family show just how widespread the idea of family is. Since the family is widespread, family laws tend to affect everyone.

In many societies, families are both the main social support mechanism and also a place where there is significant exploitation and discrimination. Both these positive and negative aspects mean families are central to our lives. The family influences things like our values, the types of foods we eat, our education and work opportunities and where we live; in other words, aspects of both our private and public lives.

To talk about



Discuss any examples you can think of for people who do not have a family. Are they still affected by family laws? If not, why not; and if yes, why?

At a conference in 2007 held by AWID (www.awid.org), some women's rights activists called for greater attention by feminists to the family. Some also suggested that feminists need to reclaim the idea of family from patriarchal forces. Do you agree?

What can be done to make families work more as a support mechanism and less as a source of exploitation and discrimination?

To do



It's not easy to find feminist writings (in English or any other language) that look at *both* the positive and negative aspects of the family as discussed above. Do you know of some good articles or books about the role of the family in women's lives that look at both these aspects, especially in relation to Muslim contexts? Musawah would like to build a good resource bank on its website. Could you send us ideas for articles, papers, books, conference reports, etc. to mention?

Safe and Happy Space, Equally Empowering for All

According to the Musawah Framework for Action:

Inequality in family relations and human relations must be replaced with mutual respect, affection and partnership.

Both Islamic principles and human rights call for this, as the Framework notes:

Islam mandates justice (*'adl*), equality (*musawah*), human dignity (*karamah*), and love and compassion (*mawaddah wa rahmah*) in relations among humans and in the family. These principles are also recognised as universal values and enshrined as rights in many national constitutions and international instruments.

Relationships within the family include the relationship between the spouses (although not all families have two married adults living together), as well as relationships with children, older people, and all dependents. All these people need to be happy and safe, meaning free from physical and psychological violence. All families also need to be empowering, meaning offering each member of the family the fullest opportunities to realise their potential.

Regarding the relationship between the spouses, the Framework points out that:

The Qur'an teaches 'love and tenderness' (*Ar-Rum* 30:21) between women and men; that men and women are like each other's garments (*Al-Baqarah* 2:187); that 'be it man or woman: each of you is an issue of the other' (*Al-Imran* 3:195); and that 'both men and women—they are close unto one another, they [all] enjoin the doing of what is right and forbid the doing of what is wrong' (*At-Tawbah* 9:71).

The four Qur'anic verses that apparently speak of men's authority over women in the family and inequality between them in society (*Al-Baqarah* 2:223, 228 and *An-Nisa* 4:3, 34) must be understood in light of the broader Islamic principles and the objectives of the Shari'ah, and not in isolation.

To help make this vision of equality in the family a reality, the Framework calls for laws and practices that ensure:

- The family as a place of security, harmony, support and personal growth for all its members;
- Marriage as a partnership of equals, with mutual respect, affection, communication and decision-making authority between the partners.



To talk about



Can you think of examples of families that are safe, happy and empowering spaces or examples of marriages that are partnerships of equals? What is it that they do differently from families that are unhappy?

Are laws enough to ensure the family is a safe and happy space, equally empowering for all? How can attitudes be changed?

Some people argue that non-blood relations such as domestic workers should also be included in the family and also need to be safe, happy and empowered. What do you think?

To do



The [We Can](#) campaign to end violence against women focuses on changing attitudes and behaviour. Their website has [resources](#) based on the experiences of Change Makers in working towards a violence-free society. This includes a 5-page document which discusses the campaign's [model for change](#).

Read about the experiences of Indonesian and Filipina domestic workers in this [paper](#) by Kamala Chandrakirana about 'Women's Place and Displacement in the Muslim Family' in *Wanted: Equality and Justice in the Muslim Family*.

The Muslim Family and Families in All Their Multiple Forms



The focus of Musawah's work is the Muslim family, and Musawah Advocates and Allies are free to interpret what this means in their context.

The Muslim family might include families governed by Muslim laws or practices; families which identify themselves as 'Muslim', or families which other people or the state label as 'Muslim'. It might also be families which include Muslims and non-Muslims through marriage or conversion into and out of Islam.

Musawah acknowledges the complexity of families and the diversity of their experiences. War, conflict and displacement, labour migration, drug addiction, changing employment patterns, and other social changes, mean that families may have no adult male breadwinner, may be headed by a single female breadwinner or take other forms. The global HIV and AIDS pandemic have resulted in some families which are headed by children.

If multiple forms of families are not recognised, it can lead to discrimination. For example, if an inter-religious marriage is not recognised by a country's laws, the children may not be able to go to a government school or have proper identity papers. Sometimes, state assistance after natural disasters like floods and earthquakes, or compensation when the state seizes land, is only given in the name of a male head of household, which ignores female-headed households.

In Muslim contexts there can be multiple models of the family which live according to the Qur'anic values of justice (*'adl*), equality (*musawah*), equity (*insaf*), human dignity (*karamah*), love and compassion (*mawaddah wa rahmah*), and are also consistent with contemporary human rights standards.

To talk about



Can you think of different types of Muslim families in your context?

What are the similarities and differences with other families?

Here are two short stories based on real people's lives (the names have been changed to protect their privacy). Discuss what they mean for our understanding of the term 'the Muslim family'.

Zakia's family migrated from South Asia to Britain when she was a little girl. She lived most of her life in Britain, and was brought up as a practising Muslim. When she grew up, she became a well-paid professional woman. She didn't find the men of her community able to accept her as an equal. Instead, she fell in love with and married an Englishman. He did not convert to Islam when they got married but they were able to marry under British civil law. They were blessed with two children, a daughter and a son, both of whom were brought up as Muslims. Zakia is now getting older and has started worrying about what will happen at the end of her life. She wants to be buried as a Muslim but she has been told by some people because she married a non-Muslim, she was not part of a Muslim family and therefore she cannot be buried as a Muslim. Luckily, she has found some sympathetic scholars who support her desire to be buried as a Muslim.

Shoeib and Fatmeh from Cairo in Egypt were brought up in families that are not very

religious. But because their family background is Muslim, under the law they count as Muslim and have to get married by signing a Muslim marriage contract before a Mazoun - who is a licensed marriage official who has a religious education. The couple don't consider themselves a 'Muslim family' but an 'Egyptian family'.

'Muslim' is just one identity, label or way of categorising people besides 'woman' or 'man'. What are some other identities? Are the identities and labels we give ourselves always the same as the labels other people or the state give us? Can you think of anyone who does not fit a neat identity category, and how this might affect their rights in family law and practice?

What does the law recognise as a 'Muslim family' in your context? Are there some families which are excluded and which you think should be included?

To do



Take pictures of as many different types of Muslim families as you can from your context and send them for Musawah's collection. We would love to build a picture wall on the Musawah [website](http://musawah.org) of the Muslim family to celebrate the variety. (Remember to get their permission first!).

If you are taking pictures with a mobile/cell phone, please make sure it has a camera of 3megapixels or above. Please send the picture(s) to info@musawah.org with a brief description of where the picture was taken.

According to the Musawah Framework for Action:

Musawah builds on decades of tireless effort by women's groups and activists in Muslim countries and communities to campaign for reform of Muslim family laws that discriminate against women and to resist regressive amendments demanded by conservative groups within society.

In other words, Musawah recognises that our movement is part of a historical process that has involved countless thousands of women's rights activists. The Framework talks about 'decades' but after some discussion, Musawah Advocates decided we should talk about 'centuries' in order to acknowledge even older struggles for equality.

This historical process dates back to the beginnings of Muslim societies when some women and men sought to advance rights for women, both individually and collectively. Women's rights activists have begun documenting these struggles. Advancing women's status was often a focus for resistance to colonial rule and the struggles for independence in Muslim societies in the 19th and early 20th centuries.

In this period, in some countries women's rights advocates contributed to national debates that led to family law reforms which expanded women's rights or offered greater protection under the law. Examples included Egypt's 1923 Law on Marriage Age, and the 1939 Dissolution of Muslim Marriages Act in the Indian subcontinent.

Since the 1960s, the global rise of feminism has led to the universal understanding that today there cannot be justice without substantive equality between women and men. Musawah builds on this understanding and on the struggles of human rights activists to develop international human rights standards that apply to all countries and communities.

Feminist research has also made visible the value of women's previously unacknowledged contribution to

the family both through labour and care. Recognition of the reality of women's roles in the family is a central part of the Musawah Framework.

In recent decades, groups of progressive Muslims have also been coming together to develop fresh interpretations that match people's contemporary needs and lives.

Increasingly, women in Muslim countries and communities have led the demand for justice and equality in family laws, and Musawah builds on their research, analyses and campaigns.

Examples include the 1992–2001 Women & Law in the Muslim World Programme of the international solidarity network, Women Living Under Muslim Laws; the successful 2000–2001 campaign by a coalition of Turkish women's groups to reform the Civil Code in line with equality and the introduction of a rights-based Family Law Act in Fiji. The Musawah holistic Framework was particularly inspired by the work of the Collectif '95 Maghreb Egalité which led to the reform of the Moroccan Moudawana in 2004 and of the Algerian Family Code in 2005. In many countries in Africa, Asia and the Middle East there have been successful efforts to expand women's access to divorce and to strengthen children's rights, including protection against early marriage. A Musawah [paper](#) discusses some of these efforts.

To talk about



In each country there have been struggles to advance and protect equality in national laws and constitutions, including in the sphere of the family. Can you think of examples from your own country?

Who have been the rights activists, women and men, that have inspired your work? How far back in history does your list go, and how did they inspire you?

To do



Listen to Musawah Coordinator Rozana Isa talking about the links between Musawah and other movements in this [short film](#).

Have a look at some resources about women leaders from Muslim history:

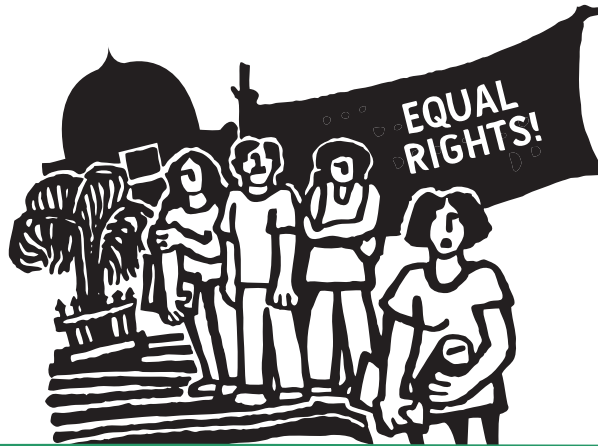
- Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate*, Yale University Press (1993)
- Fatima Mernissi, *The Forgotten Queens of Islam*, University of Minnesota Press (1997)
- Farida Shaheed with Aisha L.F. Shaheed, *Great Ancestors: Women Asserting Rights in Muslim Contexts*, Women Living Under Muslim Laws (2005)
- Shayan Afzal Khan, *Unveiling the Ideal: A New Look at Early Muslim Women*, Sisters in Islam (2007)

These are the campaigns and resources that have particularly inspired Musawah's work:

- *Knowing Our Rights: Women, family, laws and customs in the Muslim world*, Women Living Under Muslim Laws (2006)
- *Guide to Equality in the Family in the Maghreb*, available in [English](#), [Arabic](#) and [Persian](#) from Women's Learning Partnership (2005)
- *Turkish Civil and Penal Code Reforms from a Gender Perspective: The Success of Two Nationwide Campaigns*, Women for Women's Human Rights-New Ways (2005)

The Musawah [website](#) has links to and resources from women's movements across the world which can inspire your work.

To Promote and Protect Equality



Musawah sees itself as part of global movements to promote and protect equality in the family. It believes that Qur'anic teachings reflect universal norms and are consistent with contemporary human rights standards.

Promoting equality includes supporting campaigns and advocacy for an end to discriminatory family laws as well as discriminatory practices in Muslim contexts.

Protecting equality includes supporting campaigns and advocacy to resist demands from conservative groups within Muslim societies for regressive amendments to existing family laws that advance rights.

In different contexts, Musawah Advocates may be working to reform discriminatory laws and practices, protect existing laws, or both. Where laws offer women some protection of their rights in the family, practices are often discriminatory.

Campaigning and advocating for laws and practices that promote and protect equality in the family in Muslim contexts requires addressing both state and non-state actors.

Regarding states, as the [United Nations](#) explains:

By becoming parties to international treaties, states assume obligations and duties under international law to respect, to protect and to fulfill human rights. The obligation to respect means that states must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires states to protect individuals and groups against human rights abuses. The obligation to fulfill means that states must take positive action to facilitate the enjoyment of basic human rights.

From these international obligations to respect, protect and fulfill rights, you can see that states are obliged to actively ensure equality in family laws.

It also means that states have to take steps to ensure women are protected from the abuse of their rights in the family by non-state actors, such as families, communities, religious, cultural or political organisations.

To talk about



In your context, are women's rights activists or your organisation mainly focusing on promoting rights, protecting rights, or both?

What aspects of which laws and practices do you think need to be reformed or protected?

In your context, how far is the state helpful in promoting and protecting rights in the family? Are there different parts of the state that are more or less helpful?

