AFRICAN JOURNAL OF GENDER AND RELIGION

The African Journal of Gender and Religion in is a **DOHET Accredited** Journal

Dr Fulata Lusungu Moyo (World Council of Churches, Switzerland)
Prof Philomena Mwaura (Kenyatta University, Kenya)
Dr Dana Robert (Boston University, USA)

AFRICAN JOURNAL OF GENDER AND RELIGION
EDITORIAL POLICY STATEMENT

The *African Journal of Gender and Religion* (AJGR) is a semi-annual publication moved in 2017 from the Gender and Religion programme at UKZN (or the Centre for Deconstructive Theology at UKZN) to the Desmond Tutu Centre for Religion and Social Justice at the University of the Western Cape.

Since 2004 the journal has published research papers, which are relevant to gender, religion and theology in Africa. The editorial committee considers for publication submissions of a scholarly standard from any of the social science and theological disciplines or related fields of inquiry, which provide useful perspectives at the intersections of gender, religion and theology in Africa. Particular areas of interest include the gendered analysis of: religion, theology and the study of religion, innovations in contextual theological education; theological and ethical reflection on social transformation; the significance of new religious movements and African-initiated forms of religion; the role of women in religion and society; interfaith dialogue; peacemaking and reconciliation; normative and non-normative sexualities, and queer politics.

The *African Journal of Gender and Religion* seeks to promote dialogue and response not only within the academic community in Africa and beyond, but also with faith practitioners working "on the ground" to build a more just society in the region. These may include religious leaders, clergy, other religious officials, professionals and laity across broad social spectrums who seek to read their faith against the critical issues confronting society today.

Written submissions to the *African Journal of Gender and Religion* may take the form of researched scholarly articles or essays. Book reviews, brief responses to articles, conference reports and summaries of research projects are also welcome. Articles submitted for the section called "praxis" must show evidence of how sound theoretical reflections are brought to bear on practical action. Within this section on "praxis" we will publish essays that are not considered "mainstream academic" but nonetheless point to theories of gender justice in action. Submissions are evaluated through an editorial committee screening process. Further, the articles are also sent to a minimum of two competent scholars working in a similar field of interest for peer-review. Prospective contributors of scholarly articles should send a typed copy of their article via email to the submissions editor at submissions@ajgr.org. All submissions must strictly follow the guidelines set out in the *AJGR Style Sheet.* Any article that does not conform to the Style Sheet will be returned and will not be further considered until the style requirements are adhered to. Published contributors will receive one complimentary copies of the issue in which their work is published. Opinions expressed by contributors are solely their own, and do not necessarily reflect those of the editorial committee or the Desmond Tutu Centre for Religion and Social Justice at the University of the Western Cape.

CONTENTS

Debunking Marvel Comics' First Pakistani-American Born Muslim Female Superhero: Reading Religion, Race and Gender in *Ms. Marvel* (Kamala Khan)

Johannes A Smit[1] and Denzil Chetty[2]

Abstract

Over the past decade, we have witnessed a comic book renaissance. The impact of this renaissance can be described as three-fold. First, we have seen comic books emerge as a compelling component of popular culture; second, as a "hybrid" form of texts and graphics, comic books have attained a new level of literary acceptance; and third, we have seen the advent of comic studies as an academic discipline in various higher education institutions. In addition, by drawing on myth and history, fantasy and reality, comic books have reproduced society's values, ideals, prejudices, and aspirations, thereby producing various ideological contestations. It is within this context that Marvel Comics' latest creation *Ms. Marvel* (Kamala Khan), portraying a first-generation American Muslim female teenager, born of Pakistani immigrants as the legendary Ms. Marvel – an American superhero – offers a unique opportunity to unpack the socio-cultural and political nuances embedded in comic books. Hence, by drawing on *Ms. Marvel* (Kamala Khan) as a case study, this paper seeks to provide a critique of the intersections between religion, race and gender in contemporary comic books. To do this, we employ "social constructionism" as an interpretive and analytical theoretical approach to a selection of scenes from the *Ms. Marvel* corpus. Our hypothesis is that the intersections between religion, race and gender as "played" out in *Ms. Marvel* (Kamala Khan) serve to foreground a socially constructed reality of religious (Islamic) bigotry; immigrant socio-cultural and political assimilation

