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Agency, Norms, and Language Games In the study of Islam and Gender

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Agency, Norms, and Language Games
In the study of Islam and Gender

by

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This thesis entitled:
Agency, Norms, and Language Games in the study of Islam and Gender
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has been approved for the Department of Religious Studies

Dr. Ruth Mas

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The final copy of this thesis has been examined by the signatories, and we
Find that both the content and the form meet acceptable presentation standards
Of scholarly work in the above mentioned discipline.

VanDenend, Jon Andreas (M.A., Religious Studies)

Agency, Norms, and Language Games in the Study of Islam and Gender

Thesis directed by Assistant Professor Ruth Mas

Abstract

Scholarship on Islam and gender consistently questions as to whether or not Islamic norms oppress Muslim women's agency. One aspect of this discussion is the issue of a Muslim woman's consent in getting married and in sexual relations. The scholarship of Kecia Ali focuses on this issue of consent, and when she finds the Islamic legal tradition lacking in allowing for a woman's consent in marriage, she calls for Muslim women to engage in acts of "personal reflection." This creates a binary concerning agency, wherein external norms (The Islamic Legal tradition) suppress agency, while true agency is only found in acting in accordance with internally felt desires. This thesis investigates the reasons why Ali folds into ideas of personal reflection to reconcile Islamic understandings of marriage with contemporary Western views. In order to do this, I explore Ali's commitment to the Islamic Tradition's ability to change to incorporate consent in marriage, and how she fails to substantiate such flexibility and adaptability. Secondly, I argue that calling for "personal reflection" depends on notions of the authentic self, wherein the self holds inner depths and wisdom.

In the second part of this thesis, I explore how the combined scholarship of Saba Mahmood and Ludwig Wittgenstein can provide enriched ways to understand agency. Through Mahmood's scholarship on the women's mosque movement in Egypt, she argues for a view of the self and desires as malleable through discipline. Building on this, Wittgenstein's theory of language games demonstrates how the discipline and outward action shape the rules of the language games, or rather, the norms of a society.

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Introduction

The issue of gender remains unavoidable in contemporary scholarship and discussions about Islam. At stake in these discussions are questions of agency – do Islamic norms oppress women or are Muslim women able to act autonomously and freely?¹ Scholars and polemicists tend to frame debates surrounding gender and agency in terms of sexuality. The work of scholar Kecia Ali, who is currently positioned at the forefront of Islamic studies in the field of Religious Studies, aims to clarify the intersections of gender, sexuality, and Islamic law.² In her work on sexuality and sexual ethics, most notably in her first book, *Sexual Ethics and Islam*, she has located the woman’s consent in marriage and in sexual relations as the principle issue facing Islam and gender, as the Islamic legal tradition does not include the woman’s consent as a necessary condition for licit sexual conduct.³

Ali’s argument in her first book develops as follows. In the Classical Islamic legal tradition, sex is licit within marriage. Marriage, according to this tradition, is “an exchange of lawful sexual access for dower, and continued sexual availability for support” (13). A woman’s consent in getting married, in order to engage in licit sexual relations, does not exist as a part of this codified legal norm in Islamic law. Because the bride’s consent is not required for marriage, and by extension, for participating in licit sexual relationships, Ali argues, the law limits her ability to choose freely to enter into the union and to have a sexual relation: according to Ali, this norm thus limits her agency.

¹ Talal Asad, writing about the importance of agency, in his essay, “Comments on Conversion” states, “the doctrine of action has become essential to our recognition of other people’s humanity” (272). Commenting on this idea, Webb Keane describes the search for agency as an “ethical imperative” in the fields of “feminism, the politics of recognition, democracy, rights, and postcolonialism” (*Christian Moderns* 3).

² In the introduction of Ali’s first book, *Sexual Ethics and Islam*, she mentions how the back-and-forth polemics on gender between scholars representing Islam and those in the West, “are ostensibly concerned with women, [but] the rhetoric on both sides tends to revolve around sex and sexuality” (xiv). Where the “Western Media” ties ideas of oppression immediately to sexuality, Muslim authors and scholars counter that sexual ethics in the West are equally if not more oppressive citing “adultery, serial remarriage and out-of-wedlock births” (xv).

³ Ali, *Sexual Ethics in Islam* Pg 151

Her language remains vague in *Sexual Ethics and Islam*, however, as to which legal school, and to what time period she is referring, especially concerning the question of a woman's consent or lack of consent in marriage and sexual relations. If one turns to Susan Spector, in *Women in Classical Islamic Law*, one can see however, that varying opinions exist on this issue in the major schools of Islamic jurisprudence. Spector explains that in the tradition of the Companion 'Atā', he reports that "whenever anyone sought the hand of one of the Prophet's daughters, he would seat himself next to her curtain and then say: 'A particular man wishes to become engaged to you. If she was silent, he would go ahead with the marriage. But if she made a motion with her hand, that is, if she struck the curtain, he would not'" (66). Despite this account, Spector argues that Sunni jurists have had lengthy debates as to whether or not a father *must* consult his virgin daughter before giving her to marriage (67). For example, Mālik and his followers "give fathers virtually unlimited authority over their daughters' marriages" while Shaybāni, representing the Hanafi School, argues that virgin daughters *should* be consulted before marriage. Lastly, Spector's explanation that while the father can give his daughter in marriage without asking her, Shafi' advises that "The Prophet's *sunna* recommends that he do so" (68) is an indication of the complication of these discussions *within* the legal traditions of Islam. These arguments are indicative of the varied social practices that Islamic law sought to regulate, varieties that exist till today and which include the claim by many contemporary Muslim women that their consent is necessary to their marriage.

Such an examination of the sources frustrate Ali's statement that the consent is "structurally impossible" in the definition of marriage by Classical Muslim scholars (151). It is perhaps this lack of precision that leads her to consider how Muslim women can be agentive in this system, and ultimately realize the importance of the bride's consenting to marriage and

ultimately, sex, by having them engage in personal reflection on how to make moral and ethical decisions about sexual conduct. After posing a question as to how Muslims can make coherent ethical decisions about sexuality given the dissonance between the Islamic legal tradition and contemporary Western ethics concerning sexuality, she states: “My way of framing the question presupposes that Muslims will undertake this process of reflection *primarily as individuals, for ourselves* and in dialogue with those close to us” (152 emphasis added). While she does not give an explicit example of what she means by personal reflection, it calls to mind activities such as meditation, personal prayer, or intentional contemplation of internal desires and emotions.

Ali’s argument establishes a binary understanding of agency whereby individuals are either subordinate to norms and lack agency, or agentive when acting according to inwardly felt desires. In this binary, acting in accordance with cultural norms is antithetical to agency as cultural norms stifle the true desires of an individual. To have any legitimate agency, an individual must “turn inward” and reflect on her desires, then act in accordance with them.⁴ However, there is a problem with conceiving of cultural norms as inhibiting agency, because a person can be agentive in embodying those norms. The embodiment of a norm creates an organic relationship between the collective group and the norm, where the norm influences the group’s actions, but the group’s embodiment of the norm also shapes and changes the norm.

The expression of agency present in the binary suggested above relies on the idea of self-autonomy. This notion of autonomy is not simply the freedom to do what one pleases, but the freedom *from* society, religion, family, and culture to act out one’s desires. Saba Mahmood, in her book *The Politics of Piety*, describes how the notion of self-autonomy is normatively viewed

⁴ Saba Mahmood connects the notion of acting out one’s true desires to the language of self-realization: “Liberalism’s unique contribution is to link the notion of self-realization with individual autonomy, wherein the process of realizing oneself is equated with the ability to realize the desires of one’s ‘true will’ (*Politics of Piety*, 11).

when she states that “in order for an individual to be free, her actions *must* be the consequence of her ‘own will’ rather than of custom, tradition, or social coercion” (11). Cultural norms are thus understood to limit agency because they can make demands that would require someone to act against her will. If an individual sacrifices the desires of her will to follow a cultural norm, according to the model of agency as self-autonomy, this individual would not be acting freely. Her actions would not be the result of her own will, but the will of a greater system, in this case, culture. In order to act freely within this model of agency, the individual must first understand the desires of her will so as to ensure her desires are her own, and do not stem from external forces.