In your context, which non-state actors help promote and protect rights in the family and which obstruct advances towards rights?

To do



Try mapping the areas of family laws that need protecting and those that need reforming towards equality. Which areas are the top priorities in your context and which actors can you work with to achieve your priorities? You could try the same exercise with practices related to rights in the family.

Read Musawah's report [*CEDAW and Muslim Family Laws: In Search of Common Ground*](#).

The Musawah website has several resources and links that may be useful for building advocacy and campaigning on equality in the family.

The Musawah website also has several resources and links relating to international human rights and equality in family laws.

Led by Muslim Women

Musawah is a movement for all who share Musawah's principles and vision for change. While women and men of all religions and beliefs make up the Musawah community, Musawah is led by Muslim women so as to reflect women's particular need for equality and justice in the family and to highlight our efforts to show that this is possible within Islam.

In early Islam, women such as the Prophet's wife Aisha and the mystic Rabia al-Basri were accepted as authorities regarding the texts. There are also historical examples of women as leaders in Muslim societies. But these practices were lost and for centuries women were excluded from Muslim scholarship and leadership of the community. This tradition is now changing and it is time to reclaim women's potential as leaders in their communities.

Across the globe, women have been actively campaigning for equality in the family for decades, even centuries. Musawah's effort focuses on Muslim contexts and its holistic Framework includes reclaiming Islam's spirit of justice. So it is to be expected that Musawah is led by women who identify themselves as Muslim.

The term 'Muslim women' means different things to each of us, and the diversity within Musawah's original Planning Committee and its current International Advisory Group reflects these various meanings.

Musawah International Advisory Group (IAG) (2013-2015)

- Asma'u Joda, *Chair* (Nigeria)
- Azza Soliman Hashim (Egypt)
- Cassandra Balchin (United Kingdom)
- Djingarey Maiga (Mali)
- Hatoon Al-Fassi (Saudi Arabia)
- Isatou Touray (Gambia)
- Johaira Wahab, *Commissioner* (Philippines)
- Marina Mahathir (Malaysia)
- Marwa Sharafeldin (Egypt)
- Nani Zulminarni (Indonesia)
- Omaina Abu Bakr (Egypt)

- Ratna Osman (Malaysia)
- Shaista Gohir (United Kingdom / Pakistan)
- Zainah Anwar (Malaysia)
- Ziba Mir-Hosseini (United Kingdom / Iran)

Musawah International Advisory Group (IAG) (2010-2012)

- Amira El-Azhary Sonbol (Egypt / Qatar / United States)
- Asma'u Joda (Nigeria)
- Azza Soliman (Egypt)
- Cassandra Balchin (United Kingdom)
- Djingarey Maiga (Mali)
- Isatou Touray (Gambia)
- Kamala Chandrakirana (Indonesia)
- Marwa Sharafeldin (Egypt)
- Pinar Ilkcaracan (Turkey)
- Zainah Anwar (Malaysia)
- Ziba Mir-Hosseini (United Kingdom / Iran)
- Ratna Osman (Malaysia)

Musawah Planning Committee (2007-2010)

- Amal Abdel Hadi (Egypt)
- Amira El-Azhary Sonbol (Egypt / Qatar / United States)
- Asma'u Joda (Nigeria)
- Azza Soliman (Egypt)
- Cassandra Balchin (United Kingdom)
- Isatou Touray (Gambia)
- Kamala Chandrakirana (Indonesia)
- Pinar Ilkcaracan (Turkey)
- Rabéa Naciri (Morocco)
- Zainah Anwar (Malaysia)
- Ziba Mir-Hosseini (United Kingdom / Iran)

To talk about



What are the possible advantages and disadvantages of publicly claiming women's right to leadership in matters regarding equality and justice in the Muslim family?

How can a movement like Musawah be clear about its specific focus on Muslim societies and at the same time also be inclusive of people who may not be Muslim or who may not identify themselves as Muslim?

What kinds of qualities, skills and backgrounds do you think the leadership of a movement for equality and justice should have?

To do



Have a look at some of the examples of women leaders from Muslim history.

- Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate*, Yale University Press (1993)
- Fatima Mernissi, *The Forgotten Queens of Islam*, University of Minnesota Press, (1997)
- Farida Shaheed with Aisha L.F. Shaheed, *Great Ancestors: Women Asserting Rights in Muslim Contexts, Women Living Under Muslim Laws* (2005)
- Shayan Afzal Khan, *Unveiling the Ideal: A New Look at Early Muslim Women*, Sisters in Islam

Annexe 1 gives examples of training material on advocacy. Many of these also have sections about leadership.

Women and Men



Musawah is led by women, but as a movement it includes men. Musawah reaches out to men as well because, according to the Musawah Framework for Action:

Many laws and practices in Muslim countries are unjust, and the lives of all family members are impaired by these injustices on a daily basis.[...] Women and men alike are entitled to equality and justice within the family, as well as respect and recognition for their contributions.

Men have made a significant contribution to Musawah, as scholars and activists who have contributed their knowledge and time to developing the Framework, to the launching - and to building the movement.

However, Musawah will always be led by women and mentions women first because women's suffering due to the current lack of equality and justice in the Muslim family is greater.

To talk about

Do you think Musawah should include men? How are they affected, if at all?

These are comments from some Musawah Advocates interviewed in August 2010.

Do these comments apply to your work or community too?



Tasneem Chopra, Australia:

Q: Musawah works with men. Do you see that as important in your context?

A: Definitely. They are half the equation and by continuously working with women we do make progress with changing mindsets. But the full benefit of that change will only come when they come onboard and do their part as well.

Djingarey Maiga, Mali:

Q: Musawah says we're a movement of women and men. What does that mean for you in Mali?

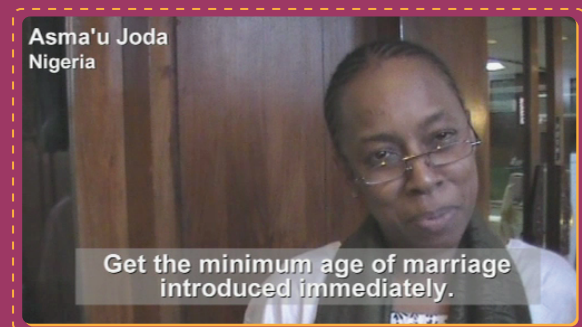
A: A movement of women and men means we don't just want to work with one part of the population, i.e. the women, and leave out the other part, i.e. the men, or just work with men. So it's better that we work together, that we pool

our ideas-: that we think together and come up with a solution that will be everyone's solution for equality and justice.

Nur Rofiah, Indonesia:

Q: What is changing in the context of Indonesia that makes it possible to demand equality and justice?

A: Now you can find many female Islamic or Muslim scholars, and even you can find male, gender-aware Muslim scholars and we didn't find this ten or twenty years ago.



Asma'u Joda, Nigeria:

Q: What in your context makes equality and justice necessary and possible today?

A: A lot of fathers are breaking the rules. Most fathers think their daughters are special — unfortunately they don't think their wives are special—but they think their daughters are really special. So we have situations where they marry off their daughters, their daughters are not happy and they're doing everything to make sure that she's happy, even if they don't want a dissolution of that marriage, they'll make sure that she's happy in her home.



Hatoun al-Fassi, Saudi Arabia:

A: I was raised in a very equal family. My father, I consider him very different. This is a very essential thing in Saudi Arabia ... if you don't have a supportive man in the family, it is very difficult to pave your way. So my father was a role model, in the way he treated my mother, in the way he treated us. And then even when I got married, alhamdulillah luckily I am supported also by a similar man who believes very much in equality and sharing, and he shares with me, for example, the care of our children to the maximum. Now I'm here in Indonesia and he's babysitting the children back in Saudi.

To do

Rifka Annisa Women's Crisis Centre in Yogyakarta has a programme for working with men and boys towards preventing domestic violence. You can read a newspaper article about this [here](#).

Find out more about engaging men through [ENGAGINGMEN.NET](#): a Gender Justice Information Network.

Publicly Reclaim Islam's Spirit of Justice



The Qur'an notes that all human beings, men and women, are agents (*khalifah*) of God

The Musawah Framework for Action points out the right and duty of all people to publicly debate the question of equality:

The Qur'an notes that all human beings, men and women, are agents (*khalifah*) of God, charged with realising God's will on earth. In countries where Islam is a source of law and policy, as well as communities in which Islam influences customs and traditions, it is the right and duty of all Muslims—and all people—to openly contribute to laws, policies and practices in order to achieve justice and equality within their families, communities and societies.

One of Musawah's principles also emphasises how full and equal citizenship means having the right to participate in all aspects of society.

In many Muslim societies, a large part of the population or community (particularly women) is in practice discouraged from trying to understand

religious texts for themselves. Some Muslims have accepted this and blindly follow those who claim authority. The public voice of Islam has come to be dominated by authoritarian figures that reject diversity of opinion. These figures also seek control over national policies concerning the family and gender equality.

So it is important to publicly reclaim the right to understand the texts and it is also important to hear voices that offer a variety of alternative visions of justice and equality.

As Musawah's Strategic Direction document puts it: Musawah's efforts are based on simple but strong assertions: Islam, indeed all religions, can be a source of empowerment, not a source of oppression and discrimination. Given their impact on our rights and our daily realities, all laws and public policies—whether based on religion, customs or any other norms—must be open to public debate and must advance equality and justice for all.

To talk about



What obstacles do women and other disadvantaged groups face in publicly claiming their right to engage in understanding religious texts?

What are the advantages and disadvantages of publicly debating how Islam's message can apply to today's world and the need for equality and justice in the family?

Should religion influence public policy?

To do

At Musawah's first Global Meeting in 2009, roundtable discussions on Day 4 included one on *Getting Ourselves Heard: How to open up public debate on Islam as a source of law and public policy*, and another on *Sisters Doing it for Ourselves: Approaching the holy texts as non-experts*. You can read summaries of these discussions [here](#). Participants in the meeting also have a longer version of this report.

Do you have any examples of successful strategies you have used locally to open up debate about Islam as a source of law and public policy? Other Advocates could benefit from hearing how this worked, so please share your example—either through the website discussion platform or our Facebook pages or by e-mailing us at musawah@musawah.org.

BRIDGE is a research and information programme which specialises in resources on gender equality and social justice. They have a *Cutting Edge Pack on Gender and Citizenship* which looks at practical ways to use the idea of citizenship to bring about gender equality. You can download the Pack [here](#).

There are many publications which discuss the rights of non-experts to interpret and understand Islam's texts. Examples you can read include:

- [For Ourselves: Women Reading the Qur'an](#)
- Khaled Abou el-Fadl, *Speaking in God's Name: Islamic law, Authority and Women*, Oneworld Press, Oxford (2001)

For All



Musawah is a movement for all who share Musawah's principles and vision for change. Musawah is led by Muslim women, but as a movement it includes men as well as people who belong to other religions or who have no religion, or who do not come from a Muslim background, or who do not describe themselves as Muslim.

This relates to one of Musawah's principles which emphasises full and equal citizenship as the right of every individual. Citizenship is not just about holding a passport of a certain country. It is more broadly about being able to participate fully in a society and about having equal rights in that society. Non-Muslims, either as family members or as citizens generally, can be affected by the current lack of equality and justice in the Muslim family. Therefore, the Musawah Framework for Action speaks in the name of Muslims and all citizens affected by the issues:

We, as Muslims and as citizens of modern nations, declare that equality and justice in the family are both necessary and possible.

The Framework also points out that:

Islam teaches that all human beings are born equal in worth and dignity, which is echoed in universal human rights principles. [...]

As human beings of equal worth and dignity before God, and as citizens of modern states, all individuals are entitled to exercise equal rights to political participation and leadership, equal access to economic resources, equality before the law, and equal autonomy in the economic, social, cultural and political spheres.

To talk about



How are non-Muslims or people who don't see themselves as Muslims affected by Muslim family laws and practices, if at all?

How can Musawah ensure that everyone affected by injustice and inequality in the family is included in the movement?

What do you think is meant by 'full and equal citizenship'?

Do you think your country or your government ignores some citizens or excludes some people from full and equal citizenship? If so, how does this relate to equality in the family?

To do



Can you share a case study of how people of other religions or beliefs are affected by Muslim family laws and practices, and of how activists have tried to address this? It is important to share the voices of all people affected by existing inequality and injustices in the Muslim family. This can be shared via the website, the Musawah Facebook [page](#) or by e-mailing us at musawah@musawah.org.

What do family laws in your context say about marriages between Muslims and non-Muslims—are they possible? Is the law clear?

You can read some sources about marriages with non-Muslims [here](#).