---

[1] Johannes A Smit is Professor and former Dean and Head of the School of Religion, Philosophy and Classics at the University of KwaZulu-Natal, South Africa. He is the founding editor of the SAPSE journal *Alter*nation and served as research chair of the Humanities in the early 2000s. He teaches Comparative Religion (focus Christianity), and is the head of the Programme in Religion and Social Transformation since 2002. He has a lifelong commitment to interdisciplinary learning and critical research capacity development in the Arts and Humanities. Email: <Smitj@ukzn.ac.za>.

[2] Denzil Chetty is an academic and researcher at the University of South Africa (UNISA) in the College of Human Sciences, School of Humanities, Department of Religious Studies and Arabic. Much of his work focuses on contemporary religion; religion and popular culture; religion, technology and civil society; religion, subalternity and resistance; and the digital humanities. He has published and presented several papers both locally and internationally within this niche. He is also an Abe Bailey Fellow (United Kingdom), a Shanghai Open University Visiting African Scholar (China), and the recipient of UNISA's Excellence in Teaching and Learning Award. Email: <Chettd@unisa.ac.za>.

predispositions; and gender and power disparities embedded in both Muslim immigrant worldviews (internal) and American social ideals (external).

Keywords: religion, race, gender, contemporary comics, popular culture, social constructionism

Introduction

The past decade has witnessed what Corey Blake[3] and David Betancourt[4] have aptly categorised as the "comic book renaissance." However, this renaissance has not been limited to its traditional locality within America and Europe. India, for example has its annual Comic Con[5] in Delhi, Hyderabad, Mumbai, Bengaluru and Pune. Japan has seen its traditional Japanese design comics – i.e. *Manga,* gain popularity beyond its domestic borders to establish an international market.[6] Israel's comic book industry gained much recognition when Asaf Hanuka won the prestigious Eisner Award in 2016 for his comic book entitled *The Realist*.[7] Africa has also witnessed a resurgence in locally produced comic books, with the birthing of new African superheroes.[8] The Nigerian-based Republic Comic published a series on "Hilda Avonomemi Moses." a woman based in the remote village of Edo, who possesses the power to see spirits. Roye Okupe, a Nigerian-based author, created "Wale Williams," a young man who possesses a cryptic nanosuit that gives him superhuman abilities and allows him to challenge extremist organisations within his city. Loyiso Mkhize, a South African-based author, created the superhero "Kwezi" who resides in modern-day Johannesburg Gold City, and is in search of his African heritage.

The impact of this global comic book renaissance can be articulated as three-fold. First, comic books have emerged as a compelling component of popular culture. Tom DiChristopher notes that in recent years we have

---

[3] Corey Blake, "The Comic Book Renaissance," *Fox News*, 2 March 2011, http://video.foxnews.com/v/4564174/?#sp=show-clips

[4] David Betancourt, "Are we living in a comic renaissance? The new publisher is betting that's the case," *The Washington Post*, 6 January 2016, https://www.washingtonpost.com/news/ comic-riffs/wp/2016/01/06/are-we-living-in-a-comics-renaissance-this-new-publisher-is-betting-thats-the-case/?utm_term=_.a5b5479779ba

[5] Comic Con = Comic-Based Convention.

[6] See Elisabetta Porcu, "Down-to-Earth Zen: Zen Buddhism in Japanese Manga and Movies," *Journal of Global Buddhism* 16 (2015): 37-50. Porcu's thesis focuses on the incorporation of Zen Buddhist elements within a thriving local and global market of *manga* (Japanese comics) and *anime* (Japanese animation movies).

[7] Asaf Hanuka, *The Realist*. (Los Angeles: Archaia, 2015).