The concept of consent itself reflects the notion of agency as self-autonomy. Underlying consent is the idea that the individual will involve herself in a process of rational decision making to ensure that in assenting to an action, that act, to which the individual has given her consent, is in line with her inwardly felt desires. As Maria Drakopoulou explains in her essay “Feminism and Consent: a Genealogical Approach,” “according to the liberal ethic, [the act of consent’s] essence lies in both its voluntary nature and inner rationality, it being the outcome of individual judgment stemming from the subject’s freedom of will and independent choice to maximise self interest, welfare or pleasure, and being limited only by the negative effects it has upon the interest of others” (10). The concept of personal authenticity encapsulates the liberal ethic about which Drakopoulou speaks, where the authentic individual’s actions must be in accordance with inner felt desires, and stem from her free will and personal judgment. When Ali does not find a convincing account of women’s consent in marriage in Islamic law, she folds back into the ideals of the authentic self. The idea of authenticity demands that the individual intentionally act out internally felt desires and constitutes a particular type of ethics. When Ali

finds the Islamic legal tradition lacking insofar it does not hold the consent of women in getting married as necessary for the institution of marriage, she relies on the ethics of authenticity for the importance of consent in marriage as the ethics of authenticity maintain the importance of the rational and independent decision that the individual makes before acting.

In calling for Muslims to engage in “personal reflection” Ali reproduces normative ideas of self-autonomy; the individual must undertake certain practices of inner contemplation to ensure her actions stem from the desires of her will and do not originate in cultural, religious, or familial expectations. The individual’s act of consent in any given situation acts as a site for her to express her autonomy because consent itself relies the free rational choice of an individual to perform or to neglect to act. The implication of relying on agency as self-autonomy for Ali’s argument is that the desire for freedom becomes a prior assumption before examining any particular context. In continuously stressing the importance of consent in either marriage or in sexual relations, Ali’s argument treats the desire for freedom as natural. When she does not locate a woman’s consent in getting married as a value in Islamic law, she calls Muslims to bypass the law and rely on their own personal convictions instead of engaging in a process of reform. Because her argument takes for granted the desire for freedom, it assumes Muslims will realize the importance of the value of consent in marriage and sexual intimacy if they only “look inside themselves.”

Recent scholarship on the politics of consent opens up new avenues for discussing consent and how Muslims in various parts of the world are engaged with the *shari’a* to examine this value. The volume, “Women’s Rights, Muslim Family Law and the Politics of Consent” edited by Abu-Lughod and Rao, explores different circumstances and social conditions where consent is being contested and grappled with in the Muslim world. In an interview describing

this volume, Abu-Lughod and Rao explain three contexts that frame questions of consent. Firstly, they explain the emergence of the idea of consent as a “right” which “allowed [Muslim women, specifically in Egypt, in this case] to challenge the customary arrangement of marriages by families” (par 19). Secondly, they note questions of consent have become “a way [for international human and women’s rights activists] to distinguish women ‘with’ and ‘without’ rights, and thus to justify interventions to rescue and protect” (par 20). Lastly, they find that “although consent conjures ideas of individual autonomy and equality, historical and ethnographic studies of marriage in the Muslim world and elsewhere suggest a more complex field where community pressure, financial incentives, and the power of patriarchy – that is, the social determination of individual choices – trouble the equation of consent with female freedom” (par 21). These three things reveal the complexity involved in the notion of consent, as the social reality of consenting to marriage is not simply a private affair between two people where they act on their own accord following internal desires.

The importance of context emerges continually in this publication, and it explains the varied presentation of consent as an important but contested idea in Islamic law. For instance, in Flavia Agnes’ essay “Interrogating ‘Consent’ and ‘Agency’ across the Complex Terrain of Family Laws in India,” she explains how the issue of consent in marriage in India has been subject to much interpretation as the *shari’a* in India exists in comparison with “Hindu law” as well as British code. Agnes explains that in this complex situation that “the fact that under Muslim law, ‘consent’ and ‘agency’ of the woman while contracting the marriage and negotiating her right appear to have been of great significance” (5). This caused the British to see the *shari’a* in India as more advanced than to its Hindu counterpart. She continues by explaining

that Islamic law only came to be seen as backwards and anti-women during “the Hindu right wing onslaught against Muslims” in the last decades of the twentieth century (9).

Also included in “Women’s Rights, Muslim Family Law, and the Politics of Consent” is an essay by the Islamic law scholar Lynn Welchman, “Muslim Family Laws and Women’s Consent to Marriage: Does the Law mean What it Says?” that discusses crucial shifts in Islamic law concerning the issue of consent in marriage. For example, she explains that in the nineteenth century the Ottoman Empire began a major restructuring of its legal system that involved the establishment of “state courts” (67). A product of this reorganization was the 1917 Law of Family Rights, which specified a legal age of marriage of eighteen for men and seventeen for women, and furthermore required both parties to have reached puberty. These reforms, Welchman notes, did not specifically mention the role of the guardian in marriage leaving open the question of whose consent is necessary to get married? This does not change until 1978 in Iraq, with a law that specified “in three separate clauses...details the prohibition of forcing a person to marry and the criminal penalties to which those doing so are liable” (68).

Welchman concludes by warning against seeing these changes as embedded in a linear progress of reform where past injustices are constantly being corrected. She notes that the underlying problem of patriarchy may not be addressed in such reforms, but only transferred from the family to the state. She explains that in Bahrain “one of the main arguments of women’s rights activists advocating early this century for a state-promulgated code of family law was what they presented as the arbitrariness and lack of predictability in the courts due to the absence of such a law” (74). This move mirrors Abu-Lughod’s observation of the internalizing of the idea of a right, as these activists want equal protection for their rights under the law. It is not clear how Ali’s framework for addressing sexual ethics and consent in marriage and sexual relations would

be satisfactory for the particularities of a case such as the women's rights advocates in Bahrain. Because Ali's argument posits relies on agency as self-autonomy, her argument assumes the desiring of freedom as natural. However, desiring a right or consistent protection under the law does not equal desiring freedom.

The final examples I discuss in this section come from Michael Peletz's book *Islamic Modern: Religious Courts and Cultural Politics in Malaysia*, in which Peletz describes his ethnographic work in a Malaysian family court. The context of the majority of cases that Peletz witnessed is divorce cases, and the *kadi's*⁵ determining whether divorce is appropriate or not. If the *kadi* allows for the divorce to take place, the proceedings determine how much the husband must pay to support his divorced spouse. Although Peletz does not engage directly with the question of consent in getting married, his notes and comments on the cases that he observed reveal that operating within this system are different legitimate bases for marriage. His fieldwork demonstrates the conclusions of Sundari Anitha and Aisha Gill working in the United Kingdom on the question of consent in marriage. In their essay "Coercion, Consent and the Forced Marriage Debate in the UK," they conclude that "women's experiences in matters of marriage choice form a *continuum* of attitudes, with consent and coercion standing at two opposing ends of this continuum" (180). In Peletz study of the Malaysian courts, it is clear that most marriage agreements lie somewhere in the middle of this continuum, frustrating Ali's declaration that consent in marriage and sexual relations do not exist in Islamic law (*Sexual Ethics* 151). Peletz's study nuances the idea that Muslim women either have, or do not have consent in getting married, and that in particular contexts, the law serves to facilitate consent between the bride and the groom.

⁵ Judge or magistrate in Islamic court.

Firstly, the more “traditional” arrangement between two families occurs as in cases 18 and 19. In case 18, an aunt explains that she helped facilitate the marriage between the couple and in case 19, Peletz’s research assistant notes that the couple “was married via family arrangements” (146). The idea of “family arrangements” speaks to the continuum between consent and coercion that Anitha and Gill describe. It is clear that the couple was not forced into marriage, but also that the couple is not acting on their own accord solely. Their consent to their marriage does not stem solely from the inner desires of their will, but involves arrangements from their families.