Individuals and Groups

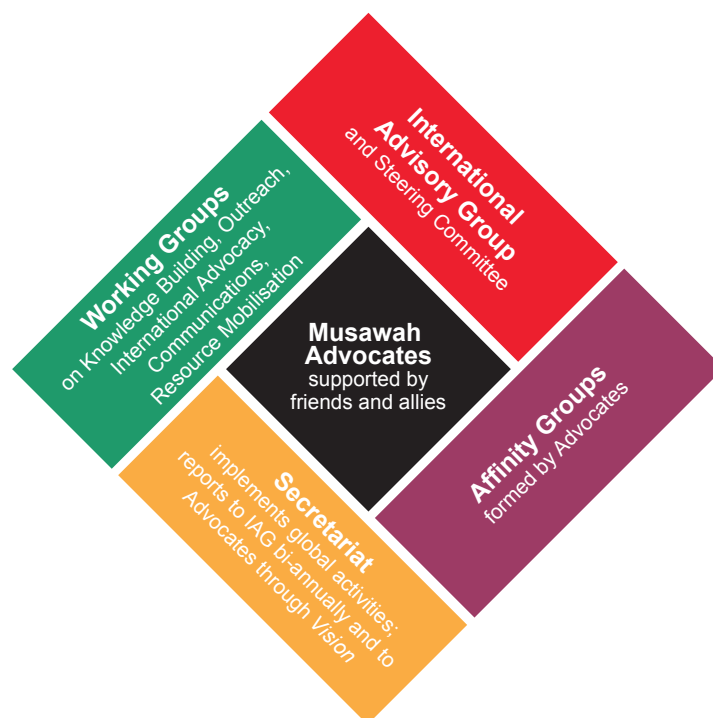
Musawah brings together NGOs, activists, scholars, practitioners, policymakers and grassroots women and men from around the world who are working for equality and justice in Muslim family laws and practices. This includes both people who are working individually as well as those who work collectively with others—everyone has a role they can play.

Musawah Advocates include individuals and organisations that share Musawah's goal of equality in the family and have a stake in and commitment to the growth of the movement. All Advocates agree with the Musawah Framework for Action, use the Framework in their activities, and contribute to the achievement of Musawah's strategic goals and objectives.

Musawah also works with allies, which includes individuals and organisations that broadly support Musawah's work, vision and principles, though they are not working specifically on issues related to Muslim family laws and practices.

Individuals and organisations may work with Musawah by forming an Affinity Group or by being part of a Working Group. Affinity Groups are self-formed groups of individual Advocates or organisations that share a national, regional, thematic or contextual focus, and that want to advance their advocacy by tapping into the solidarity and strength of collective thought and action. Working Groups on knowledge building, outreach, international advocacy, communications, and resource mobilisation support, advise, and assist in developing work plans, building resources and implementing activities for these areas of work.

Musawah's Strategic Direction [document](#) provides details about the movement's various structures—Affinity Groups, Working Groups, the International Advisory Group and the Secretariat, while the website and Annexe 2 on How to Get Involved suggests how individuals and groups can become involved



To talk about



How can individuals contribute to a movement such as Musawah and how can Musawah include them effectively?

What kinds of individuals and organisations are already part of local campaigns for equality and justice in the family? Can you think of others that you could include in your national or regional activities?

To do

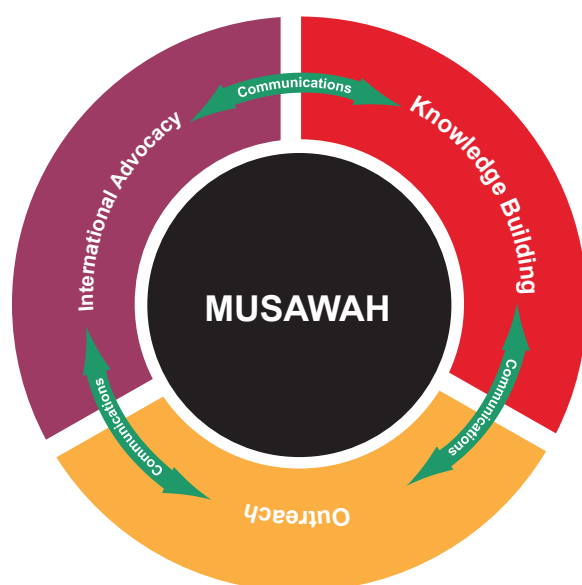


Have a look at the list of organisations in the [links](#) section on the Musawah website. Can you suggest links for any other organisations or individuals? If you think they may be interested in linking, please let the Secretariat know by e-mailing us at musawah@musawah.org.

Musawah's Ways of Working:

Knowledge Building, Outreach and International Advocacy

Musawah has developed three inter-related areas of work to realise its goal of building a strong movement of women and men working towards equality and justice in Muslim families. These three areas of work are: (1) knowledge building; (2) outreach; and (3) international advocacy. These areas of work are supported by communications activities.



Knowledge Building

Musawah is a knowledge building movement, which facilitates access to existing knowledge and the creation of new knowledge about women's rights in Islam. We seek to apply feminist and rights-based perspectives to understand and search for equality and justice within Muslim legal traditions. Such perspectives help reveal the tension between the egalitarian and hierarchical voices in the tradition. They also help uncover women's voices that have been for so long silenced in the production of religious knowledge. This will ensure women's concerns and

interests can be reflected.

We believe that the production and sharing of knowledge should be participatory, should recognise non-traditional forms of expertise, and should begin from contexts rather than texts. In this way, the knowledge produced will be grounded in the lived realities of women and men, with such realities informing the approach to the issues and the questions being asked.

Musawah's current knowledge building work has two components: (1) long-term, multifaceted research projects on specific concepts and themes; and (2) capacity building of Musawah Advocates to make knowledge relating to family laws and practices and advocacy strategies for equality and justice in Islam more accessible.

Building the Movement and Outreach

Outreach is vital for building our movement: it brings together a critical mass of Musawah Advocates who support the Musawah Framework for Action; it builds lasting and effective alliances locally, regionally and globally; and it ensures knowledge building is based on and responds to the lived realities of women and men.

Through its outreach, Musawah works to strengthen the sense of community and common purpose amongst Advocates, with a goal of building a critical mass of supporters that work with and advocate for the Musawah Framework. Musawah creates and shares platforms, tools and information that all in the Musawah community can use based on their needs and their own directions.

Musawah's current outreach work seeks to connect

with activists, organisations and individuals through three key components: mobilisation, capacity building and knowledge building. More details about outreach strategies, focus areas and activities to date are available in our Strategic Direction document.

One of our major activities is a Global Meeting, organised once every three to four years. The next is scheduled for 2014 in Cairo, Egypt. Leading up to the meeting, there will be regional meetings and activities carried out at the regional and national levels-and which have been occurring since 2011. These will focus on highlighting the achievements made towards equality and justice in family law and practices.

International Advocacy and Advocating for Change on Multiple Levels

The Musawah Framework advocates for equality and justice within the family and in community practices as well as at the national level in terms of laws and

policies.

Because our holistic Framework also includes approaches based on international human rights, our three inter-related areas of work include international advocacy.

Musawah's international advocacy serves to strengthen women's voices at the regional and international levels, and to raise the visibility of initiatives advocating equality and justice in the Muslim family.

A key strategy for our international advocacy is engagement with the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its treaty body, the Committee on the Elimination of Discrimination against Women (CEDAW Committee), and with NGOs involved in the CEDAW reporting process.

The Musawah Framework advocates for equality and justice within the family and in community practices as well as at the national level in terms of laws and policies.

To talk about



How might feminist or rights-based knowledge building be different from other types of knowledge building?

Are ideas enough to change the world? Why do we need to build movements?

Musawah is a movement supporting rights activists who want to achieve equality and justice in the family in their communities and countries. Then why does it work areas include international advocacy?

In your view, is one of Musawah's three work areas—knowledge building, outreach and international advocacy—more important for your work or are they all equally important?

To do



You can find out more about each of Musawah's three [work areas](#) online, and about how to get involved [here](#).

Tell other Advocates about your activities that relate to these three work areas, either via the website, our Facebook page or by sending a contribution to our regular update, [Musawah Vision](#). It doesn't have to only be activities through Musawah and can be anything you are doing that is related to equality and justice in the family. Please contact the communications team info@musawah.org if you would like to share anything.

The Story of the Musawah Framework for Action

The Musawah Framework for Action is a working document that provides a conceptual framework for Musawah.

The Framework was developed by a group of Muslim activists and scholars who came together to initiate Musawah. This group, coordinated by Sisters in Islam (Malaysia), comprised of a 12-member planning committee of activists and academics from 11 countries. The Framework was conceptualised and written through a series of meetings and discussions with scholars, academics, activists and legal practitioners from approximately 30 countries.

The story of the Framework's development is part of the Musawah journey.

2000–2006: In the course of meetings, workshops and conversations, members of Sisters in Islam (SIS) perceived an interest in and an intense need for building an international network to share scholarship, strategies, and best practices on work related to family laws in Muslim contexts. This was seen as a strategic way to collectively counter the widespread use of Islam to resist women's demands for equality and justice and push for reform in national, regional and international contexts.

March 2007: A 12-person Planning Committee comprised of activists and scholars from different regions met in Istanbul, Turkey, at the invitation of SIS. This group decided that instead of simply holding one international meeting on family law reform, we should build on existing efforts and initiatives to create a movement that brings together Islamic and human rights frameworks, along with the lived realities of women and men, to realise equality and justice in Muslim families.

December 2007: A conceptual meeting with 21 participants from 15 countries was held in Cairo, Egypt, to deepen and clarify the conceptual framework for equality in Muslim family laws and practices and laid the groundwork for the Musawah Framework.

Mid-2008: The Secretariat was established within Sisters in Islam to, among other tasks, facilitate the compilation and production of the Framework in time for the launch at the Global Meeting.

February 2009: The Musawah Framework for Action was launched (in five languages) at Musawah's first Global Meeting in Kuala Lumpur, Malaysia.

Musawah Launched



Musawah was formally launched at its first Global Meeting in Kuala Lumpur, Malaysia, with 270 participants and resource persons from some 50 countries and over 50 local and international volunteers.

The programme combined plenary sessions and workshops focused on why and how equality and justice in the family are necessary and possible. The meeting opened with a gala dinner and celebration with special performances. A Young Women's Caucus met throughout the five days. The Musawah website and three publications were launched.

The Global Meeting Summary of Proceedings (available in English, Arabic and French) provides an overview of the Meeting, including descriptions of each of the plenary and break-out sessions.

You can watch the Musawah Opening Video and the 2009 Global Meeting Closing Video on YouTube.

Annexe 1

Examples of Advocacy Guides and Manuals for You to Adapt

This is a list of some guides and manuals which can give you ideas about doing advocacy. They are not necessarily about family laws or about Muslim societies but you can adapt their ideas and suggestions for running workshops and getting people discussing and thinking about your context. These are only a few examples and this list is in no particular order.



Women and Men: Hand in Hand against Violence **Strategies and approaches to working with men and boys for ending violence against women**

This manual is produced by Oxfam, the UN Trust Fund to End VAW and the Lebanese anti-VAW organisation Kafa. It has very detailed suggestions about how to run workshops and sessions which you can adapt to talk about Musawah.



APC training materials are designed for trainers who want to build the capacity of civil society organisations to understand information and communication technologies, ICT policy and gender-related issues.



The iTrainOnline MMTK is a growing collection of 'workshop kits' for face-to-face training. The materials use a standard set of templates, and offer building blocks for trainers to build their own courses.

But don't think you need to be a trainer to use the iTrainOnline MMTK! The handouts are valuable information resources for anyone who wants to teach themselves about any of the wide range of topics covered.



A New Weave of Power, People & Politics: **The Action Guide for Advocacy and Citizen Participation**

A New Weave of Power, People & Politics provides a well-tested approach for building people's participation and collective power that goes beyond influencing policy and politics to transforming public decision-making altogether.

Revisioning and Using Popular Education An excellent 7-page step-by-step guide to popular education and raising consciousness raising



Gender Training Tools and other resources from Siyanda can be found on the BRIDGE Global Resources Database.

TOWARDS GENDER EQUALITY: MUSLIM FAMILY LAWS AND THE *SHARI'AH*

by Ziba Mir-Hosseini

Summary

This paper examines concepts of gender in Islamic legal thought and the challenges that these concepts present to the development of egalitarian Muslim family laws.

This paper provides some answers to two vital questions: if justice and equality are values central to Islam, why are women treated as second-class citizens in Islamic jurisprudential texts? If equality has become part of today's understanding of justice, as many Muslims now recognise, how can it be reflected in Muslim family laws?