[8] The term "superhero" is employed in this paper to refer to both "male" and "female" – i.e. gender neutral.

seen comic book sales flourish in both print and digital mediums.[9] Sandra Nygaard contends that this "once secret subculture" has become mainstream, inspiring a number of profitable movies.[10] Nygaard further argues that what we are currently witnessing is a revival of the twentieth-century American popular culture, with the birth of home-grown superheroes such as "Superman."[11] Brian Cogan and Tony Kelso additionally claim that comic books "have long been indicators of popular culture" and since its advent, have "reacted to history" and served as "keen observers and social commentators."[12] Second, comic books have attained a new level of literary acceptance. After more than two decades since Art Spiegelman's *Maus*[13] received the renowned literary Pulitzer Prize in 1992, we are now witnessing a renewed recognition of comic books and graphic novels in the literary space. In 2012, two graphic works were shortlisted for the Costa Literary Awards. The first was Joff Winterhart's *Days of the Bagnold Summer*,[14] and the second was Mary Talbot's *Dotter of Her Father's Eyes*.[15] In 2016, John Lewis and Andrew Aydin's graphic novel *March: Book Three*[16] received the National Book Award, thereby reaffirming the return of comic books and graphic novels to the literary space. Aaron Meskin further claims that while there are many arguments for and against comic books as literature, we need to see comic books as a "literary-hybrid", i.e. an amalgam of "art" (aesthetics) and "text" (literary discourse), which "possess some of the kinds of values that great literary works possess", i.e. "creative, original, well-structured and unified."[17] A noteworthy example, which bares contextual relevance for this paper is *Persepolis*, a graphic autobiography by Marjane Satrapi, which portrays her life trajectory from early childhood to adulthood in Iran

---

[9] Tom DiChristopher, "Comic Books Buck Trends as Print and Digital Flourish," *CNBC*, 5 June 2016, http://www.cnbc.com/2016/06/05/comic-books-buck-trend-as-print-and-digital-sales-flourish.html

[10] Sandra Nygaard, "Comics' Fantastic Influence on U.S.," *Chicago Tribune*, 17 August 2003, http://articles.chicagotribune.com/2003-08-17/news/0308170395_1_comic-book-frederic-wertham-american-splendor. Movies based on comic books such as "Dare Devil," "Avengers," "Spiderman," and "Wonder Woman" feature within this category of "profitable" movies.

[11] Nygaard, "Comics' Fantastic Influence on the U.S."

[12] Brian Cogan and Tony Kelso, *Encyclopedia of Politics, the Media and Popular Culture*. (Santa Barbara: Greenwood Press, 2009), 225-7.

[13] Art Spiegelman, *Maus: A Survivors Tale*. (New York: Pantheon Books, 1986).

[14] Joff Winterhart, *Days of the Bagnold Summer*. (London: Jonathan Cape, 2012).

[15] Mary M Talbot, *Dotter of Her Father's Eye*. (London: Jonathan Cape, 2012).

[16] John Lewis and Andrew Aydin, *March: Book Three*. (Marietta, Georgia: Top Shelf Productions, 2016).

[17] Aaron Meskin, "Comics as Literature?" *British Journal of Aesthetics* 49, no. 3 (2009): 220.

during and after the 1979 Islamic revolution.[18] Third, we have seen the advent of "comic studies" as an academic discipline in various higher education institutions.[19] For example, the University of Florida hosts an annual conference on comics and a peer-reviewed open access journal called *ImageText*,[20] dedicated to the interdisciplinary study of comics. The University of Oregon offers interdisciplinary courses on comic studies that focus on "an introduction to comic studies," "art and gender," "comparative comics," and the "history of Manga." Portland State University also offers an interdisciplinary comic studies programme that focuses on both theory and practice within their contemporary literature niche.

In addition to the above three developments, the past decade has also seen comic books emerge as a critical discourse space through its emulation of society's values, ideals, prejudices and aspirations,[21] thereby providing social commentary and desirability for a variety of readers with varying ideological stances. Among the many social issues addressed are three notable reoccurring themes.