In an earlier case in the book, case 9, the family, it seems, forced the couple to get married, due to being “caught wet” or rather “guilty of illicit proximity” (103). Although pregnancy is never specifically mentioned, one wonders if the wife was pregnant prior to wedding, and the family forced the marriage as a way of legitimizing the relationship. It is noteworthy that neither party relies on the circumstances surrounding their marriage as a tool for ending the marriage, such as claiming they were forced into the marriage and now are seeking legal help to end it. Indeed, the husband claims that he still loves the wife (104). The coercion of the family seems less of an imposition on the woman’s right to choose and more of a way of saving face in society in what was probably an embarrassing situation.

Lastly, there are the unions of “mutual attraction” as found in case 14. The counselor, who is a female employee who normally hears cases before the *kadi* does, learns this about the couple in during her screening. Like the marriages arranged by families, this case did not appear unusual or out of place in the courts. The larger problem in this case, among others, is that the husband has abandoned the wife, and not that the couple had married due to coercion. It is also

clear that they did not break from their families either, as the couple lived with the wife's family during the first part of their marriage (135).

These examples demonstrate that consent in marriage is already being debated in various Muslim contexts, and in some, is already accepted as one marriage requirement among many. Additionally, the issue of consent is not only a matter of autonomy, but also age, and complicated legal systems that retain remnants of colonial law and Classical *shari'a* in the new context of a nation-state. It is unclear how Ali's description of Islamic law could accommodate the varied ways that different Islamic communities and Muslims are trying to understand the place of consent in marriage. Ali discusses the law on a macro level and speaks of large shifts, such as the ending of slavery, as though the law is a unified entity. However, since the collapse of the Ottoman Empire, it is more appropriate to examine particular contexts in which local jurists interpret the specifics of Classical Muslim legal scholars. A single administrative body does not exist for all Muslims that can issue changes and modifications to the *shari'a*. Additionally, Islamic law, as in contexts such as India and Malaysia exists in tandem with a state legal system, and Islamic law is restricted to family law. Before consent in marriage or sexual relations can be inserted into Islamic Law, as Ali's argument suggests it should, the context must be examined in order to see how discussions concerning the consent of women in marriage are already happening.

The question remains as to how Ali defines "meaningful consent" and "mutuality" in arguing that they are necessary for just sexual ethics (151). Drawing from the above discussion, the notion of consent carries with it the connotations of an autonomous liberal subjectivity and particular notions of the self as holding within it certain desires that necessitate agentive action. Ali's call for personal reflection demonstrates the importance of this concept; one must find a

way to incorporate consent into sexual ethics even if at the present moment that requires bypassing Islamic law.

In what follows, I investigate how Ali depends on the conception of agency as self-autonomy through her employment of the notion of consent, whereby agency results solely from acting out internal desires, while acting out cultural norms limits agency. To do so, I explore how she fails to demonstrate how the Islamic legal tradition changes through internal critique and reform, insofar as this tradition, as Ali describes it, presents cultural norms in the form of legal mandates that are uncompromising in the demands they make on agency. Next I analyze Ali's reliance on a conception of the self in which agency is only possible through the subject's examination of inner desires and acting in accordance with them.

I conclude by examining how the work of Saba Mahmood and Ludwig Wittgenstein provide enriched ways to understand agency through communal action, which can reveal how individuals and communities are able to interact with, and change norms. Mahmood's arguments concerning norms demonstrate how an individual can be agentive in the embodiment of norms. Building from this idea, I employ the idea of the language game from Wittgenstein's later philosophy, where what he describes as grammar rules influence action, but these rules only exist because groups continue to obey them. How individuals and groups choose to embody these rules, or if they cease to follow them, ultimately, affects how the rules inform action.

Change and Flexibility in the Islamic Legal Tradition

Ali and the Progressive Muslim scholarly group with which she is associated are strongly committed to the idea that prevailing trends in contemporary Islam must be critiqued so that the course of the tradition, as the Progressive Muslims understand it, can be altered. Omid Safi's introduction to *Progressive Muslims*, the flagship publication for this group, explains that the Progressive Muslim scholarly and political project aims to avoid what he sees as two extremes in contemporary Islamic thought: "a steadfast conservative traditionalism, [on the one hand] and on the other a knee-jerk rejectionism of the traditional Muslim heritage by certain Muslim modernists" (5). A persistent theme present in the Progressive Muslim rhetoric is that the "traditionalists" want to return to the time of the Prophet as a guide for understanding the contemporary world, while certain Muslim modernists only focus on the Qur'an.⁶ Neither of these approaches towards the practice of Islam represent what Safi sees as an appropriate response to the current challenge facing Islam: the fear of a fanatical and violent understanding of the religion that will dominate modes of thinking and acting for Muslims. Safi warns that:

It is the urgency of realizing that in so many places the waters around Muslims have grown (Palestine, Bosnia, Afghanistan, Kashmir, Iraq, Gujarat, sub-Saharan Africa, and now the United States). It is time to start swimming in these turbulent waters, to save both ourselves and the variety and vibrancy of the Islamic tradition. It may not be an exaggeration to state that unless we succeed in doing so, the humanity of Muslims will be fully reduced to correspond to the caricature of violent zealots painted by fanatics from both inside and outside the Muslim community (1-2).

To change Islamic thought, scholars must find alternative ways to interpret the revelation of Islam other than traditionalism, or Qur'an-only scholarship. Safi makes the stakes of failing in

⁶ In my reading, the Progressive Muslims mostly argue against the "modernist" position. See Safi pg 5-7 and Moosa in the same volume pg 125.

this project clear insofar as they have potentially devastating ramifications for the whole of humanity.

Safi isolates gender justice as the central concern for the Progressive Muslim group. Gender justice is of paramount importance because, according to Safi, it will be the measure of how successful or progressive the Progressive Muslim theoretical and political project is. This creates a causal link between gender relations and progress as “gender equality is a measuring stick of the broader concerns for social justice and pluralism” (11). In this statement, Safi defines gender justice as gender equality. Therefore, for a society to be “progressive” it must seek gender justice, meaning gender equality. The goal of gender equality as the most important sign of progress shapes the Progressive Muslim project as these scholars hold gender equality as a prior value to any context as necessary in order to achieve “progress.” This commitment is different than trying to understand how the Qur’an, *hadith* or scholarly and legal tradition can be revisited and reinterpreted to support a vision of gender equality. Instead, the Progressive Muslim scholarly cohort begin with a notion of gender justice, and aims to uphold that goal regardless of conflicting ideals found within the Islamic tradition as the whole.

Although Ali does not quite situate her project in terms of the stakes of radical fanaticism that Safi lays out in the beginning of *Progressive Muslims*, her methodology corresponds with his proposal. Ali engages with the Islamic legal tradition as a way to mediate between the two opposing camps Safi defines, Muslim traditionalists and modernists. She states in her introduction that “much is lost when Muslims – Qur’an only feminists or pro-hadith Salafis – choose to bypass [the scholarly and legal tradition] for a literalist approach to source text.” (xx). Ali maintains that the Islamic scholarly and legal tradition is the place where Muslim jurists are able to adapt Islamic ideals to particular circumstances. Through her engagement with the this

tradition in her book *Sexual Ethics and Islam*, Ali aims to demonstrate that a woman's consent, in both marriage and sexual relations is a value that is necessary for sexual ethics, and can be incorporated into the legal tradition.

She begins to elaborate this notion of consent as the conscious choice that a woman makes before marriage in her chapter "Prohibited Acts and Forbidden Partners," where she states that "The free consent of two individuals to engage in sexual relations was not sufficient or even necessarily relevant to whether sex between them was licit and socially acceptable" (*Sexual Ethics* 57). In the eyes of Classical Islamic law, that the two parties agreed to have sex was not a consideration, but instead the "individual status of and legal relationship between two parties determined whether sex was licit" (57). Of course, these laws generally favored the male, who had the legal right of sexual access to his wife, or slaves, regardless of their consent. Again, Ali is grappling with the view in Islamic law that sees marriage as a contract between a man and woman, where the man has licit access to legitimate sex in return for dowry and financial support of his wife. For Ali, what becomes clear in this contract is that the consent of the woman to enter into the union of marriage was not a primary consideration. This, of course, is difficult to comprehend in the twenty-first century United States, where the expressed consent between two adults is the main factor when considering the legality and appropriateness of sex.