The main points of the paper are:

1. *Shari'ah* is the totality of God's will as revealed to the Prophet Muhammad. *Fiqh* is the process of human effort to identify and extract legal rules from the sacred sources of Islam: the Qur'an and the *Sunnah*. Thus, the *Shari'ah* in Muslim belief is sacred, eternal and universal, whereas *fiqh*, consisting of the vast literature produced by Muslim jurists, **is like any other system of jurisprudence: human, mundane, not eternal, and local.**
2. Jurists agree that the concept of justice is deeply rooted in Islamic teaching, and is integral to the basic outlook of the *Shari'ah*. **Many verses in the Qur'an condemn women's subjugation**, affirm the principle of equality between genders and aim to reform existing practices in that direction.
3. **But there have been long debates about what justice requires and permits, its scope and its manifestation in laws, and its roots in Islam's sacred texts.** The dominant *Ashari* school holds that our notion of justice depends on revealed texts and is not subject to rationality that exists beyond religion. The *Mutazili* school, on the other hand, argues that our notion of justice is inborn, has a rational basis and exists independently of revealed texts. The paper's author belongs to this second school of thought.
4. **There are two distinct categories of legal rulings in *fiqh*: 'ibadat and mu'amalat.** The former defines the relationship between humans and God and is thus immutable. The latter defines the relationship between human beings and is open to reinterpretation given changing circumstances. Legal reforms are intended to reflect changing realities. The understanding of gender found in family law in the Islamic legal tradition is man-made, like other laws in the realm of *mu'amalat*. It is shaped by political, economic, social and cultural forces.
5. The revelatory texts and the Prophet altered only some of the existing patriarchal practices of the time (such as burying infant girls alive) and left others intact (such as polygamy). The Qur'an and the *Hadith* set in motion a reform of family laws in the direction of justice that was halted after the Prophet's death. **What the Prophet did was to rectify injustice and to introduce justice, as these were understood in his day.**
6. **The various *fiqh* schools all share the same inner logic and patriarchal concepts of marriage.** The paper cites examples from classical scholars in which 'ownership' (*tamlik*) shapes their concept of marriage and defines the rights and duties of each spouse. *Tamkin*, (sexual submission) is a man's right and thus a woman's duty; whereas *nafaqa* (shelter, food and clothing) became a woman's right and a man's duty. This classical *fiqh* model of marriage is based on the 'marriage of dominion'—a type of marriage prevalent in pre-Islamic Arabia. Although the classical jurists redefined and reformed certain aspects of the 'marriage of dominion' they did not change its essence.
7. **In their understanding of the sacred texts, these jurists were constrained by a set of gender assumptions and legal theories that reflected the social and political realities of their age.** Patriarchy and slavery were seen as the natural order of things. The concepts of gender equality and human rights—as we understand them today—had no place and little relevance to the classical jurists' concepts of justice.

8. **Gender inequality in the Islamic legal tradition arises because of the contradictions between the ideals of the *Shari'ah* and the patriarchal structures in which these ideals were translated into legal norms.** Unfortunately, these legal norms came to be treated by subsequent generations as though they were unchanging and as part of the *Shari'ah*.
9. In the early 20th century, *fiqh* provisions relating to the family were partially reformed and codified, but in a way that created hybrid family laws that were neither classical *fiqh* nor Western. Family law became the concern of legislative assemblies which had neither the legitimacy nor the inclination to challenge premodern interpretations of the *Shari'ah*. Deprived of the power to define and administer law, *fiqh* and its practitioners were no longer accountable to the community; they lost touch with changing political realities and new knowledge such as the idea of gender equality. These developments in practice worked against women. *Fiqh* became a closed book, removed from public debate and critical examination.
10. In the second half of the 20th century, **attempts by Islamists to bring *fiqh* notions of gender into public policy provoked criticism and spurred women to respond.** The Islamist defense of premodern patriarchal interpretations of the *Shari'ah* as 'God's Law' and as the authentic 'Islamic' way of life brought the classical *fiqh* books out of the closet and exposed them to critical scrutiny and public debate.
11. **By the early 1990s a new way of thinking had emerged:** a gender discourse that is 'feminist' in its aspiration and demands, yet 'Islamic' in its language and sources of legitimacy. For many Muslims, the premodern notions of marriage in Islamic legal theory had lost their power to convince. Instead, feminism and human rights had combined to bring a new consciousness and a new point of reference for Muslim women and reformist thinkers.
12. Unlike earlier reformers who had searched for an Islamic origin for modern concepts like gender equality, human rights and democracy, the **new thinkers focus on how societies produce religious knowledge.** They revive the rationalist approach and emphasise the spirit of the law rather than its form. The works of thinkers such as Mohammad Arkoun, Khaled Abu El Fadl, Nasr Abu Zayd, Mohammad Mojtahed Shabestari and Abdolkarim Soroush are of immense importance.
13. Meanwhile, **gender equality has become part of global concepts of justice.** It has gained a legal mandate through international human rights instruments, notably the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). CEDAW has been ratified by all Muslim states except Iran, Qatar, Somalia and Sudan (even though with reservations in most cases).
14. Even those who support classical *fiqh* rulings on marriage and gender roles now talk about 'Women's Rights in Islam' and 'Gender Equity in Islam', and cannot afford to acknowledge that the classical jurists drew a parallel between sale and the marriage contract. This is proof that the **classical *fiqh* definition of marriage has become irrelevant to the contemporary experiences and ethical values of Muslims,** and that a 'paradigm shift' in Islamic law and politics is well underway.
15. Legal systems and jurisprudential theories must be understood in the cultural, political and social contexts in which they operate. The new feminist voices in Islam indicate the coming of a new legal egalitarianism. The 2004 Moroccan family code which establishes equality between spouses is evidence of the new trend in family law reform.
16. **Arguments and strategies for equality in Muslim family law and practices need to be concurrently placed within Islamic and human rights frameworks.** The distinction between *Shari'ah* and *fiqh*, and the demand for legal justice allow us to see the link between the two frameworks. We can then defuse the opposition to gender equality from defenders of traditional *fiqh* and from Islamists who use Islamic terminology to protect their views from critique.
17. Understandings of justice and injustice has changed over time. **In the 21st century, the provisions of CEDAW—which stands for justice and equality for women in the family and in society—are more in line with the *Shari'ah* than are the provisions of family laws in many contemporary Muslim countries.**

IKHTILAF AL-FUQAH: DIVERSITY IN *FIQH* AS SOCIAL CONSTRUCTION

by Muhammad Khalid Masud

Summary

Ikhtilaf, which means disagreement, difference of opinion and diversity of views, is widely recognised in the Islamic tradition as a natural phenomenon. Diversity is also a recurring theme in the Qur'an. Yet current studies of Islamic law generally ignore the implications of *ikhtilaf al-fuqaha* (disagreement among the jurists) for the development of *fiqh* (Muslim jurisprudence) and its relevance regarding law reform in the modern context.

This paper highlights the doctrine of *ikhtilaf al-fuqaha* as an 'important juristic tool' in attempts to reinterpret Muslim family laws within the context of 'today's globalised world in which difference is increasingly valued'.

The main points of the paper are:

1. There has been a continuous history of scholarly works on *ikhtilaf* from the early periods of Islamic legal thought until today. This paper provides a historical overview of this literature from 798 to 1987. ***Ikhtilaf literature demonstrates the rich diversity of legal opinion throughout Islamic legal history.***
2. ***These works emphasise diversity as a 'divine blessing because humans differ in their levels of understanding and social settings'.*** Even when a jurisprudential book supported *taqlid* (adherence to a particular school of thought), it nonetheless described 'in detail the diversity of opinion and disagreement among the jurists on most legal doctrines'.
3. *Ikhtilaf* has been a prominent characteristic of *fiqh* since the days of the Companions of the Prophet Muhammad. Differences, even among the Companions, occurred mostly when there was no clear guidance from the Qur'an and *Sunnah*, but **there were differences in interpreting the language of Qur'anic injunctions.** For instance, the Qur'an prescribes that a divorced woman wait for three *quru'* after the divorce before entering into another marriage contract (*Al-Baqarah* 2:228). Jurists are divided on how to translate *quru'* and how to calculate this period. Interpretation of Qur'anic provisions regarding inheritance is another example (see p.15).
4. **There is also *ikhtilaf* or difference regarding the process of understanding the Qur'anic text.** For example, do we take the Qur'an literally, or understand the verses with reference to the history of their revelation? How to deal with disagreements regarding the meaning of *Hadith*? Do the sayings (*Hadith*) and the actions (*Sunnah*) of the Prophet have the same legal implications, and what is to be done if they appear contradictory? What are the criteria for an authentic *Hadith*? What are the criteria for abrogation (dealing with apparently contradictory verses of the Qur'an)? What are the acceptable sources of Islamic law?
5. ***There are two main explanations for ikhtilaf:*** (1) geographical location making for differences in language, customs and different levels of *Hadith* knowledge; (2) different methods of legal reasoning adopted by jurists to arrive at their decisions. **These both suggest that *fiqh* is man-made and that legal interpretation is a continuous process so legal norms can change in order to remain relevant to social norms.**
6. Fatwa manuals advise that when muftis disagree in their opinion, the layman who consults the muftis is free to choose which to follow. In other words, these manuals regard disagreement as a positive process of legal development.

7. However, *ikhtilaf* has also been seen negatively in Muslim history. The formation of the different schools in Islam (*madhhab*) was partly designed to regulate diversity, but ended up institutionalising *ikhtilaf* in ways that led to conflicts and clashes among the followers of the different schools. Jurists inflated differences in order to defend and prove the superiority of their own school.
8. **Discussion of *ikhtilaf* is relevant to current debates about Muslim family laws.** For instance, the scope for *ijtihad* (reasoning) in the development of Muslim laws was historically limited by referring to *ikhtilaf* (diversity) and *ijma'* (consensus). In practice, consensus came to mean the absence of *ikhtilaf*. A jurist could justify the need for reinterpretation only by pointing to differences among the jurists. In recent debates also, **traditional jurists have often justified reinterpretation, especially in matters relating to family laws, on the grounds of this diversity of opinion.**
9. The paper calls for the rewriting of the history of Islamic law and greater research into the actual laws and practices used in the earlier Islamic period. The persistence of *ikhtilaf* suggests it is wrong to assume *fiqh* was the only law regulating the lives of Muslims. *Fiqh* may have developed as an alternate set of laws parallel to the then-existing legal system. **In other words, *ikhtilaf* recognises multiculturalism and legal pluralism.**
10. The disagreement among the jurists, particularly on matters relating to family laws, indicates the importance of going beyond the text to find universal legal principles that can accommodate social change.
11. The way forward towards equality in Muslim family law and practices is to:
 - Understand *fiqh* texts and judgments of the classical times within their social context. We need to understand the issues addressed in Qur'anic revelation and the *Sunnah* not as theology, but as social problems that existed at that time and to which the Qur'an and the Prophet were responding.
 - Research the history of Muslim family laws. We need to examine the development and promotion of schools of law during different historic periods to better understand what led to one school being promoted to the exclusion of others in different regions. Also, considering Muslim family laws to be the same as personal laws is actually a colonial invention.
 - Understand that the jurists were functioning in their own era based on what they thought was just and were reading and interpreting the Qur'an from their own social perspectives. For instance, in interpreting *An-Nisa* 4:34, all of them tried to qualify what kind of beating should take place. This shows that they were already embarrassed that the idea of beating a wife was in the Qur'an.
 - Acknowledge that change, such as the abolition of slavery, has taken place and therefore future change is possible. *Fiqh* can change when new times and circumstances emerge.
 - Ensure that demands for equality by women's groups must go beyond anecdotes and should be supported with data and statistics of the nature and extent of the problems. Concrete data about the problems, would mean that opponents of equality would have to agree with the analysis of the situation, and justice could then be used as a principle and guide for developing the appropriate solutions.

ISLAM BEYOND PATRIARCHY THROUGH GENDER INCLUSIVE QUR'ANIC ANALYSIS

by Amina Wadud

Summary

This paper presents an interpretation of Islam that offers a vision of an active partnership of equals between women and men. This partnership will move human society towards equality and justice, which are the twin intentions of the Revelation.

The interpretation examines Islam's two primary sources, namely the Qur'an and the *Sunnah*. The paper focuses on the ethical principles established by these two sources regarding the relationship between Allah and individual human beings, and relationships human beings have with each other.

Arguing for gender equality and justice from within the framework of the religion, the paper takes as given '*that the Qur'an is the word of Allah revealed to Prophet Muhammad*'. It quotes extensively from Qur'anic verses and Islamic ethics, and establishes the Qur'anic vision of equality between women and men in all three stages of human life as revealed by the Qur'an: creation, the hereafter and 'the life in between' (*'alam al-shahadah*). The paper discusses the impact of patriarchy on the interpretation of the Qur'an and the practices of Muslims. It proposes the use of constructive Islamic ethical tools to end this negative influence, which restricts realisation of the Qur'anic message of equality and justice. Finally, the paper shows how this discussion relates to equality in Muslim family law and practices.

The main points of the paper are:

1. **Equality in creation** has important consequences for our daily lives. The Qur'an's repeated emphasis of creation in pairs—'*the male and the female*'—indicates that both must be equal beneficiaries of the justice inherent in the laws and policies arising out of interpretations of the Qur'an, and both must be considered responsible for the formulation of these laws and policies.
2. The Qur'an also establishes **equality in the hereafter**, with equal reward or punishment for women and men.
3. **Plurality is part of the Divine design**. The significance of one human life clearly affects other human lives. Therefore, we must think and act in ways that indicate our awareness of the interrelationship between all human life and creation as a whole.
4. **Human beings are created to be moral agents (*khilafa*)**. There is no distinction made between male and female in terms of this divine mandate.
5. **As responsible human agents, we have the free will** to choose between what is good and what is evil. Judgement of how we choose to act on this free will lies with Allah, the ultimate judge. Allah sees and knows all things, whether in the public arena or in the home.
6. **The ultimate criterion for making judgements between human beings is on the basis of taqwa, or their moral excellence**. Yet a common imbalance or injustice today is that Muslim women are considered morally responsible subjects of the law without being considered equally as creators of the law.
7. **Islam was revealed in a context dominated by patriarchy but it also provides a route beyond patriarchy**. It is the duty of Muslims to follow this route and challenge patriarchy within our societies. It

is also our duty to challenge the notion from outside Muslim culture that Islam does not have the tools to move beyond patriarchy. Patriarchy is not just about men, it is about presuming one way of doing things, one way of being and one way of knowing that is superior and should dominate.