The first theme is *religion*. Religion has been a dominant feature in many comic books such as *Daredevil*,[22] created by Stan Lee, *Preacher*,[23] created by Garth Ennis, and *Watchmen*,[24] created by Alan Moore. However, historical events stemming from post 9/11, the Arab Spring, and the rise of the Islamic State (IS) have brought to the fore the rapid integration of Islam into the comic book industry. The introduction of Islam within the comic book space, as observed by Jehanzeb Dar, has been one based on "extremely stereotypical and insidious representations of Middle Easterners," in which they are often portrayed as "villains" and "terrorists," "bearded-men" with "turbans," reciting "Quranic verses" and "inciting the name of Allah."[25] As Sophia Arjana observes, "Muslims have provided a source of entertainment for Americans situated in stereotyping that is

---

[18] Marjane Satrapi, *Persepolis*. (New York: Pantheon Books, 2003).

[19] The rise of comic books produced within Africa creates new opportunities for comic studies within Africa.

[20] Anastasia Ulanowicz, ed. "ImageText Interdisciplinary Comic Studies." http://www.english.ufl.edu/imagetext/

[21] The recent developments within the comic book industry must be understood against the background of a transitioning industry that responds to the broader socio-political and cultural advances, both domestically and globally. It is through these transitions and the strategic responses that the comic book industry is able to leverage the market.

[22] Stan Lee, *Daredevil*. (New York: Marvel Comics, 1964-2016).

[23] Garth Ennis, *Preacher*. (New York: Vertigo, DC Comics, 1995-2000).

[24] Alan Moore, *Watchmen*. (New York: DC Comics, 1986-1987).

[25] Jehanzeb Dar. "Holy Islamophobia, Batman! Demonization of Muslims and Arabs in Mainstream American Comic Books." *Counterpoints*, no. 346 (2010): 99-110.

communicated in a violent and sensual imagery."[26] One noteworthy example is Frank Miller's *Holy* Terror, which was a popular but very negative graphic novel about Islam.[27] Despite these ideological representations, we have also seen attempts of a counter-representation. For example, Naif al-Mutawa's comic book series called *The 99*[28] seeks to portray an alternate generation of young Muslim superheroes that battle extremism. Marvel Comics have also recently produced a few Muslim female superheroes such as "Sooraya Qadir" (*Dust*), an adolescent Sunni Muslim girl who possesses the power to turn herself into a sand-like substance; and "Dr. Faiza Hussain" (*Excalibur*), a Muslim female doctor based in London, who possesses the power to engage with the human body at a subatomic level.

The second theme is *race*. In an article entitled "Why comic books are more radical than you think?"[29] Natalie Haynes argues that comic books "continue to blaze a trail across pop culture, reflecting the societies they emerge from" and its "nuanced social complexity." By drawing on an issue of *Batman* (*Batman: A Simple Case*[30]) opening with "the stark image of a black boy lying on the ground" after "he was shot dead by a white police officer." Haynes argues that comic books are "fighting important fights" such as "America's thorniest contemporary problems: institutional racism."[31] Marc Singer in his article entitled "Black Skins and White Masks: Comic Books and the Secret of Race" further posits that "comic books, and particularly the dominant genre of superhero comic books, have proven fertile ground for stereotyped depictions of race."[32] Singer contends that the evolution of superheroes such as "Black Lightning" and "Black Panther" are "minority superheroes," who are "marked purely for their race" and their trajectory of "exclusion."[33] In addition, Joseph Darowski, in his book entitled *X-Men and the Mutant Metaphor: Race and Gender in the Comic Books*, claims that most of the heroic superheroes are "white male," whereas the villains are "racially and ethnically

---

[26] Sophia R Arjana, *Veiled Superheroes: Islam, Feminism and Popular Culture*. (New York: Lexington Books, 2018), xvi.

[27] Frank Miller, *Holy Terror*. (Burbank: Legendary Comics, 2011).

[28] Naif Al-Mutawa, *The 99*. (Kuwait: Teshkeel Comics, 2007-2014).

[29] Natalie Haynes, "Why comic books are more radical than you think." *BBC Culture*, November 2015, http://www.bbc.com/culture/story/20151105-why-comic-books-are-more-radical-than-you-think

[30] Brian Azzarello, *Batman*, #44, "*A Simple Case*." (New York: DC Comics, 2015.)