In her second book *Marriage and Slavery in Early Islam*, Ali develops the idea of consent in relation to marriage. In discussing the woman's role in choosing to get married, she states that "marriage was necessarily consensual. It required an agreement, expressed in terms of offer and acceptance, by two contracting parties. But these were not necessarily the bride and groom. Guardians and proxies abound in the legal sources, especially for brides" (31). The bride's opinion as to whether or not she wanted to get married was not a consideration in the

Classical Islamic jurists' understanding of the legality of marriage. Instead, the norm was that a male guardian would give his consent to the union. This idea brings her statement in her first book into sharper focus: "consent is often seen [by Muslims] as necessary but not sufficient for sex to be lawful" (57). The question is whose consent in marriage is necessary? Based on her later book, it seems that the woman's is not, again curtailing her ability to act autonomously to pursue her own desires.

At the end of her discussion of consent in *Marriage and Slavery in Early Islam*, Ali clarifies that in "contemporary conventional wisdom about Islamic law holds that female consent is always necessary for marriage" (62). Nevertheless, as Ali describes the issue of consent here, it does not develop out of renewed thought in the legal tradition, but instead "reflects a broader tendency among many Muslims to take *hadith* texts and Qur'anic texts as literal guidelines whenever possible, not interpreting them through the lens of legal assumptions" (62). This literalist approach clearly does not follow the Progressive Muslim agenda to avoid literalist interpretations of the Qur'an and *hadith* in its engagement with issues of gender in Islam. Bypassing the scholarly and legal tradition may solve the question of consent for Muslims initially for marriage and sexual relations, but taking the Qur'an and the *hadith* literally have potentially violent consequences, recalling the stakes Safi outlines in his introduction to *Progressive Muslims*.

In the conclusion to *Sexual Ethics and Islam*, Ali formulates the difficulty of incorporating consent in sex and in marriage if Muslims choose to engage with the scholarly and legal tradition instead of taking a literalist approach to the Qur'an and the *hadith*. She explains that

Meaningful consent and mutuality, both of which I believe to be crucial for a just ethics of sexual intimacy, are structurally impossible within the constraints of lawful sexuality as

defined by the Classical Muslim scholars, whose views – drawing from and building on Qur'an and *sunnah* — permeate all Muslim discourses. It is possible to rethink Islamic sexual ethics to accommodate these values and there are resources within Muslim text, both revealed and interpretive, for doing so. (151).

In this quote, Ali has shifted from the specific consent of a woman to get married to consent as a concept in general. As the concept of consent, explained by Drakopoulou, is dependent upon the liberal ethic of self autonomy, which is key to the authentic self, Ali's statement that consent is "structurally impossible" within the limits of licit sexuality in Classical Islamic law, makes a broader statement about agency. To put this in other terms, the prevailing legal norms in Islam prevent what Ali sees as the principle site of agency: the ability to allow or deny sex with a legal partner. Only with significant rethinking about how to adjust this norm while remaining in the confines of what the Qur'an reveals and what the Prophet's *sunnah* dictates, can one integrate mutual consent in marriage and sexual relations into the Islamic tradition, and by extension, more agency for women. But, Ali's proposed solution of "personal reflection" curtails the process of rethinking and engaging with Islamic law, by bypassing the law and relying on the individual's personal judgment.

Additionally, Ali does not convincingly establish that the Islamic legal tradition has the capacity to integrate ideas such as consent in either marriage or sexual relations. In her introduction she states that she will "demonstrate that constructive and critical engagement with the Islamic intellectual heritage can be important in providing a framework for renewed and invigorated Muslim ethical thought" (xx). She uses the abolition of slavery as her paradigmatic example to demonstrate how "the boundaries of what counts as licit and illicit [sex] have already been redrawn" (74). Because slavery became illegal, slaves were no longer legal sexual partners. One would deduce that these boundaries could be redrawn again. Nevertheless, it is not clear, based on earlier chapters, that the abolition of slavery confirms the elasticity of the Islamic

scholarly and legal tradition. She states in her chapter “What your Right Hand Possesses” that “although abolition did eventually occur, there was not a strong internally developed critique of slaveholding based in religious principles” (43). Furthermore, “the pressure to abolish slavery generally came from some combination of European colonial powers and economic and demographic shifts” (43). Admittedly, the tradition did change, but Ali does not demonstrate that this change and adaptation came about through internal rethinking of the tradition; rather, it stemmed from external political pressure and shifts in global power relations. In this view of the Islamic legal tradition, it appears only changeable through external forces, and that internal thought does not produce major shifts, such as the outlawing of slavery. Ali calls for a wide scale change in Islamic law by arguing that consent in marriage and in sexual intimacy are necessary for just sexual ethics. But, following her example of slavery, where a broad change did occur in Islamic law, the view that Islamic law can incorporate consent in marriage and sex becomes problematic. Because slavery was only abolished due to outside pressure from non-Muslim powers, Ali’s argument raises the question if such pressure is necessary for consent in marriage and sexual relations to become codified in Islamic law as well?

Ali neglects to demonstrate *how* the Islamic legal tradition, through internal critique, is able to change its positions on what makes sex licit. This presentation of the scholarly and legal tradition in Islam as static and monolithic coupled with her argument that literalist approaches to the Qur’an and *hadith* are unsatisfactory strategies for gaining consent in marriage reveals why Ali calls for “personal reflection.” In Ali’s line of reasoning, Muslims should not take a literalist approach, and to avoid this, she explores the legal tradition. Her presentation of the legal tradition, though, does not establish how this tradition can incorporate consent in marriage and in sexual relations, especially when considering her discussion of the abolishment of slavery. In

finding both returning to the Qur'an and to the legal tradition lacking, Ali calls for Muslims to engage in acts of personal reflection and contemplation to make "ethico-legal" decisions about sex and marriage.

Personal Authenticity and the Self

That Ali does not demonstrate how the scholarly and legal tradition can incorporate consent in either marriage or sexual relations presents Islamic law as a cultural norm that is monolithic and rigid. Islamic law, in Ali's rendering of it, appears to stifle agency, by disallowing for consent in getting married. But, in order to understand fully Ali's call for personal reflection, I explore normative assumptions about the self as a self that carries deep and determining desires within it. To be able to act on these desires, and to be autonomous, the individual must understand her inner desires so that her actions correspond with what she finds inside, not with an external force. To be an authentic self, the individual's actions must be consistent with internally felt truths and desires.⁷

Ali's conclusion to *Sexual Ethics and Islam* reveals that an idea of the authentic self is operating in her discussions of sexual ethics. She asks: "given the competing models of appropriate sex and sexual relationships between and within these complex texts, how can Muslims draw on the sources in a coherent way to make ethico-legal decisions about our intimate lives?" (152) Her gloss of this question, though, reveals a shift from the group to the self, when she calls for Muslims to engage in the "process of reflection *primarily as individuals*" as mentioned above (152). Ali uses inner reflection as a way to resolve the dissonance between contemporary norms in North America and Western Europe, which hold the individuals' consent

⁷ This idea of agency is clear through the rhetoric of "be yourself," "do what you really want," "be really real," "follow your heart," "go with your gut," "follow your intuition" etc. On the one hand, this seems like fluffy jargon, but it works to perpetuate an idea that following cultural norms is "not being true to oneself" while reaching inside to find one's truest desires is the ultimate expression of agency and autonomy.

to a sexual relationship as its highest value, and Classical Islamic norms that do not see consent firstly, in marriage, and by extension, in sexual relationships as necessary for determining the legality of sex.

Ebrahim Moosa, Ali's mentor and another member of the Progressive Muslim group, also utilizes the concept of "inner truths" to mediate between Islamic norms and modernist ideals. In his essay "The Debts and Burdens of Critical Islam," Moosa takes issue with "Muslim Feminists" who engage in "hermeneutical acrobatics" in order to demonstrate that certain parts of the Qur'an explain others (125). He contends that

It may be preferable to hear the Qur'an in its patriarchal voice but to understand it with the sensibility of an actor/reader/listener/reciter immersed in the process of revelation. It is that listener/reciter who discovers through her or his history, experience, and transformed inner sensibility that gender justice, equality, and fairness is a norm for our time, and not patriarchy (125).