8. **The answer to patriarchy is through *mu'awadhah*, or reciprocity.** Women should not rule over men, nor must women do what men have been doing; instead, we move from domination to partnership. Islam provides many sources and examples on the ethic of reciprocity. The paper expands the term from its use in Islamic financial transactions, and applies it to relationships between individuals. It consists of knowing and of supporting the other person.
9. **'Patriarchy is a kind of *shirk* (ultimate violation of divine unity)'** because it denies the equality of all Allah's creation. Patriarchy rests on the Satanic notion of *istikbar* (thinking of oneself as better than another). It contradicts the Qur'anic vision of the equal and reciprocal moral relationships and responsibilities of women and men, as laid out in verse *Al-Ahzab* 33:35. It also contradicts the vision of the relationship between husband and wife, as reflected in verse *Al-Room* 30:21, which talks not of domination and competition but of partnership, cooperation and affection.
10. **The major inspiration for this alternative vision of the relationship between women and men comes from the concept of *tawhid*.** This concept begins from its root word, the verb *wahhada*, 'a dynamic term emphasising the divine power to bring all things into unity or harmony'. The paper suggests that harmony means 'mu'awadhah or mutual reciprocity, cooperation and interdependence.'
11. **According to *tawhid*, two persons will always be in a relationship of horizontal reciprocity.** This logically derives from two aspects of *tawhid*:
 - Islam understands Allah as supreme, the greatest; *Allahu akbar*. Therefore nothing else can be superior to any one individual;
 - Added to this, the Qur'an makes it clear that whenever two persons are together, Allah makes the third, or when three are together, Allah makes the fourth and so on (*Al-Mujadalah* 58:7). Since Allah is always present, and always the greatest, then no one can hold the upper level without violating *tawhid*. Patriarchy on the other hand places men as superior to women and violates the requirement that only Allah is supreme.
12. One of the simplest ways to reform the law in accordance with these ethics of the Qur'an and move societies beyond patriarchy may be to **encourage active and equal public participation by both women and men, especially in legal and policy reform**, so they are equally able to express their *taqwa*.

THE GENESIS OF FAMILY LAW: HOW *SHARI'AH*, CUSTOM AND COLONIAL LAWS INFLUENCED THE DEVELOPMENT OF PERSONAL STATUS CODES

by Amira El-Azhary Sonbol

Summary

This paper presents three challenges to one of the major obstacles to equality in personal status laws: the belief that these laws are God's laws and are therefore unchangeable. The challenges are justified by examining the evolution of family laws from the *Shari'ah* courts in the Ottoman Empire through to the 'modernisation' of law and development of personal status codes during European colonisation. It focuses on Egypt as a case study.

The main points of the paper are:

1. The three challenges are:
 - That *Shari'ah* should not be confused with *fiqh*, which is the product of the efforts of the *fuqaha* to derive concrete legal rules from the Qur'an and the *Sunnah*. Their work is influenced by local culture and society, and the challenges of their time.
 - The actual laws by which Muslims live today are a combination (*talfiq*) of *fiqh* rules, customs ('*urf*'), and 19th-century views of gender relations.
 - That the concept of the family where the father is the official head of the family with powers that are legally defined and protected by the state, is neither natural nor divinely ordained, but a modern phenomenon.
 - ***Shari'ah* in law and practice today has little to do with what was practiced in the *Shari'ah* courts of the pre-modern era.** Before state codification began in the Ottoman Empire in the late 19th century, the *Shari'ah* court system '*was flexible and provided an avenue for the public to achieve justice and litigate disputes.*' Judges '*had discretion in deciding cases*', could refer to the principles of all the Islamic schools of law, and often decided cases on the basis of customs ('*urf*').
2. Ottoman records show that **litigation was a daily activity for both men and women in the same courts.** The flexibility of the system allowed women to determine their marriage contracts and the conditions under which they lived. Unlike courts today, *qadis* had neither the right to force a woman to stay with a husband she wanted to divorce, nor did they question her reasons for asking for divorce. The *qadi*'s role was that of a mediator regarding financial rights and support given the circumstances of the divorce.
3. The modernisation of law included the division of legal codes into national, criminal and commercial codes. The State also decided which courts or other forum would be responsible for which code. **Although modernisation streamlined the legal system, it lost its old philosophy and logic.** For example, because premodern *Shari'ah* court records were not used as precedent for modern *Shari'ah* courts, women's rights such as the right to work and determine their marriage contracts were lost in the process.
4. The process of reform began in Egypt in 1885. European and particularly French laws provided the model for national courts and mixed courts (where foreigners could litigate issues), but the *Shari'ah* was made the source for laws handling marriage, child custody, inheritance and *awqaf*. However, **while premodern courts were more organically linked to society, modern courts were directly connected to the nation state, serving its will.**

5. In Bahrain a personal status law claimed to be '*dictated by the Shari'ah*' is currently being drafted and debated. However, it repeats the process of law-making and the culture (with some differences to accommodate Bahraini tribalism and extended family) and substance of the Egyptian law (for examples, see p.7).
6. **Across Muslim countries, personal status laws are claimed to be dictated by the *Shari'ah* but are different in philosophy and specifics.**
7. **Islamic personal status laws diverge from the *Shari'ah* and pre-modern *Shari'ah* law in three main ways:**
 8. The **philosophical approach to gender and law** is borrowed from European notions. The State's sanctified and fortified the family in a way that **assures an unequal system that denies freedoms to certain sections of society (women and children) who have been placed in the hands of another section (adult males);**
 9. The application of the law in courts made no reference whatsoever to the pre-modern *Shari'ah* court records that stretch all the way back to the 9th century. **Ignoring legal precedent means there was '*a clear break in the practice of Shari'ah laws between the modern codified period and the pre-reform period*'; and**
 10. The **codified laws are inflexible and more limited to one *madhhab***. Modern, fill-in-the-blank marriage contracts leave no room for the type of conditions that women used earlier to define the types of marriages that they wanted to transact.
11. Instead of choosing other options from the range possible within premodern approaches, **the codifiers of the new laws chose to codify the most patriarchal forms of marriage**. The marriage contract is a case in point. Codification 'granted a man the right of dominion over the woman in marriage'. '*Given the diversity within Islamic juristic thought and practice, fiqh sources could have also been used to derive a different set of laws and a different marriage contract*' that reflected justice and gender equality. The paper discusses similar examples of how the new codified laws offered women fewer rights in divorce, obedience (*ta'a*), the ability to negotiate conditions to the marriage contract, dower (*mahr*), guardianship and custody.
12. Codification may have given women '*a greater public and state administrative role*' but it has also deprived women of '*maneuverability, flexibility, power and even certain substantive advantage in the laws*' because the laws are presented as being *Shari'ah* law with religious sanctity and are therefore impossible to change. So any **challenge to family laws must:**
 - **Reveal the true origins of these laws and the process through which they were established;**
 - **Compare the practice of law and development of *fiqh* across time and place; and**
 - **Develop new laws by using the methods that were used before the modernisation era.**

FAMILY LAW IN CONTEMPORARY MUSLIM CONTEXTS: TRIGGERS AND STRATEGIES FOR CHANGE

by Cassandra Balchin

Summary

This paper concentrates on developments in the last four decades. During this period, two forces have emerged that have particularly focused on family laws: women's collective action on the one hand, and on the other religious fundamentalism. This paper explores the strategies used by women to promote equality and justice in the Muslim family as well as to resist regressive reform. The paper concludes that the relative success of these strategies indicates that positive change is possible.

The main points of the paper are:

1. **Family laws in Muslim societies are based on diverse sources of law.** These range from '*various interpretations of the Qur'an and the Sunnah, to colonial common law, the Napoleonic Code and the Soviet code*'. This leads to a diversity of legal systems and practices. The outcomes for women in Muslim families are also thus very varied, some with more and some with fewer rights (see pp. 2–3).
2. **These diversities 'explode the myth of one homogeneous 'Muslim world'.**
3. **But one commonality exists:** laws and practices, no matter how damaging to women's rights, are usually justified with reference to Islam or '*the preservation of a religious-national/religious-ethnic identity*'.
4. Demands for equality and justice have arisen largely out of women's lived experiences that **legal systems as they currently stand do not meet women's needs**. Such demands have been visible for decades, even centuries, but have become more visible as a collective demand and have gathered pace since the 1980s. Society as a whole has become more receptive to the concept of equality and justice in the family, and today even right-wing political parties based on religious identity must at least claim that their positions favour women's rights. Meanwhile, some men have stood up against patriarchal oppression.
5. **The strategies used by activists to demand an expansion of women's rights in family laws** include:
 - Exposing the failings of current family laws through careful research of women's lives (see pp. 5–6 for examples from Iran, Malaysia, the Horn of Africa and the global network Women Living Under Muslim laws). Comparative research has been '*particularly popular because revealing similarities and diversities... strengthens analysis of the power structures that underlie these experiences*'.
 - Consensus-building and developing broad-based platforms have helped consolidate women's efforts and mobilise public opinion (see pp. 6–7 for examples from Turkey, Morocco and Syria).
 - Lobbying with lawmakers and raising the political stakes, despite women's tendency to have a lesser voice, has been successful as in the expansion of divorce options for Egyptian women in 2000.
 - Focusing on procedural amendments is a useful strategy when the political environment limits substantial legislative reform, also as in the Egyptian experience.
 - Strong communications and public advocacy has been important to several successes in achieving equality in family law and practices. Effective campaigns can '*inspire women across social classes*' as in the case of Algeria's '20 Years Is Enough' campaign.

- Demands for equality from within the framework of religion through *ijtihad* and the use of jurisprudential tools as the basis for positive family law reform is not new. The difference within the contemporary context is the growing confidence with which the claim to *ijtihad* is being made by female scholars and theologians and by women's groups, focusing on self-education in *fiqh* and *tafsir* (see p.10 for examples from Malaysia and Iran).
 - One of the most successful strategies has been to use a comprehensive framework to reconceptualise the family. This framework '*combined not only the process of reclaiming jurisprudence and emphasising the compatibility of Islam with concepts of human rights, but also documenting women's realities and appealing to social reality, highlighting women's citizenship, and emphasising the country's obligations under international human rights law*'. This strategy was successfully applied for instance in Morocco.
6. Meanwhile, **Islamisation has facilitated some regressive law reforms**. In countries such as Malaysia, Pakistan, Sudan, and Iran the State has considerably obstructed or reversed women's access to justice. Elsewhere, the State has succumbed to the demands of Islamists with a negative impact on women's rights (see pp. 13–14 for examples from Algeria, Bangladesh, the Philippines and Uzbekistan).
 7. Given that **women** are often seen as '*repositories, reproducers and gatekeepers of the cultural and national collectivity*' this has often meant that they are at '**the receiving end of legal reforms and the manipulation of cultural symbols such as family laws and dress codes**'.
 8. Regressive reforms are always characterised by the 'lack of space for debate and intolerance of dissent or alternative interpretations'. **International networking** has been a vital strategy of resistance for women's groups in such situations, and has also contributed to successful family law reform.
 9. **Law reforms alone are not sufficient to ensure the empowerment of women**. A long-term plan to change attitudes is needed. This requires **legal empowerment programmes** that consciously seek to unravel the linkages between custom, religion, legal practice and statutory law thus making for an understanding of the structure of oppression.
 10. It can be difficult to **assess the impact of family law reform**, which may take many years to show. However, **a failed campaign can have positive outcomes** such as the creation of useful alliances and '*the strengthening of analysis, the public awareness raised, the experience gained through interaction with the political and law-making structures, and the numerous related social issues raised*'. All these will lead to '*deeper, wider processes of change*'.