[31] Natalie Haynes, "Why comic books are more radical than you think."

[32] Marc Singer, "Black Skins and White Masks: Comic Books and the Secret of Race." *African American Review* 36, no. 1 (2002): 107.

[33] Singer, "Black Skins and White Masks," 107.

diverse."[34] Darowski substantiates this by arguing that while the themes explored in the X-Men series condemn prejudice and discrimination, "the actual characters used often portray the heroism of white characters with the threat coming from minority characters."[35]

The third theme is *gender*. In terms of gender representation in comic book characters, Amanda Shendruk argues that female characters appear less often than male characters in superhero comics.[36] Shendruk further contends that "the less-physical powers – such as 'empathy,' 'intellect' and 'telepathy' – tend to be represented among female characters," whereas the "highly physical powers" are attributed to male superheroes.[37] In order to address this historic gender bias, Nathan Reese notes that there is a growing cohort of female writers and creators challenging the gender stereotypes by producing counter narratives through new comics such as *Wonder Woman*, *Bat Girl*, *Pretty Deadly*, and *She-Hulk*.[38] In addition to the repositioning of women in comic books, by drawing on DC Comic's *Midnighter,*[39] Haynes states that comic books are taking a more positive position on sexuality with its positive take on the life of an active gay male."[40] Brian Mitchell Peters in an article entitled "Qu(e)erying Comic Book Culture and Representations of Sexuality in Wonder Woman,"[41] claims that "comic books mark a pertinent role in the formation of ideology and the young," with its "crystallization of ideas both in surface and subtext." Peters argues that "[m]any young people who will later identify themselves as gay, lesbian, or queer, zone in on comics because these magazines articulate a space for queer play."[42]

It is within this context that we draw upon Marvel Comics' latest creation, *Ms. Marvel* (Kamala Khan), which offers an intersection of the three themes identified above. The portrayal of Kamala Khan – an American born Muslim female teenager of Pakistani descent – as the new Ms.

---

[34] Joseph Darowski, *X-Men and the Mutant Metaphor: Race and Gender in the Comic Books*. (New York: Rowman and Littlefield, 2014), 2.

[35] Darowski, "X-Men and the Mutant Metaphor," 2-3.

[36] Amanda Shendruk, "Analysing the Gender Representation of 34, 476 Comic Book Characters." *The Pudding*, 2017, https://pudding.cool/2017/07/comics/

[37] Shendruk, "Analysing the Gender Representation of 34, 476 Comic Book Characters."

[38] Nathan Reese, "Wonder Women: How Female Characters and Creators are Battling to Make Comics Better". *Complex*, 2015. http://www.complex.com/pop-culture/2015/02/race-and-gender-in-comic-books

[39] Warren Ellis and Bryan Hitch, *Midnighter*. (New York: DC Comics, 1998-2016).

[40] Haynes. "Why comic books are more radical than you think."

[41] Brian Mitchell Peters, "Qu(e)erying Comic Book Culture and Representations of Sexuality in Wonder Woman." *Comparative Literature and Culture* 5, no. 3 (2003): 1-9.

[42] Peters, "Qu(e)erying Comic Book Culture," 3.

Marvel, sees the first Muslim female superhero to headline her own comic book series. This portrayal serves to further juxtapose the historically dominant white male narrative, with "Kamala Khan" as the symbolic embodiment of the historically underrepresented group (i.e. Muslim-Pakistani-immigrant-female). While the fictional characteristics and abilities of Kamala Khan as Ms. Marvel serves to challenge the stereotypical representations of "female embodiment" in comic books, there is, in addition, a deeper synthesis of interpersonal relations, social dynamics and socio-cultural relations that underpins the seven volumes dating 2014-2017. Hence, by drawing on *Ms. Marvel* (Kamala Khan) as a case study, this paper seeks to provide a critique of the intersections between *religion*, *race*, and *gender* in contemporary comic books. In order to achieve this, we employ "social constructionism" as an interpretive and analytical theoretical approach to a selection of scenes drawn across the seven volumes. In considering the current literature on *Ms. Marvel* (Kamala Khan), this paper offers an important contribution to the historical contextualisation of the knowledge produced and symbolically embodied through historical representations of the individual and society.