This statement, much like Ali's conclusion to *Sexual Ethics in Islam*, relies on an inner truth to reconcile contemporary Western norms with conflicting Islamic norms, found in the Qur'an and the legal tradition. The "listener/reciter" of the Qur'an must rely on "a transformed inner sensibility;" although, Moosa is unclear on what is transforming the "inner sensibility," and how that transformation allows the "listener/reciter" to hear patriarchy in the Qur'an, and read patriarchy in the Qur'an, and deduce "not patriarchy."⁸ The dependence on using inner truth to mediate between Islamic and contemporary, Western norms calls into question the Progressive Muslim commitment to change as this dependence does not involve sustained engagement with either the source texts of Islam or the greater Islamic community, nor does it pose the question of context. Because of these issues, one is left with the sense that ideals such as equality and self-

⁸ If one follows this line of reasoning far enough, its end-point is that inner sensibilities (read, inner truth) can override the truth of the Qur'an – an unacceptable position in orthodox Islam.

autonomy⁹ are *a priori* assumptions that the individual should value. Ali and Moosa's theoretical moves toward the "inner truth of the self" echo Safi's privileging of gender equality as a virtue prior to any given context. As Ali does not demonstrate the vibrancy in the Islamic legal tradition for accommodating consent in marriage, as a location of gender equality, and Moosa refuses to engage in hermeneutics, they default to ideas of the self as source of truth in order to maintain the importance of gender equality.

Philosopher Charles Taylor, in his book *The Ethics of Authenticity* sheds light on this idea of "turning inward" as he explores normative assumptions of the self through the lens of authenticity. He explains the roots of this idea of the self through a shift in morality, whereby people who once turned to God, now turn inward: "only now the source we have to connect with is deep in us. This is part of the massive subjective turn of modern culture, a new form of inwardness, in which we come to think of ourselves as beings with inner depths" (26). Taylor posits that in the West, instead of relying on religious codes and guidelines to direct action, individuals look inside of themselves to use their internal emotions, intuitions and desires as an moral compass.

The normative assumption of the authentic self can further explain the view of agency as self-autonomy upon which Ali relies. In his book *Culture and Authenticity*, cultural anthropologist Charles Lindholm explains how the authentic self can respond to her desires:

The main thing is to be sure one's preferences actually do express one's truest desires, not cultural conditioning or parental moralizing. To avoid self-delusion, what is required is 'getting in touch with the inner child' – that is, with the genuine and spontaneous

⁹ The notion of self-autonomy is in question in Islam, however, as Muslims strive to be slaves to God. Asad explains that "for liberals, a slave is primarily someone who occupies the most despised status of all, and therefore the institution of slavery is utterly immoral (conversely, to be considered fully human, creatures must own themselves). Yet by employing the metaphor of slavery to describe the human relation to God, the Islamic rhetorical tradition stands in powerful contrast both to the figure of kinship (God as Father) and the figure of contract (the Covenant with God), which are part of Judeo-Christian discourse. As God's slaves, humans do not share any essence with their owner, who is also their creator, nor can they ever invoke an original agreement with him. The relationship requires unconditional obedience" (*Genealogies* pg 221-222).

emotional forces of attraction and repulsion existing beneath socialized roles and customary behaviors (66).

The quotation from Lindholm exemplifies the same limitation in understanding agency present in Ali's book. One must go inward to discover one's real desires, not simply desires created by cultural norms or by parental influence. In order to be agentic, the individual must have autonomy from external forces. Essentially, in order to be authentic, the subject needs to find what is really true for her, not what other exterior forces have determined. Building from this, one is agentic when one reflects on inner desires, and then acts on them. If one simply follows cultural norms, one is seen as inauthentic and non-agentic because external forces dictate one's actions.

Acting out cultural norms also has ethical implications beyond the accusation of being non-agentic. Taylor, describing this conception of ethics states: "I am called upon to live my life in this way, and not in imitation of anyone else's. But this gives a new importance to being true to myself. If I am not, I miss the point of my life, I miss what being human is for me" (29). If cultural norms go against an individual's perceived notions of inner truth, to act in accordance with those norms is ethically reprehensible and carries the weight of missing the true importance of life. Ali and Moosa become caught between two ethical systems, where the ethics of authenticity, on the one hand, require that one follow inner desires, while on the other hand; Islamic law offers its own regulations and permissions on action. In Ali and Moosa's scholarship, it appears that they slip into the ethics of authenticity through their calls for "personal and inner reflection."

These ideas of "turning inward" and following internal desires have become normative to the extent that Ali and Moosa, both trying to rethink Islamic legal, moral, and ethical norms, circle back to them. The consequence, though, is that this idea limits the envisioning of agency.

In Ali and Moosa, the notion of the authentic self also frustrates their efforts to engage with scholarship of change and reform in Islam. Because they both call for gender equality, and subsequently do not find these values in the Qur'an or legal tradition, they rely on ideas such as personal reflection and inner sensibilities in order to retain their commitments to equality. I am not arguing for or against the merit of ideas such as consent, or gender equality; however, I am suggesting that Ali and Moosa's dependence on internal truth discovered through personal reflection is not adequate for making coherence from contemporary Western norms that are in conflict with Islamic norms. Nor does "personal reflection" address how the tradition can change to face the threats of either reductionism or fanaticism about which the Progressive Muslims warn their audience.

Agency and Language games

In this final section, I suggest that the combined scholarship of Mahmood and Wittgenstein can provide a conceptual framework wherein cultural norms do not stifle agency. In the conclusion to *Sexual Ethics and Islam*, Ali presents the Islamic legal tradition as overbearing and monolithic. Likewise, the concept of the self is one that depends on introspection to be agentive and free from external forces, so as to allow for the individual to choose what she is consenting to. In contrast, by bringing Mahmood and Wittgenstein together, a model of agency and cultural norms emerges where the individual and the group, in embodying and living out norms, are not only agentive, but are influencing the shaping of norms for the society. This model of agency expands understandings of the self and how the self and its relationship to inner desires and to external norms, and furthermore implies that in acting out norms, society gives these norms their power. Within this framework of agency, individuals are acting intentionally to shape desires and to internalize norms, as well as acting to shape norms through practice.

Mahmood's project develops from her ethnographic work in the *da'wa* movement in Egypt, where she specifically explores the women's mosque movement: a movement where women meet at local mosques to learn about the steps they must take to become a pious Muslim woman. Driving Mahmood's project is a criticism of "the normative political subject of poststructuralist feminist theory [that] often remains a liberatory one, whose agency is conceptualized on the binary model of subordination and subversion" (14). In Mahmood's book, *The Politics of Piety*, she problematizes many feminist projects in the West, as these projects describe the individual as either submitting to norms, and thus not having agency, or the individual is resisting norms and is agentive.

Mahmood's critique of the prevalent idea in poststructuralist feminist theory that cultural norms limit or prevent agency identifies one of the main problems I locate in Ali's work: that Islamic law, acting as cultural norm, curtails the individual's autonomy. Agency is either found in resistance or in "turning inward," but it is clear that both of these responses are manifestations of the same normative ideas about how the individual should respond to norms. In this model, cultural norms curtail the possibilities of the autonomous individual, who should act in accordance with her own independent will. Asad, in his book *Formations of the Secular*, sheds light on the normative conception of agency when he explains agency as only "the metaphysical idea of a conscious agent-subject having both the capacity and the desire to move in a singular historical direction: that of increasing self-empowerment and decreasing pain" (79). In Asad's description of the normative understanding of agency, the autonomous individual should turn inward and then live out internally felt desires. By doing this, the self can increase self-empowerment (she is doing what she truly desires) and decrease pain (in doing what she wants, she will decrease discomfort and pain from outside forces). However, if external forces repress

the process of discovering one's true desires, and the individual realizes that external cultural norms are preventing her from acting out her inner desires, she should attempt to undermine or overthrow those norms as they disallow her ability to increase self-empowerment and decrease pain. In both instances of either resisting or focusing on internal desires, norms remain external and overbearing.