WOMEN'S PLACE AND DISPLACEMENT IN THE MUSLIM FAMILY: REALITIES FROM THE TWENTY-FIRST CENTURY

by Kamala Chandrakirana

Summary

Using examples from across the world, this paper describes the realities of the lives of Muslim women today and shows how the Muslim family is changing in the 21st century. The paper argues that this picture means we need *'to acknowledge that gender equality and justice in the Muslim family have become undeniable necessities...'*

The main points of the paper are:

1. **The Muslim world has never been isolated from the progress and challenges facing humankind** and at times has been one of its most influential forces. A new vision of the Muslim family should be as much rooted in the realities of today as it is inspired by the visionary values of Islam.
2. **Over the past decade, the numbers of Muslim women in the labour force have been increasing.** According to the International Labour Organisation (ILO), Southeast Asia, where there are several Muslim majority countries, has the third highest active female labour force participation rate in the world. Although North Africa and the Middle East have the lowest global rates of female labour force participation, between 1990 and 2003 the Arab region *'witnessed a greater increase in women's share of economic activity than what took place in all other regions of the world, at more than 6 times the global rate.'*
3. **Many Muslim women are migrant workers.** In Asia, with more than half of the world's Muslim population, the number of women migrating from their home countries has surpassed that of males. In Muslim majority Indonesia for example, almost 80% of all migrants leaving the country are women. Migrant women workers are employed in all sectors, especially the service sector where the work varies from domestic help to the sex industry and everything else in between.
4. **When women work their family benefits.** *'Various studies show that compared to migrant men, migrant women regularly and consistently send a higher proportion of their earnings overseas to their family in the home country.'* This means that in reality both women and men are breadwinners in today's world.
5. **According to UN statistics, up to 80% of the world's internally displaced people and refugees are women and children.** Thus women often become heads of household under the most difficult circumstances, including in Muslim contexts in places such as Darfur.
6. 20% of households worldwide are headed by women. Some examples in Muslim countries of the percentage of **female-headed households are: 7% in Pakistan; 15% in Morocco; and, 29% in Mauritania.** However, laws and policies that see only men as heads of households deny women a proper contribution to household decision-making. This impacts on children negatively. According to UNICEF, *'In families in which women are the key decision-makers, the proportion of resources devoted to children is far greater than in those in which women have a less decisive role.'*
7. As active economic actors Muslim women have increasing influence in the socio-political life of their nations. Yet **Muslim family laws tend to undermine women's rights and disregard women's real contributions to the family and the community.** For example: (1) women are expected to obey a male head of household, which can lead to women's right to work and travel being curtailed. (2) Women are discriminated against in inheritance. (3) Limited rights to divorce in some Muslim contexts mean women

are forced to forgo their financial rights in order to be able to divorce. (4) Other discriminations in Muslim family laws relate to polygamy, child custody and provisions which either permit or facilitate violence against women.

8. Within the framework of human rights, in which governments hold the ultimate responsibility for the fulfilment of the human rights of all their citizens, **these laws constitute a serious violation of human rights.**
9. As the roles of women **in society and hence their consciousness are changing, gender relationships are also evolving which is changing dynamics within and beyond the family.** For example, according to the UNDP Arab Human Development Report 2005 which conducted a public opinion survey in Egypt, Jordan, Lebanon and Morocco, at least half of the men and nearly all of the women surveyed disagreed with the practice of polygamy. And even those who did agree with it linked their approval to the agreement of the wives concerned.
10. Muslim women are not just contributing in economic terms to their societies. For instance, Afghan women outside Afghanistan contributed to the development of their country's new constitution. New ideas, skills, attitudes and knowledge brought back by returning women migrants are recognised by the United Nations as 'social remittances'. **More and more Muslims are accepting, by choice or through the force of survival, unprecedented roles for women in the economy and in politics.**
11. **Muslim women have found new ways of organising and building solidarity among fellow women and with their allies.** Their concerns and interests are now more effectively expressed and are more successfully integrated into political decision-making, at both national and international levels.
12. *'Forward thinking and insightful Muslim theologians are also increasingly taking public positions in support of women's rights.'*
13. **All of these developments have led to breakthroughs in several Muslim countries and communities regarding legal reforms that promote women's rights and gender equality.** For instance, Indonesia's 2004 Law on the Elimination of Domestic Violence criminalises not only physical abuse within families but also marital rape and violence against non-family members who live and work in the home, namely domestic workers. Other important examples include Turkey's reformed 2001 Civil Code and Morocco's 2004 sweeping revisions of its family law, the *Moudawana*.
14. **Many Muslim societies are undergoing unprecedented changes, especially brought about by globalisation, war and poverty.** Some countries within the Muslim world have developed laws on marriage and the family which match women's active roles in the economic, social and political arenas. These progressive laws are themselves a product of Muslim women's leadership in society.
15. But **many laws governing the Muslim family no longer fit these new realities.** A stubbornly unchanged vision of Islam that regards women as inferior to men and therefore undeserving of a life of equal worth and dignity, could lead to the religion losing its relevance for men and women of the future.
16. **A new vision of Islam which affirms women's humanity and leads to gender-sensitive laws is both necessary and possible. The time to make this a reality throughout the Muslim world is now.**

THE HUMAN RIGHTS COMMITMENT IN MODERN ISLAM

by Khaled Abou El Fadl

Summary

This paper discusses the tensions between the Islamic tradition and the human rights system of belief and explores the possibilities for achieving reconciliation between them. It focuses on the concepts within Islam that could legitimise, promote, or subvert the emergence of human rights practice in Muslim societies. The author believes that even if Islam has not known a human rights tradition, it is possible to build such a tradition with the right amount of intellectual determination, analytical clarity and social commitment.

The main points of the paper are:

1. **Human rights have become a significant aspect of international relations.** They are also used as a medium for expressing dissent and making demands on national governments. This is the case particularly for women's rights activists.
2. However, even though Muslim countries were involved in drafting several international human rights documents, **in the world today the humanistic tradition in Islam has been systematically undermined and devalued.** There is also a considerable tension between traditional Islamic law and human rights norms, especially regarding personal status laws, equal rights for women, freedom of religion, and harsh Islamic criminal penalties for offences such as theft, adultery, and apostasy.
3. Partly due to the colonial experience where concepts related to human rights were used to justify imperialist policies, **Muslim societies have responded to the challenge of human rights in two broad ways:**
 - **The 'apologists' argue that any worthwhile modern institution was first invented by Muslims.** According to the apologists, Islam liberated women, created democracy, endorsed pluralism, and protected human rights, long before these institutions ever existed in the West. Unlike the complex discussions of rights in premodern Islam, the apologist approach has led to false confidence and a lack of systematic philosophical and theological debate of the issue of human rights in Islam.
 - **The 'exceptionalists',** such as the puritan Wahhabi and Salafist movements that emerged during the colonial period, claim that all the challenges of today's world can be resolved by a return to the original sources—the Qur'an and the *Sunnah*. The main aim of the puritans is to highlight Islamic uniqueness, **reject all universalisms except the universals of Islam and to use this to oppose the West.** Since international human rights are seen as distinctly Western in origin, they are opposed on these grounds alone. So there has been no examination of what could be both genuinely Islamic and consistent with human rights.
4. **Religion and human rights are both systems of conviction,** which believe certain opinions to be right and good because that is so. Some individuals do not see any irreconcilable conflicts between their commitment to human rights and their religious convictions. The potential tension between religion and human rights lies in each system's analysis of reality and the related rules humans develop.
5. **Some attempts have been made to reconcile Islam and human rights.** Some try to identify basic Islamic values such as tolerance, dignity, or self-determination, and utilise this as a door by which the human rights tradition may be integrated into Islam. Others take the view that God's original intent was consistent with a scheme of greater rights for human beings but that human sociohistorical experience

has failed to fulfill this intent. The paper argues we need to go further. One path towards a human rights commitment in Islam, is to visualise God as beauty and goodness, and to engage in a collective human enterprise of beauty and goodness as a way of realising the divine in human life.

6. For the premodern jurists, *Shari'ah* was not the law of the state but the law that limited the state. But **reliance on *Shari'ah*, or on Islamic texts, is not a sufficient guarantee of human rights. What is needed is a commitment by the interpreters of the law in favour of such rights.** A government could faithfully implement the technical rules of *Shari'ah* (about criminal penalties, usury, rules of modesty and other rules), but still violate the rights of human beings and be a government of unrestrained powers against its citizens. This is because saying a government should be bound by *Shari'ah* is vague; instead people must identify what they believe is the core moral purpose of *Shari'ah* and introduce a process that limits the ability of the government to violate those core moral values.
7. **Those who insist that God is the sole legislator and the only source of law seem to imagine that humans can access the mind of God and can carry out the divine will without inserting their own human subjectivities in the process. Also, this assumes that God seeks to regulate all human affairs.** Is it not possible that God leaves it to human beings to regulate their own affairs as long as they observe certain minimal standards of moral conduct? Such standards would include the preservation and promotion of human dignity and honour because, according to the Qur'an, humans are the most valued among God's creation.
8. There is a tension between the obligation to live by God's law and the fact that this law is manifested only through subjective rules. This leads to the question: is there a correct legal response to all legal problems? There are two schools of thought on this. The *mukhatti'ah* argue that ultimately there is a correct answer to every legal problem. However, only God knows what that is, and the truth will not be revealed until the Final Day. The *musawwibah* argue that there is no specific or correct answer and that if there were a correct answer then God would have made the evidence indicating a divine rule conclusive and clear. The first school suspends knowledge until we are done living, and the second school hinges knowledge on the validity of the process and the ultimate sincerity of belief. Either way, **a state law cannot be said to be God's law. At most, it is potentially God's law** (either because correctness is proved on the Final Day) or it depends upon the sincerity of the belief of the person who decides to follow it.
9. **Thus, a code is simply a set of commandments that are informed by an ideal (the *Shari'ah*), but do not represent the ideal.** Once Muslims are able to assert that morality is divine but law and rules are mundane, this will represent a major advance in the attempt to justify a human rights paradigm in Islam.
10. **The Qur'an does not define what constitutes justice and this has not been explored in Islamic doctrine.** However the Qur'an regards achieving justice as a unique human responsibility and something that can be recognised through intuition, reason, or human experience. Given that responsibility for justice has been delegated to humanity (in its role of viceregent or *khilafa*), justice ought to control and guide all human efforts at understanding *Shari'ah*. **In the author's view, justice and whatever is necessary to achieve justice is the divine law and is what represents the supremacy and sovereignty of the Divine.**

11. What are the possibilities for individual rights in Islam? According to the premodern jurists, the welfare of the people is divided into three categories: necessities (*daruriyyat*), needs (*hajiyyat*), and luxuries (*kamaliyyat* or *tahsiniyyat*). State law and policies must fulfil these in descending order of importance—first, the necessities, then the needs, and then the luxuries. The necessities are further divided into five basic values: religion, life, intellect, lineage or honour, and property. However, Muslim jurists did not develop the five basic values as conceptual categories and then explore their theoretical implications. Instead they took a simplistic, rule-bound approach and for example contended that the prohibition of murder was sufficient to serve as the basic value of life. **Today, the basic five values of necessities (daruriyyat) could act as a foundation for a systematic Islamic theory of individual rights.**
12. God will most certainly vindicate God's rights in the Hereafter in the fashion that God deems most fitting, but, on this earth, our primary moral responsibility is the vindication of the rights of human beings. Thus, **a commitment in favour of human rights is a commitment in favour of God's creation, and ultimately, it is a commitment in favour of God.**

OPENING SPEECH

by Zainah Anwar, Musawah Project Director
Global Meeting for Equality and Justice in the Muslim Family
14 February 2009, Kuala Lumpur

Assalamu Alaikum Wa Rahmatullahi Wa Barakatuh

Professor Yakin Erturk, the UN Special Rapporteur on Violence Against Women, Kamala Chandrakirana, Chairperson of the Indonesian National Commission on Violence Against Women and a member of the Musawah Planning Committee,

Ladies and Gentlemen, Good morning.

Welcome to Kuala Lumpur and welcome to this Global Meeting to launch Musawah, a Global Movement for Equality and Justice in the Muslim Family.

This is a historic event. This is a groundbreaking event. We have here today about 250 participants from 47 countries. We are activists, academics, policy makers, Members of Parliament, judges, entrepreneurs, professionals – all leaders, all shakers and movers, with the courage of our convictions to demand and create a better life and a better world. Who says Muslim women are oppressed, discriminated, silenced and victimised? We are not and we refuse to be.

For decades now, we, all of us here, living in Muslim countries and in minority communities in different parts of the world have been pushing for law reform to recognise equality between men and women, and to protect positive provisions in our laws against attempts to roll back the rights we have gained.

No one ever said law reform is easy. Opposition to our efforts comes from very powerful forces, and they come in the name of religion and state-sanctioned patriarchy. Just these last weeks running up to Musawah, we read news from Bahrain that the government had to withdraw the personal status code from Parliament because of objections from the patriarchs in the elected assembly. There was news of a petition to the Saudi government on the issue of forced divorce where a woman was forcibly divorced from her husband on the basis of “tribal incompatibility”.

In Kano, Northern Nigeria, the Hisbah Police blocked a planned protest by divorced women, saying the idea of street protests was “un-Islamic”, and “morally wrong”.

In Nepal, hundreds of divorced Muslim women took to the streets in the town of Nepalgunj to protest against ‘talak’ and to demand for compensation and the equal division of assets upon divorce.

There are representatives from all these countries here today. They are here, we are here, the young women from our countries who have organised themselves into a young women’s caucus for Musawah, are here, because we want to tell the world, we want to tell our leaders that we will no longer accept the use of Islam to justify discrimination against women.

