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Contesting Conceptions of Marriage in Islam: Between Tradition and Modernity

ABSTRACT:

The model of marriage as constructed in classical *fiqh* rulings rests on patriarchal ethics that deny gender equality and privilege men. During the 20th century these rulings, which were partially reformed and grafted onto a modern legal system in many Muslim countries, confronted the ideals of universal human rights and gender equality. In this encounter, some Muslims came to see the pre-modern *fiqh* construction of marriage as unjust and discriminatory, and the interpretations of the textual sources on which they were based as hypocritical, or at best contradictory.

In this paper I trace the changing conceptions of marriage in Islamic discourses, from a contract that requires the wife's obedience in exchange for the husband's maintenance and protection, to a partnership of equals. I argue that the current realities of gender roles in Muslim families, and their changing needs, show the limitations of the patriarchal ethics that persist today. Addressing these limitations is not only crucial for the well-being of spouses, children and families in general, but also to maintain the true essence of Islamic justice in today's world.



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BIO:

Dr. Ziba Mir-Hosseini is a legal anthropologist, specializing in Islamic law, gender and Islamic feminism, and a founding member of the Musawah Global Movement for Equality and Justice in the Muslim Family. She has held numerous research fellowships and visiting professorships (most recently at NYU Law School); currently she is Professorial Research Associate at the Centre for Islamic and Middle Eastern Law, SOAS, University of London. She has published books on Islamic family law in Iran and Morocco, Iranian clerical discourses on gender, Islamic reformist thinkers, and the revival of zina laws, and most recently the co-edited "*Gender and Equality in Muslim Family Law*" (2013) and "*Men in Charge? Rethinking Authority in Muslim Legal Tradition*" (2015). She co-directed two award-winning feature-length documentary films on Iran: *Divorce Iranian Style* (1998) and *Runaway* (2001). She received the American Academy of Religion's 2015 Martin E. Marty Award for the Public Understanding of Religion. Her latest book is "*Journeys Towards Gender Equality in Islam*" (2022).