Theoretical Approach: Social Constructionism

Let us begin by briefly contextualising how "social constructionism" is applied in this paper. Kenneth Gergen articulates social constructionism as being primarily concerned with explaining the processes by which people "come to describe, explain, or otherwise account for the world in which they live."[43] According to Gergen, social constructionism attempts to "vivify common forms of understanding as they now exist, as they have existed in prior historical periods, and as they might exist should creative attention be directed to them."[44] For Tom Andrews, social constructionism is primarily concerned with the "nature and construction of knowledge" and "how it emerges" and "comes to have significance for society" – i.e. how "individuals or groups of individuals define this reality."[45] Another perspective articulated by Alexandra Galbin is that social constructionism is primarily concerned with the artifacts (knowledge/concepts) that are created through social interactions of a group, and a reality constructed

---

[43] Kenneth J. Gergen, "Social Constructionist Inquiry: Context and Implications." In *The Social Construction of the Person*, ed. K.E. Davis, Springer Series in Social Psychology. (New York: Springer, 1985), 3-4.

[44] Gergen, "Social Constructionist Inquiry: Context and Implications," 4.

[45] Tom Andrews. "What is Social Constructionism?" *The Grounded Theory Review* 11, no. 1 (2012): 39.

through a process of cultural consensus.[46] This is underpinned by Gergen's thesis that "the terms in which the world is understood are social artifacts, products of historically situated interchanges among people."[47] In the context of this paper, we employ Vivien Burr's theorising of social constructionism. Burr states that while there is no "single" definition of social constructionism, there are four key assumptions that underpin any social constructionist approach.[48]

The first key assumption is that social constructionism takes a "critical stance toward our taken-for-granted ways of understanding the world and ourselves."[49] Within this assumption, Burr theorises that a social constructionist approach should be critical of the position that "conventional knowledge is based upon objective, unbiased observation of the world."[50] This implies that the categories, which we use to interact and understand the world we live in as human beings, might not necessarily reflect the real divisions of society. The second key assumption is that "the ways in which we commonly understand the world, the categories and concepts we use, are historically and culturally specific."[51] For Burr, this implies that ways of understanding the world are not only specific to particular cultures and historical periods, they are also "products of that culture and history, dependent upon the particular social and economic arrangements prevailing in that culture at that time."[52] The third key assumption is that knowledge of the world is constructed by people and between people through daily interactions, where in the "course of social life these versions of knowledge become fabricated." For Burr, this implies that what is regarded as "truth," varies historically and cross-culturally.[53] Finally, the fourth key assumption is that "knowledge and social action go together," with each construction inviting different patterns of social action. For Burr, "constructions of the world are therefore also bound up with power relations," as "they have implications for what is permissible for different people to do, and how they may legitimately treat others."[54]

---

[46] Alexandra Galbin, "An Introduction to Social Constructionism," *Social Research Reports* 26 (2014): 83.

[47] Gergen, "Social Constructionist Inquiry: Context and Implications," 5.

[48] Vivien Burr, *Social Constructionism*. (London: Taylor and Francis, 2003), 2.

[49] Burr, *Social Constructionism*, 2.

[50] Burr, *Social Constructionism*, 2.

[51] Burr, *Social Constructionism*, 3.

[52] Burr, *Social Constructionism*, 3.

[53] Burr, *Social Constructionism*, 4.

[54] Burr, *Social Constructionism*, 5.