Very often Muslim women who demand justice and who want to change discriminatory laws and practices are told, ‘this is God’s law’ and therefore not open to negotiation and change. To question, challenge, or demand reform will supposedly go against *Shari’ah*, weaken our faith in God and lead us astray from the straight path. We are often accused of being westernised elites, anti-Islam, anti-*Shari’ah*, women who have deviated from our faith – our *aqidah*, and our *iman* are weak. Reports are made against us to the police, to the religious authorities to take action against us, to silence us, to charge us for insulting Islam and to ban our groups.

But we will not be silenced and intimidated. As activists, we all know that in order to bring change we must not be afraid to speak the truth as we see it, to be angry in the face of injustice, to take difficult positions and to be marginalised and condemned.

For many of us here, it is an article of faith that Islam is just and God is just. If justice is intrinsic to Islam, then how could injustice and discrimination result from the codification and implementation of laws and policies made in the name of Islam? This is the twenty-first century. And today, we once again assert there cannot be justice in this world, without equality.

Ladies and Gentleman, I know we come from different backgrounds here. Some of us have worked for equality and justice within the framework of religion and believe it is possible to find liberation within religion. Others have worked strictly within the human rights framework as they believe that to work with religion where patriarchal interpretation prevails and *ijtihad* is forbidden is a waste of time. As I was often told in the early days of Sisters in Islam, attending meetings of women's groups in the region, "Why do you bother? For every one interpretation you can offer, the mullahs can offer 100 more. This is counter productive, because you cannot beat them at their game."

But what this did was to leave the field open to the most conservative forces within Islam to define, dominate and set the parameters of what Islam is and what it is not. They defined for us what Islam means, how to be a Muslim, how to be a good Muslim woman, wife and daughter and then prescribe for us laws and policies that keep us shackled as second class Muslims and second class citizens. And then when we protest, they tell us to shut up because they say we have no authority to speak on Islam. They have all the answers.

Obviously they do not have all the answers. Because if they do, we would not be mobilising and meeting here today to find solutions to the discrimination we suffer in the name of Islam. If Islam is used as a source of law and public policy, then we must say, all citizens must have a right to speak on the subject, Muslims or non-Muslims, experts or non-experts. Public law, public policy must by necessity be opened to public debate, and pass the test of public reason.

Why is it nobody demands from us a degree in political science or economics or social studies before we can talk about the politics, the economic policies or the social ills of our country? But when it comes to talking about Islamic laws and their impact on our daily lives, we need a degree in Islamic studies, we must be able to speak Arabic before we can speak up. Then even when we have the qualifications, they say we must wear the hijab before we can claim to speak on Islam. And even when we wear the hijab, then they say our ideas are against Islam.

So the issue is really not about our qualifications to speak about Islam, is it? It is about the demands we make that makes life uncomfortable for those who have long been privileged.

In a world where women's rights are considered part of human rights, where modern constitutions of Muslim countries recognise equality and non-discrimination, where women's daily realities make them the providers and protectors of their families, the continuing discrimination found in family laws in much of the Muslim world is today untenable and indefensible.

There is clearly a disconnect between the realities of our lives today, and the family laws that govern us. Thus our presence here.

Why Musawah

Ladies and gentlemen, let me share with you a little bit the genesis of Musawah. In March 2006, Sisters in Islam organised an International Consultation on 'Trends in Family Law Reform in Muslim Countries' here in Kuala Lumpur. The meeting brought together Muslim activists and scholars from South-East Asia, Turkey and Morocco (two Muslim-majority countries with recent successful family law reform campaigns), Iran, Pakistan, the United Kingdom, and the United States, to share knowledge and strategies on family law reform. We felt the time had come for us to build an international network of women's groups in the Muslim world that have for decades been working on family law, to share scholarship, strategies, and best practices.

We felt it was important for us to bring to international attention that there is already a "paradigm shift" in Muslim theological and jurisprudential scholarship, that there is the possibility of reconciling the teachings of Islam with human rights, with women's rights. This sharing we hoped would develop the international discourse and public voice that assert equality is possible within Islam and will build the momentum to propel forward our efforts to protect existing rights in Muslim family laws and practices and promote our demands for reform of the discriminatory provisions at the national and regional levels.

As the initiator of the idea, Sisters in Islam of course had the privilege of inviting the activists working on family law reform in their own countries and some scholars we have been working with all these years to join the international planning committee we wanted to set up. Some jumped at the opportunity to be a part of this movement building, others demurred not so sure, not so comfortable about working and engaging with the religion in this very public way.

At first we thought, we would just organise an international conference with about 100 participants. But at our very first planning meeting in Istanbul in March 2007, we decided that what we were actually talking about was movement building. We looked at the Violence Against Women movement as a model. How some 25 years after it began, more than 60 countries in the world today have laws that make domestic violence a crime. How as an international movement, it developed the analysis to understand all forms of violence against women and gave support to national groups to provide shelter services and share strategies in law reform, and awareness raising.

Can we dare hope that within the next 10 years, 25 more countries in the Muslim world will join Morocco and Turkey to have a family law that regards marriage as a partnership of equals, where the legal framework recognises equality between the husband and wife, where we will have the equal right to marry, to divorce, to have custody and guardianship of our children?

Ladies and Gentlemen, what Musawah brings to the larger women's and human rights movement is this:

- an assertion that Islam can be a source of empowerment, not a source of oppression and discrimination.

- An effort to open new horizons for rethinking the relationship between human rights, equality and justice, and Islam.
- An offer to open a new constructive dialogue where religion is no longer an obstacle to equality for women, but a source for liberation.
- A collective strength of conviction and courage to stop governments and patriarchal authorities, and ideological non-state actors from conveniently using religion and the word of God to silence our demands for equality, and
- A space where activists, scholars, decision makers, working within the human rights or the Islamic framework, or both, can interact and mutually strengthen our common pursuit of equality and justice for Muslim women.

As a start, the planning committee has produced three publications that we hope will help lay the foundation for Musawah as a knowledge building movement. 'Wanted: Equality and Justice in the Muslim Family', the Musawah Framework for Action, which articulates our principles and values to guide the movement, and *Home Truths* which grounds our movement in the lived realities of Muslim women's lives with reports submitted by participants from 31 countries, all of whom are here today.

We are also building a resource rich website to promote the principles of Musawah and the substantive arguments for family law reform using the holistic four-level approach we have adopted: how do we justify equality and non-discrimination at the Islamic, constitutional, human rights and lived realities levels. For this approach, we owe a debt to the Maghreb 95 and their Guide to Equality and in particular to our friends in ADFM, Morocco, Amina Lemrini who has been a part of Sisters in Islam meetings, and to Rabéa Naciri who joined the Musawah Planning Committee to share with us their experience and their strategies. Ladies and Gentlemen, this is very much a work in progress. We do not claim to know all the answers or be able to provide all the answers. In one way or another we are all experts here, experts in scholarship, experts in the lived realities of life as a Muslim woman. But we are also all asking questions, seeking answers to some of the biggest questions facing our societies today. This is but a beginning for all of us to come together to think, to feel, to question what it means to be Muslim in the twenty-first century and what it means to be a feminist within a Muslim context at a time when identity politics, hegemonic rule and the War on Terror rain their ugly impact on us.

We hope over these four days, we will have a very constructive engagement among ourselves, where we will learn more from each other why equality is necessary and why it is possible within Islam, where we will not be afraid to ask questions such as where is the justice for us in Islam, where we will share experiences and strategies of successes to follow and pitfalls to avoid, where we will make new friends and allies and know that we are not alone. And I hope at the end of this Global Meeting, we will leave Kuala Lumpur feeling empowered, and strengthened as a collective, confident that together we will form a global force for change in the Muslim world.

Thank you.

Annexe 2

How You Can Get Involved

Knowledge Building

- Share examples of best practice in laws, successful campaigns to promote and protect equality in the family, texts of relevant laws and constitutions, research on family laws and practices, life stories, and so forth. For example, collect life stories of women in your country as part of the *qiawah* project or share legal frameworks or socio-economic data on how *qiawah* works in practice in your country.
- Attend a Musawah training on 'Understanding Islam from a Rights Perspective'.
- Organise a national or regional training or workshop in collaboration with Musawah to promote analyses and advocacy strategies that advance equality and justice in Muslim families.

Outreach

- Share your experiences and resources about specific family law issues, strategies and advocacy campaigns around family laws and practices, or initiate and engage in discussions about family laws and practices with other Advocates and allies on various Musawah platforms.
- Form an Affinity Group based on national, regional, thematic or contextual affinities with other individuals or groups in order to strengthen your collective action.
- Join an existing Affinity Group that meets your needs for solidarity and support.
- Organise a national or regional meeting in preparation for the next Musawah Global Meeting in 2013.

International Advocacy

- Join the CEDAW shadow reporting process in your country and/or ensure that your shadow report emphasises that equality and justice in Muslim families are necessary and possible.

- Attend the CEDAW Session when your government reports to the CEDAW Committee and engage with CEDAW Committee members to break the myths that Muslim laws and practices cannot be based on equality and that Muslim communities are not ready for equality.
- Request Musawah to submit a thematic report to the CEDAW Committee on equality and justice in Muslim families in response to your government's report, if there are no NGOs from your country able to contribute to a shadow report or if the shadow reports from your country do not address Muslim family laws and practices.

Communications

- Get engaged in online discussions on the Musawah networking platform.
- Share your updates on family law issues and practices with the rest of the Musawah community through Musawah Vision.
- Contact us at musawah@musawah.org, visit the Musawah website (<http://www.musawah.org>), interact with us on [Facebook](#), or follow us on Twitter ([@musawah](#)).
- Subscribe to Musawah Vision, our quarterly e-newsletter.
- Become a Musawah Visionary: make a fixed-term agreement with Musawah to contribute information, news, or analyses in the form of interviews, photographs, films, articles, or documents for sharing through the website and Musawah Vision.
- Contribute to the development and sharing of Musawah communications products (books, reports, films, audios).



FACILITATOR NOTES

For the facilitator

Why have Facilitator Notes?

These Notes accompany the *Toolkit for Advocates: Sharing the Musawah Framework and our Key Messages*.

At the end of each section in the Toolkit, there are some suggested questions to discuss – either as a group or for individual Advocates to think about on their own. As a way of helping anyone facilitating these discussions, these Notes provide a brief guide to what issues the questions aim to explore. Some of them point to flashpoints that may be difficult for people to discuss, either because they are sensitive or they challenge dominant ways of thinking.

However, these may not be the only issues that surface during the discussions, and as a facilitator you should feel free to take the discussion in whatever direction and to whatever depth is most useful in your context and for your participants.

Make sure you also read the introduction to the Toolkit itself, as this may give you more ideas about how to use it.



How are the Notes organised?

Each section in these Notes follows the same order as the sections in the main Toolkit. The various sections of the Toolkit (and therefore these Notes) can be used in any order that works best for you – there is no ‘right’ or ‘wrong’ sequence.

For convenience, these Notes reproduce the To Talk About parts for each section of the Toolkit and adds the guiding points highlighted at the top of the page in a box. Please note that each guiding point does not necessarily correspond to a question in the To Talk About part; the guiding points are more about the overall aims of the questions. Each section is separate so you can print it out or photocopy it to have with you during a session.

As a facilitator, you may be using the Toolkit with Advocates and participants who have varied levels of experience and interest in the issues. So, in some sections we suggest additional questions for those who are more experienced as rights activists. But you may decide that your participants, even if they are less experienced, may be interested in these questions; it’s up to you, the facilitator, to decide which questions to discuss.

We hope these Notes help you and your group to explore the Musawah Framework in ways that inspire you to become an active part of our global movement to ensure equality and justice in the family!

Why ‘Musawah’?

This discussion explores:

- The challenges of a multi-lingual, transnational movement which brings together people from many cultures;
- How our traditional sayings and cultures can sometimes support equality.

To talk about

What would have been the advantages and disadvantages if we had decided to use a different language for the name of our movement?

Does it matter how you pronounce ‘*musawah*’? What if your first language is not Arabic?

Some cultures have words and traditional phrases that seem to support gender equality. In parts of South Asia they say, “Women and men are like the two wheels of a bicycle.” Can you think of words and sayings in your language?

This discussion explores

- Our individual and organisational diversities as well as the diversity of Muslim contexts (which can be manifested in different laws and practices, different legal systems, different attitudes towards law); and nevertheless the similarities we share;
- What it means to be an organic movement, rather than an organisation.

To talk about

Does being 'global' mean that all the groups and individuals who are Musawah Advocates are (or have to be) the same? What do we share and what might be different?

How do our similarities and differences affect this movement?

Does your country have a Muslim majority or a Muslim minority? Does it have codified or uncoded laws? Laws based on religion and custom or laws that are called 'secular'? Do people follow the law or do they follow customs and practices?

If there is a country with no Musawah Advocates, should we search for them, create them, wait for them to contact other Advocates or find us through the website, ignore this gap...?

Movement

This discussion explores

- What movement means to you, the advantages of collective action and the idea that being part of a movement also carries responsibilities;
- What Musawah needs to do to become an effective movement;
- For more experienced activists: how the different forms of collective action work in theory and in practice.

To talk about

If you are already a Musawah Advocate or if you or your group are thinking of becoming one, what do you think might be the benefits of being part of a movement like Musawah for your work towards equality and justice in the family? How could you strengthen the work of others in the movement?