Because this normative view of agency understands cultural norms as external and determining, the ideas of that freedom from cultural norms and freedom to follow one's desires have become naturalized; in other words, desiring freedom has become the most important component for understanding agency.¹⁰ Describing the feminist project at large, Mahmood explains that freedom “offers both a *diagnosis* of women's status across cultures and a *prescription* for changing the situation of women who are understood to be marginalized, subordinated, or oppressed” (10). Nevertheless, Mahmood argues that the positing of freedom as the goal of a political project is a fairly recent development. Therefore, she argues, “if the ability to effect change in the world and in oneself is historically and culturally specific, then the meaning and sense of agency cannot be fixed in advance, but must emerge through an analysis of the particular concepts that enable specific modes of being, responsibility, and effectivity” (14-15). In examining the idea of agency in general, one cannot assume that it depends on an innate desire to be free. If one begins with the notion that individuals naturally desire to be free, what agency means becomes predetermined for any context. The individual who desires freedom will act in such a way to promote that freedom, and such action is agentic action. However, this idea presents desire as determining of action; in this case, all agentic actions should stem from the wanting to be free.

¹⁰ This is clear in Ali's constant call for consent in the Islamic tradition. The assumption that consent, or the freedom to get married, is crucial to sexual ethics implies both that desiring “freedom” is universal and that more “freedom” is necessary.

In order to expand the normative understanding of agency, which is either acting in accordance with inner desires, or as resistance, it is important to begin by understanding the self differently, and how the individual's can respond to her will and her desires. As explained above, the idea of the authentic self posits desires as prior to action. In Lindholm's glossing of the language of the "inner child" and in Taylor's vocabulary of "truest desires," the desires are presented as given and natural. The individual acts *on* desires or *against* desires. The ethical claim that the authentic self demands, nevertheless, is that acting against desires carries not only the charge of inauthenticity, but also the risk of the individual missing her full potential. This creates a paradox, where on the one hand, autonomy comes from acting out one's desires, but on the other, the individual then becomes determined by these desires, which can often be conflicting with each other.

Mahmood's example of praying five times a day is helpful here. She explains that "mosque participants considered the desire to pray five times a day (with its minimal conditions of performance) an object of pedagogy" (123). The desire to perform this action had to be learned and was assumed to be unnatural by the participants. In her discussions of a Muslim woman named Mona, Mahmood explains that "Mona does not assume that the desire to pray is natural, but that it *must be created* through a set of disciplinary acts. That is to say, the desire in this model is not the antecedent to, or cause of, moral action, but its *product*" (126). In this model, the desire is not an independent thing that stands on its own, where the individual's free will acts on or against the desire. Instead, desires are created through repeated action: the desire to pray is a cultivated desire.

Mahmood links this idea of cultivation to Michel Foucault's work on ethics, and in particular his notion of technologies of the self, or care of the self. In the essay "Technologies of the Self," Foucault describes technologies that

permit individuals to effect by their own means, or with the help of others, a certain number of operations on their own bodies and souls, thoughts, conduct, and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality (225).

In the case of the mosque movement, the aim of the transformation is piety – these women aim, through certain practices such as praying five times a day, to become devout Muslims. It is important to note that Mahmood is not describing the women in the mosque movement as simply following norms. It is not the case that "Islam" is simply a moral system mandates prayer five times a day. Rather, as Foucault explains in *The Use of Pleasure*, the individual does not take care of one's self in bringing "one's conduct into compliance with a given rule, but to attempt to transform oneself into the ethical subject of one's behavior" (27). In the mosque movement, the goal is not so much that outward behavior adheres to Islamic precepts, but that the individual's subjectivity is transformed so that she desires to perform the actions that Islam requires of her.

In returning to the discussion of norms, this idea of ethical cultivation provides a way through which one can imagine norms as not simply acting down on the subject, but instead as "lived and inhabited, aspired to, reached for, and consummated" (Mahmood 23). In trying to cultivate a particular type of subjectivity, the mosque movement participants are agentive – they are consciously living out and responding to norms. That goal of their action, however, is not an autonomous individual who is free from cultural restraints. Their actions do not need to be understood as firstly a turn inward to locate their desires or secondly as a form of resistance. Instead, they aim to embody norms of proper Islamic conduct and to shape their desires so that they desire to perform the actions necessary to become a pious Muslim.

Involved in the embodiment of Islamic precepts is the performance of certain activities that may conflict with one's natural desires, but aim at the development of new desires that are directed at the goal of piety. Mahmood's example of Amal, an outgoing and confident mosque attendee is perhaps the best example of how one embodies norms, and how that action can shape a person's subjectivity. Amal is not naturally shy, although shyness is an important Islamic virtue for women. She tells Mahmood that "I used to think that even though shyness was required of us by God, if I acted shyly it would be hypocritical because I didn't actually feel it inside of me" (156). However, Amal confronted this feeling of dissonance through cultivation: she explains that she had to "make [shyness] or create it first" (156). Through repeated practice, Amal was able to change her natural tendency to be more outspoken.

This example cuts to the core of the notion of the authentic self and the rhetoric of be yourself, and likewise to the idea of "turning inward" to understand one's true desires. Instead, Mahmood explains a form of self-knowledge where what one learns about the self conflicts with an Islamic virtue. Instead of the person choosing to be "inauthentic" and acts against her desires, the example of Amal demonstrates how the intentional actions directed at cultivating a virtue can result in the changing of one's desires. In the view of agency that supposes it can only result from acting out internally felt desires, Amal's actions are not agentic. However, from Mahmood's description, it is clear that Amal is acting intentionally and with a clear mind, and furthermore, that she is aware of her "inner desires" to be outgoing, and is acting to shape those desires so that her will coincides with the will of God, as expressed through the Qur'an and the Islamic tradition.

Mahmood's account of agency as not only living out cultural norms, but engaging in specific practices that shape desires complicates the view of agency as either acting in according

with internal desires or subverting norms. Nevertheless, the question of how these norms are shaped by action still remains. How does the embodying and inhabiting of norms develop over time, and what effect does this embodiment have on the norms themselves? It is clear that the norms affect behavior as in the case of the Islamic legal tradition, which prescribes certain actions and furthermore, that through repeated practice, the subject shapes her internal desires. The later philosophy of Wittgenstein provides insights in examining the process of how practicing norms not only can shape the individual's subjectivity, but also the norms themselves.¹¹ Wittgenstein's philosophy has a conceptual vocabulary that can expand this discussion of agency and norms and can demonstrate that technologies of the self do not just shape the self, but norms themselves are changed through practice. Wittgenstein's theory of language has clear parallels to how practices operates and shapes norms.

In order to situate the later philosophy of Wittgenstein and to see how it relates to the embodiment in norms, it is important to understand that his later work is a direct break with his earlier philosophy of language. In his first and only publication the *Tractatus Logico-Philosophicus*, Wittgenstein derives a theory of language wherein he attempts to discover the

¹¹ Why study Wittgenstein in Religious Studies? It seems to me that there are shadows of Wittgenstein lurking in recent and past scholarship in the field. For example, in Russell T McCutcheon's essay "The Jargon of Authenticity and the Study of Religion," he criticizes a trend in religious studies to find authentic or real examples of a religion. McCutcheon suggests instead, drawing on Bruce Lincoln's *Theses on Method*, that scholars of religion should "examine not the validity of experience or the message, but the mode of signification (form) that makes various messages, meanings, culpabilities and, in a word, 'worlds' possible and persuasive" (245). Or in other words, what is the *form of life* that makes the system coherent? The idea of a form of life comes from Wittgenstein, and will be explored later.

Likewise, in Talal Asad's critique of Clifford Geertz, he asks, "If religious symbols are understood on the analogy with words, as vehicles for meaning, can such meanings be established independently of the form of life in which they are used?" (*Genealogies* 53). Asad pointedly questions how can one make a comparison between religious symbols and language, if one tries to divorce the symbol from the way of life wherein the symbol holds its true meaning. The language Asad employs is again drawing from Wittgenstein, and likewise, the comparison he makes between language and symbols mirrors ways in which Wittgenstein argues about the use of language.