What are the differences in the ways that people and groups in a movement, a network and an organisation relate to each other?

If you are already part of Musawah, how has your relationship with the movement been so far? Is there anything you would like to change and if so, how?

Is Musawah already a movement?

Equality in the family

This discussion explores

- Local priorities for achieving equality in the family;
- What achieving equality in the family means to each of us personally;
- Our knowledge about what family law texts actually say;
- For activists familiar with legal matters: concrete proposals for change towards equality, including where laws have already moved towards equality.

To talk about

If you had magical powers, what is the one family law or practice that you would change immediately?

Acknowledging that ‘family’ means different things to different people and is varied across cultures, what do you think substantive equality in the family would look like in families you know?

In concrete terms, what laws and practices need to change so you can achieve equality in the family in your context?

Regarding the question immediately above, look at the text of the current local family law (if there is one in your country) and think about whether the main problem is with the law, with practices, or both.

If there is already a codified (written) family law in your country, or a draft law, can you suggest new wording that would strengthen its provisions in line with substantive equality?

Equality and justice in the Muslim family *are necessary*

This discussion explores

- The lived realities that make equality in the family necessary;
- The gap between the theory and practice of family laws; the roles and responsibilities of the spouses in theory (in laws and customs), and how these responsibilities work in practice;
- The role of laws, and the limitations of laws, in changing social attitudes.

To talk about

What makes equality and justice in the family necessary in your country or community? How far do family laws and practices meet women's needs and their lived realities?

How do existing injustices impact on women and families?

In your experience, how are family law issues connected with other areas of life?

Is changing the law sufficient to achieve equality and justice in the family?

The *time* for equality and justice is *now*!

This discussion explores

- The changes in women's economic activity in Muslim societies, and the factors involved (which might include some or all of: access to education, access to contraception, conflict and displacement, poverty, migration, globalisation, women's rights movements, drug addiction and other factors);
- The gap between the theoretical rights and duties laid out in Muslim family laws (both codified and uncoded) and how these rights and duties work out in practice, for example whether men are really sole providers and women are always dependent;
- The impacts of this gap between laws and reality on rights and on individual lives;
- For activists familiar with advocacy: the challenges in building advocacy for a change in laws and attitudes.

To talk about

How has the economic activity of women changed in your country or community in the past few decades? Do you feel there are more or fewer women-headed households?

What has caused these changes?

How have these changes affected family relationships?

Are the laws and practices in tune with these changes and impacts? How has this affected women in particular?

Do you know of any Muslim scholars who are talking about these issues, in your country or elsewhere? If there are some that are taking a rights-based position, how can you support their work, and if they are not visible how could you find out about them or create the opportunities for them to emerge?

As women's rights activists, how can you create the evidence and demand for change in laws and customs relating to the rights and responsibilities of the spouses?

Equality and justice in the Muslim family are *possible*

This discussion explores

- The diversity of Muslim family laws and practices over time and place, leading to the idea that humans shape laws and practices;
- The concrete and specifically local factors that make equality and justice in the family possible;
- Strategies for achieving the goal of equality and justice in the family, at both personal and community/national levels.

To talk about

Think about the way your grandparents experienced family laws and practices. Are there any similarities and differences with your experience? Do you know of any community or country that has different practices and Muslim family laws from the ones you experience?

Some people say Muslim laws and practices are divine and so cannot change. What does diversity in laws and practices tell us about the space for change?

What makes equality and justice in the family possible in your country? How could you, as an individual or as part of a group, expand these possibilities or take advantage of them to improve your own situation and the situation for others?

Holistic framework

This discussion explores

- Why Musawah has chosen a holistic framework;
- The possible inter-actions between the four approaches that comprise the holistic framework;
- How the holistic framework relates to a real context;
- The participants' capacities, and also possible suggestions for future Musawah capacity-building.

To talk about

What do you think are the advantages of using a holistic framework to analyse and advocate for equality and justice in the Muslim family? Are there any disadvantages you can think of?

Can you think of advocacy work in other areas of rights activism that has successfully used or is using a combination of approaches? What does this tell you about using a holistic approach in arguing for equality in the family?

In your context, is any one of the four approaches more or less effective in advocating for equality in the family? What combination, if any, might work best for your context?

What gaps in knowledge do you have about each of the four approaches? How could they be used in your context to support equality in the family?

Why equality *and* justice?

This discussion explores

- How our interpretations of important ideas reflect changes in society;
- Major social changes that have taken place compared to earlier Muslim histories;
- For activists with some experience in debating abstract ideas: The differences and relationship between equality and justice.

To talk about

What changes do you think happened in the 20th century that made equality, and especially gender equality, an essential part of understanding the concept of justice?

Can you make a drawing showing the relationship between equality and justice? How does trying to draw this relationship help your understanding of the two ideas?

Equality and Substantive Equality

This discussion explores

- The differences between formal and substantive equality;
- Recognising the practical impact of the gap between formal equality and substantive equality in our daily lives;
- For activists familiar with legal matters: the challenges in drafting laws that promote substantive equality.

To talk about

Women and men are biologically different: does this automatically mean they should have different social roles?

Can you share examples of laws and practices that support discrimination, formal equality and substantive equality?

What would substantive equality mean in your life? And what needs to change in yourself and others to move towards equality and justice in the family?

Take one concrete family law issue, and discuss what could be the text for a new family law that would support substantive equality for that issue.

Equality in the family is the foundation for equality in society

This discussion explores

- The links between family laws and practices and the overall development of a society;
- The power structures, and political and social groups that benefit from continuing inequality in the family.

To talk about

Can you think of examples of how inequality in the family affects people's lives outside their home? How would their lives be different if there was equality in the home?

What benefits would equality in the family bring to society as a whole? In your country or community, who supports equality in the family and who resists it, and why?

Families are central to our lives

This discussion explores

- The role of family in our lives, including the positive and the negative;
- Strategies for a positive vision of the family.

To talk about

Discuss any examples you can think about of people who do not have a family. Are they still affected by family laws? If not, why not; and if so, why?

At a conference in 2007 held by AWID (www.awid.org), some women's rights activists called for greater attention by feminists to the family. Some also suggested that feminists need to reclaim the idea of family from patriarchal forces. Do you agree?

What can be done to make families work more as a support mechanism and less as a source of exploitation and discrimination?

Safe and happy space, equally empowering for all

This discussion explores

- The idea that positive and egalitarian behaviour and attitudes in the family are possible and are beneficial for all family members;
- The limits of law as a tool for social change;
- Our own behaviour which may be discriminatory towards people we employ in the family setting.

To talk about

Can you think of examples of families that are safe, happy and empowering spaces or examples of marriages that are a partnership of equals? What is it that they do differently from families that are unhappy?

Are laws enough to ensure the family is a safe and happy space, equally empowering for all? How can attitudes be changed?

Some people argue that non-blood relations such as domestic labourers should also be included in the family and also need to be safe, happy and empowered. What do you think?

The Muslim family and families in all their multiple forms

This discussion explores

- Ways of broadening our understanding of what ‘the family’ means, and what ‘the Muslim family’ includes;
- How some interpretations of ‘the family’ or ‘the Muslim family’ can be discriminatory and exclude some people and families;
- The concept of identity and how we all have multiple identities;
- For activists familiar with the idea of identities: the role of the state and laws in categorising people.

To talk about

Can you think of different types of Muslim families in your context?

What are the similarities and differences with other families?

Here are two short stories based on real people’s lives (the names have been changed to protect their privacy). Discuss what they mean for our understanding of the term ‘the Muslim family’.

Zakia’s family migrated from South Asia to Britain when she was a little girl. She lived most of her life in Britain, and was brought up as a practising Muslim. When she grew up, she became a well-paid professional woman. She didn’t find the men of her community able to accept her as an equal. Instead, she fell in love with and married an Englishman. He did not convert to Islam when they got married but they were able to marry under British civil law. They were blessed with two children, a daughter and a son, both of whom were brought up as Muslims. Zakia is now getting older and has started worrying about what will happen at the end of her life. She wants to be buried as a Muslim but she has been told by some people that because she married a non-Muslim, she was not part of a Muslim family and she cannot be buried as a Muslim. Luckily, she has found some sympathetic scholars who support her desire to be buried as a Muslim.

Shoeib and Fatmeh from Cairo in Egypt were brought up in families that were not very religious. But because their family background is Muslim, under the law they count as Muslim and have to get married by signing a Muslim marriage contract before a Mazoun, a licenced marriage official who has a religious education. They don’t consider themselves a ‘Muslim family’ but an ‘Egyptian family’.

‘Muslim’ is just one identity, label or way of categorising people. Another is ‘woman’, ‘man’. What are some other identities? Are the identities and labels we give ourselves always the same as the labels other people or the state give us? Can you think of anyone who does not fit a neat identity category, and how this might affect their rights in family law and practice?

What does the law recognise as a ‘Muslim family’ in your context? Are there some families which are excluded and which you think should be included?

Builds on centuries of effort

This discussion explores

- How struggles for equality and rights have always existed and how they influence struggles today;
- How it is important to recognise the contributions of all struggles for rights.

To talk about

In each country there have been struggles to advance and protect equality in national laws and constitutions, including in the sphere of the family; can you think of examples from your own country?

Who have been the rights activists, women and men, who have inspired your work? How far back in history does your list go, and how did they inspire you?

To promote and protect equality

This discussion explores

- The differences between “promoting”, “protecting” and “fulfilling” human rights;
- The roles of the state and of non-state actors;
- Identifying potential allies in action to ensure equality and justice in the family.

To talk about

In your context, are women’s rights activists or your organisations mainly focusing on promoting rights, protecting rights, or both?

What aspects of which laws and practices do you think need to be reformed or protected?

In your context, how far is the state helpful in promoting and protecting rights in the family? Are there different parts of the state that are more or less helpful?

In your context, which non-state actors help promote and protect rights in the family and which obstruct advances towards rights?

Led by Muslim women

This discussion explores

- The challenges relating to women's leadership in Muslim societies;
- The possibility that 'Muslim-led' may make some people feel excluded, and what can be done to address this;
- Different ways of thinking about the idea of leadership - is it 'power over', 'power to', 'power with'?

To talk about

What are the possible advantages and disadvantages of publicly claiming women's right to leadership in matters regarding equality and justice in the Muslim family?

How can a movement like Musawah be clear about its specific focus on Muslim societies and at the same time also be inclusive of people who may not be Muslim or may not identify themselves as Muslim?

What kinds of qualities, skills and backgrounds do you think the leadership of a movement for equality and justice should have?

Women and men

This discussion explores

- The role and contribution of men in a movement that focuses on the family and women's rights;
- How family law issues may affect men;
- Possible differences in the behaviour of fathers, husbands and sons towards female members of family in different contexts.



To talk about

Do you think Musawah should include men? How are they affected, if at all?

These are comments from some Musawah Advocates interviewed in August 2010. Do these comments apply to your work or community too?

Publicly reclaim Islam's spirit of justice

This discussion explores

- Power dynamics relating to interpretations of religious sources;
- Thinking strategically about publicly debating a religion's perspectives on the family;
- Different possible meanings of “secularism” and the relationship between religion and public policy.

To talk about

What obstacles do women and other disadvantaged groups face in publicly claiming their right to engage in understanding religious texts?

What are the advantages and disadvantages of publicly debating how Islam's message can apply to today's world and the need for equality and justice in the family?

Should religion influence public policy?

This discussion explores

- How Musawah relates to people of other religions and beliefs;
- Various possible meanings of “citizenship” including ideas that it relates to the realisation of human rights;
- State discrimination against certain groups in society, and how this is manifested in family law matters.

To talk about

How are non-Muslims or people who don't see themselves as Muslims affected by Muslim family laws and practices, if at all?

How can Musawah ensure that everyone affected by injustice and inequality in the family is included in the movement?

What do you think is meant by 'full and equal citizenship'?

Do you think your country or your government ignores some citizens or excludes some people from full and equal citizenship? If so, how does this relate to equality in the family?

Individuals and groups

This discussion explores

- Alternatives to collective action as a form of rights activism;
- The different needs of individuals and groups in rights activism;
- A mapping of existing and potential allies and Advocates in your context.

To talk about

How can individuals contribute to a movement such as Musawah and how can Musawah include them effectively?

What kinds of individuals and organisations are already part of local campaigns for equality and justice in the family? Can you think of others that you could include in your national or regional activities?

Musawah's three areas of work:

Knowledge Building, Outreach and International Advocacy

This discussion explores

- The understandings of the term “knowledge building”;
- The importance of large-scale mobilisation for change;
- The impact of international human rights standards even in remote communities;
- The inter-action between Musawah's three work areas.

To talk about

How might feminist or rights-based knowledge building be different to other types of knowledge building?

Are ideas enough to change the world? Why do we need to build movements? Musawah is a movement supporting rights activists who want to achieve equality and justice in the family in their communities and in their countries, so why does its work areas include international advocacy?

In your view, is one of Musawah's three work areas – knowledge building, outreach and international advocacy – more important for your work or are they all equally important?

Notes



Notes



Notes