Lastly, I think that Religious Studies is at a crossroads in trying to understand its canon, but also realizing it is unhelpful for many of the complexities of religion. Manuel Vasquez, in his recent book *More than Belief*, asks the salient question "What does Eliade's notion of the sacred have to do with the study of the historical interplay between religion, power, and material life? Is this a case of incommensurable epistemologies?" (3). Wittgenstein, I think, can be an important thinker to bring to religious studies, especially as he has been left behind in analytic philosophy.

limits of language. He suggests that only three types of sentences exist, and the most important type of sentences is declarative statements, which have their truth-value determined by the actual state of reality. For example, to say “it is snowing” has its truth-value depending solely on whether or not it is snowing at the moment the proposition is uttered. To claim that it is snowing outside is essentially to draw a picture in the purely logical realm and then to take that picture and see if it synchronizes with reality. Alfred Nordmann, in *Wittgenstein’s Tractatus: An Introduction* describes this idea of language as a system that “relies on an elegant and compelling symmetry between language and the world” (2). Reality demands that a picture be true or false. Secondly, Wittgenstein discusses and dismisses tautologies and contradictions. A tautology such as “all bachelors are unmarried males” or a contradiction, such as, “Picasso did and did not paint *Guernica*” serve no purpose in Wittgenstein’s model. Nordmann explains that these sentences “do not determine what is or what is not the case in the world, nor do they communicate any particular content, since we are already agreed upon them” (3). These sentences are empty, they do not convey anything of use, Wittgenstein argues.

The final set of sentences that Wittgenstein discusses is sentences that make ethical or metaphysical claims. Some examples include “murder is wrong,” or “God does not exist,” and fall under the vast category that Wittgenstein believes cannot be spoken of given the logic of our language. A.C. Grayling in his book *Wittgenstein* explains that such statements “lie *outside* the world – outside the realm of facts and their constituent states of affairs – nothing can be *said* about them”(31). Because words name objects, and propositions relationally connect objects and then either correspond or do not correspond with reality, propositions that do not create such a relationship cannot be spoken about. Such propositions lie outside of the limits of what language

can do. In dividing language into these three sentences, Wittgenstein ends the *Tractatus* with the famous words: “Whereof one cannot speak, thereof one must be silent” (TLP 7).

Wittgenstein broke with this line of thinking; however, and in the *Philosophical Investigations*, the posthumous publication collecting much of his later thought where he revisits the idea of types of sentences and asks:

But how many kinds of sentence are there? Say assertion, question, and command? – there are countless kinds: countless different kinds of use of what we call “symbols,” “words,” “sentences.” And this multiplicity is not something fixed, given once for all; but new types of language, new language games, as we may say, come into existence, and others become obsolete and get forgotten (PI 23).

Language is always changing and encompasses much more than declarative sentences, which correspond with reality. He develops the idea of the language game to explain this complexity. Grayling’s straightforward account of language games serves as a helpful starting point when approaching the topic. Grayling explains that humans use language to convey an enormous scope of ideas, descriptions, stories, jokes, worship and emotion (and the list goes on) and Wittgenstein calls all these activities as language games (71). Grayling’s employment of the word “activities” is crucial here because language games do not simply explain language, but also practice.¹² The use of the word “game” is instrumental because games gain structure and coherence through rules. Language games, like any other game, need rules to give them structure and purpose. To exemplify a rule, one can imagine saying “Good morning” in the middle of a conversation and being completely misunderstood, or even ostracized, as using one’s hands in a soccer game breaks the rules. Grayling further clarifies the notion of rule following - it “is not a mysterious activity at all; it shows itself in our practice, it is *manifest*. To understand rules and rule-

¹² The game metaphor is helpful in clarifying language and practice by examining two instances: the possibilities within a game and the number of games available. For instance, the individual actions and potential plays that can happen in a single soccer game alone are baffling. Then, if one thinks of the sheer number of different games that exist, one begins to realize the vast scope of language and can see how it functions.

following we have only to remind ourselves of what is familiar in all our many different kinds of normative behavior” (81). These rules provide what is appropriate to say or do by imposing a structure on language and practice.

From the above discussion of agency and authenticity, the normative way in which people speak about norms is that they stand outside of the individual and determine action. Because norms seem to bear down on the individual, the subject needs to find ways to ensure that her actions are her own, either by acting out internally felt desires, or by subverting norms. However, if cultural norms are understood as functioning similarly to Wittgenstein’s idea of grammar rules, norms create a multiplicity of appropriate or logical actions. Mahmood’s discussion of the virtue of female modesty provides a helpful example here. Mahmood explains, “despite a consensus about [modesty’s] importance, there is considerable debate about how this virtue should be lived, and particularly about whether its realization requires the donning of the veil” (23). To explore the norm of modesty in terms of Wittgenstein’s theory of the language game, the first thing to note is that because a consensus exists around the virtue, if a woman were to dress or act in an immodest way, it would be apparent to those around her that she had violated the rules of appropriate behavior. She would have broken a grammar rule in the language game. However, *how* the woman chooses to participate in the language game, or rather, embody the norm, depends on the individual woman. The norm directs action, but does not stand outside of the individual demanding that she act in a certain way.

The reason that grammar rules do not determine action is because they exist as a result of group activity. Grammar rules are only supported by the fact that people obey them: playing the language game keeps the rules in place. For example, Wittgenstein insists that when someone takes instruction from a signpost, the person can understand it “only insofar as there exists a

regular use of signposts, a custom” (PI 198). The signpost has its meaning because as a community, everyone, or at least a large enough majority, agrees that the signpost does say what we believe it to say and that this community does in fact *do* what the signpost says. Knowing what to do and what not to do in a language game essentially rests on the customary usage of the game in the community. This of course raises the obvious question “So you are saying that human agreement decides what is true and what is false?” (PI 241). Wittgenstein anticipates this question and suggests that “it is what human beings *say* that is true and false; and they agree in the language they use (That is not agreement in opinions but in forms of life)” (PI 241). Human agreement, and in this case, action determines the grammar rules. Or rather, human action supports cultural norms.

Grammar rules exist because humans continue to enact them. These rules inform action, but at the same time, are shaped by how people perform them. How does Wittgenstein’s concept of language games and grammar rules impact understandings of agency? I began by critiquing an understanding of agency where agency was only the acting out of internally felt desires. If cultural norms repressed the individual’s ability to act on those desires, the individual was agentive only when subverting norms. Mahmood’s expands this narrow view of agency with the idea that the embodying of norms, and the subsequent disciplining of oneself to shape desires also constitutes agency. The philosophy of Wittgenstein demonstrates that the agent is not only affecting her own subjectivity, but the rules or norms themselves. How a group chooses to obey a grammar rule shapes the rule itself and ultimately the form of life in which they live.

A form of life is a concept that Wittgenstein uses a relatively few amount of times in the *Philosophical Investigations*, although this concept is important in understanding his philosophy of language. Indeed, Wittgenstein states that “to imagine a language means to imagine a form of

life” (PI 19). This notion further cements the idea in Wittgenstein that language is tied to customs and practice. In Patrick Sherry’s article “Is Religion a Form of Life?” he explains that “by forms of life [Wittgenstein] means basic human activities and responses like hoping, feeling certain, measuring, giving orders, asking questions, and greeting people, and indeed using language generally. He regards these things, together with customs, institutions etc., as the fundamental ‘given’ facts from which philosophy must start” (161). Language, and the language games that give language meaning, are inexorably linked because they are grounded in a form of life. Social connections and interactions define the rules of the language game and in the participation in the language game, a person is living out a form of life. The grammar, then, sets up the boundaries, although these boundaries can be redrawn, pushed and retracted. The various language games that exist in any given society create a form of life – a fundamental building block on which people build culture and society.

In the language game, language has rules, but rules that only have force because those participating in the language game abide by the rules as in the signpost example. Likewise, cultural norms only direct action because humans continue to participate in them. Certain rules dictate how one performs an action, but also, how one performs the action influences the rules. As humans participate in language games, or embody norms, we can imagine new ways of following the rules. Lara Deeb’s scholarship on Shi’i Muslims in Lebanon provides an example of the relationship between practice and rules, which can be explained when couched in the vocabulary provided by Wittgenstein. In her article “Emulating and/or embodying the idea: The gendering of temporal frameworks and Islamic role models in Shi’i Lebanon” Deeb examines the admiration these Muslims have for Sayyida Zaynab, Imam Husayn’s sister.

Deeb explains that Zaynab has become a model for leadership and activism, a fairly recent change as “prior to the 1970s, Zaynab was usually depicted as a plaintive mourner, as the caretaker of the children and orphans during and after the battle [of Karbala,] and as responsible for the continuity of the community through her grief and her retelling of the story of loss to Husayn’s followers” (252). The shift from a passive yet honored player to a central character in the story of Karbala demonstrates Wittgenstein’s idea of the language game. There exists in this community a certain language game surrounding Zaynab and this language game had certain rules, such as referring to Zaynab as a paradigm of womanhood, as a caretaker of children, and the preserver and reproducer of the tradition of Husayn. However, these rules in the language game existed only insofar as there existed “a custom” to use Wittgenstein’s word, that upheld Zaynab in this way.

This custom changed through practices and societal shifts in understanding the role of a woman. Deeb explains

Today, being a “modern” woman (which is a highly desirable status) involves a combination of education, employment, or volunteering, social welfare work, and visibly expressed piety. The reformulated Sayyida Zaynab – admired for her strength, compassion, dedication to others, outspokenness, and courage – provides the normative model for this moral woman, who is both an active and responsible member of society and deeply pious (253).

The grammar rules surrounding Zaynab help to influence desirable and appropriate behavior for Shi’i women. However, these rules exist only insofar as people practice them. When the practice changed over time, it changed how the community viewed Zaynab. The norm reflects practice. Nevertheless, the norm still influences practice because the model that Zaynab provides for Shi’i women remains a desirable and important one, providing women a model to emulate and practices to embody.

Islamic Law and Language Games

As discussed above, one of the major concerns with Ali's discussion of Islamic law is that her book *Sexual Ethics and Islam* presents Islamic law as static and monolithic. Moreover, the law appears to be an external force that mandates certain norms, that in the case of marriage, limited agency. The law, however, does not exist outside of language games and practice and embodiment of norms. Peletz's ethnography of the Malaysian court system is particularly helpful in this case as he demonstrates how the judges and the courts are aware of and sensitive to other language games in place in Malaysian culture, and use them in determining what Islamic legal norms to enforce. Peletz explains that the role of the court is not to enforce draconian limits on Muslims so as to force them into a certain way of life, but rather "the main objective of hearings from the court's point of view is to promote reconciliation, through a cathartic airing of differences, if necessary, and thus to prevent divorce, which the court generally regards as an unfortunate occurrence" (90). The court participates in the language game in such a way to keep Malaysian Muslims inline with Islamic precepts and encourage the cultivation of virtues such as forgiveness and compromise so that couples can stay married.

Additionally, the courts mediate between legal gender differences that favor men in Islamic law, and cultural realities about the way Malaysian men treat women. Peletz explains that

Although the courts are not really in the business of eradicating or even minimizing social inequality or of bringing about other social (or even narrowly legal) change, they frequently endeavor to temper legal asymmetries through the use of judicial discretion. They do so in accordance with broadly shared cultural notions about human nature, gender, and the like, including the shard idea that most of the problems in marriage stem fro the inappropriate behavior of husbands, who, as one man put it, 'are basically lazy' and 'expect to eat for free' (96).

Because the practice of norms is what gives them their power over action, the courts encourage practices that enforce certain norms. In this case, the courts engage in practices and encourage practices that go against the perceived consensus of the lazy Malaysian man. Thus, the grammar rules that the jurists encourage Malaysian couples to enact have the possibility to change the language games present in this society.

Conclusion

Although I believe that Ali's project and the Progressive Muslim project at large is a helpful one insofar as identifying many of the main points of contention between Islam and "the West," it is important to see what assumptions are present at the onset of such a discussion. One presumption of the Progressive Muslims, which I find most worrisome, is an utter fear of looking into the past and engaging with the past as a way to situate and confront current issues. This fear seems to stem from the way in which the group situates the stakes of their scholarly and political project. Safi, in the introduction to *Progressive Muslims* truly fears that the consequences of not intervening would be catastrophic. Furthermore, for the Progressive Muslims, returning to the Qur'an or the *hadith* is not sufficient for addressing issues such as gender equality or pluralism; instead, they want to progress forward. This idea of progress carries with it two assumptions about time that inform their project, and frame the concerns with which they engage. First, that groups and individuals should look away from the past and towards the future. Moreover, progress also presupposes the idea that the present needs to push forward, and should constantly reform itself. The present, in this view, is the location of the pending disaster, as reflected in Safi's introduction.

Because of this view of the present, the scholarship of Mahmood, Peletz and Deeb do not fit into the Progressive Muslim narrative, as these scholars do not fit the narrative of a crisis in

the present, which needs to be overcome by pushing forward. Instead, for understanding such scholarship, Asad's famous definition of tradition and how a tradition relates to the past is pertinent. Asad explains that:

a tradition consists essentially of discourses that seek to instruct practitioners regarding the correct form and purpose of a given practice that, precisely because it is established, has a history. These discourses relate conceptually to *a past* (when the practice was instituted, and from which the knowledge of its point and proper performance has been transmitted) and *a future* (how the point of that practice can best be secured in the short or long term, or why it should be modified or abandoned), through *a present* (how it is linked to other practices, institutions and social conditions) (14).

In this view, the present is not in crisis, but is rather the space where practices are lived, and where people participate in language games. Likewise, a tradition does not idealize a past, but tries to understand what happened in the past, what practices were instituted and should be kept, while others should be left behind, to best secure the continuation of the tradition. The women in the mosque movement, the Shi'i women in southern Lebanon or the judges and courts in Malaysia are not trying to recreate seventh-century Arabia, but instead to understand how practices instituted by the Qur'an and Muhammad can be understood and performed in contemporary situations. In other words, how to participate in language games that the Prophet and the Qur'an began at the time of the revelation, and how that participation in those language games reshapes the original grammar rules created in the seventh century. This is not to say that the Qur'an and revelation themselves are language games, but rather, that Muslims today, by participating in the same language games at the time of the revelation continue to shape the grammar rules that give these language games their coherence.

Before we can re-think sexual ethics, we must understand the modernist assumptions underlying ideals such as freedom, consent, and change and the way such ideals reconstruct normative notions of personhood and agency. Viewing these assumptions as *a priori* facts in the

study of any context does not enable for the complexity needed to see how such ideas are understood and grappled with various places and by various groups of people. When such ideals remain unchallenged, ideas such as turning inward and personal reflection become blanket solutions. This, I believe, unintentionally ignores how people interact with norms, live them out and transform them, and also how those norms act on them, and influence individuals' subjectivities. By this I mean both how norms work from the top down to influence certain subjects, and also how subjects' actions then work back on the norms, and in the process, to work to change norms. It is the participation in language games that ultimately keeps them alive.

The question still remains; why gender again? The study of Islam has had an enduring fetish with gender as what is critical about Islam, of which the notion of consent in marriage is only a part. This creates the trap of discussing social processes through the indexical symbolic figure of the woman and insists on the marked category of the woman. Instead, one can follow Petelz' lead and focus on the family as a social unit, which is creating and changing the language games in which they are involved.¹³ Such a formulation shifts the question of a woman's individual consent in marriage from a conscious, individual choice that is a response to a person's inner desires, to examining how the family creates marriage norms and the role that the individuals have in that particular context.

¹³ Aiwha Ong's essay "Strategic Sisterhood or Sisters in Solidarity? Questions of Communitarianism and Citizenship in Asia" points readers in a similar direction in her conclusion, which examines the Sisters in Islam, a group of feminists in Malaysia who aim to establish "a sisterhood *with men* in interpreting and formulating public morality in their own culture" (130-1). This involves engagement with the Islamic community and clerics in Malaysia, which "promotes Muslim women's agency in dealing directly with their own religion" (133-4). To examine such a movement, scholars must shift their critical gaze from the autonomous individual's moments of choice and resistance to how families and social groups are interacting with each other.

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