Hence, Burr's basic theorising of social constructionism is that our knowledge is not a direct perception of reality; instead, we construct our own versions of reality as a culture and society within specific historical contexts.[55] This "constructed" knowledge is derived from looking at the world through certain perspectives and interests. By applying Burr's key assumptions in this paper, we foreground three inferences for a social constructionist approach. First, since the social constructionist approach analyses categories of difference as fluid, dynamic and dependent upon cultural and historical contexts, the existing inequalities that are perpetuated in society and emulated in comic books must be challenged. Second*,* by focusing on the processes through which inequalities and power relations produce religious, racial, and gender difference, a social constructionist approach must analyse the internal and external constructions of minorities and the marginalised as "subaltern" (an inferior subject). Third, a social constructionist approach must analyse the categorical underpinning of inequalities in society produced through unequal systems of knowledge and power that are also emulated in comic books.

It is against this theoretical background that we now turn to a critique of the intersections between religion, race, and gender in contemporary comic books, by drawing on *Ms. Marvel* (Kamala Khan) as a case study.

Case Study – Ms. Marvel (Kamala Khan)

Marvel Comic's latest creation, *Ms. Marvel* (Kamala Khan), sparked one of the most critical debates in the comic book industry, i.e. one of "representation." The adoption of a sixteen-year-old Pakistani-American Muslim female teenager as the legendary Ms. Marvel – a character previously played by a local American white blonde female, Carol Danvers, who now goes by the alias of Captain Marvel – has raised critical questions of religious, racial, and gender representation in terms of content and the assumed audience in the comic book industry. Miriam Kent argues that "due to mainstream comics' history of framing women within hegemonic ideologies, Kamala Khan represents a break from tradition."[56] Kent further contends that the adoption of Kamala Khan in the mainstream comic superhero genre, sees a breakthrough for the representation of Muslim women in the West, more specifically those of

---

[55] Burr, *Social Constructionism*, 9.

[56] Miriam Kent, "Unveiling Marvels: *Ms. Marvel* and the Reception of the New Muslim Superheroine." *Feminist Media Studies* 15, no. 3 (2015): 523.

colour.[57] Kent attributes this conscientious movement towards redressing issues of inclusion and intersectionality to the creative innovation of writer G. Willow Wilson (an American Muslim) and editor Sana Amanat (a Pakistani-American). In an interview on *Late Night with Seth Meyers*, Amanat noted that while *Ms. Marvel* (Kamala Khan) draws much from her own personal contestations of growing up as a Pakistani-American Muslim female teenager, the spawning of "Kamala Khan" as Ms. Marvel draws largely from a global sub-conscious desire for representation – i.e. in terms of Muslim women, marginalised females and those underrepresented.[58] Despite the many praises for women writing, reading, and the embodiment of a subaltern voice in *Ms. Marvel* (Kamala Khan), Shenila Khoja-Moolji and Alyssa Niccolini raise an important critique in their article entitled *"*Comics as Public Pedagogy: Reading Muslim Masculinities through Muslim Femininities in Ms. Marvel."[59] Khoja-Moolji and Niccolini argue that while *Ms. Marvel* (Kamala Khan) aims to produce a "disruption" to Islamophobia and xenophobia, in order to produce such disruption, it relies upon and reproduces stereotypical conceptualisations of Muslim masculinities defined by conservative Muslim men.[60] Hence, this sees a "complex and unstable" entanglement of religion (Islam), race (identity), and gender in *Ms. Marvel* (Kamala Khan).[61]

In order to engage these issues further, in the following sub-sections, we provide an analysis of the social constructions of religion, race, and gender by drawing on selective scenes across the several volumes. While we categorically label each social construction as either religion, race, or gender, the scenes we draw upon for our analysis demonstrate an intersection of these constructs.

Social Construction 1: Religion (Islam)

The premiere of *Ms. Marvel* (Kamala Khan) sets the thematic context for the comic book series. It portrays Kamala Khan gazing at a piece of bacon (which is taboo according to Islamic law) in a Jersey City deli saying, "I

---

[57] Kent, "Unveiling Marvels: *Ms. Marvel* and the Reception of the New Muslim Superheroine," 523.

[58] Sana Amanat, "Interview". *Late Night with Seth Meyers*, 2016, https://www.youtube.com/watch?v=HWxWwewXJbU

[59] Shenila Khoja-Moolji and Alyssa Niccolini, "Comics as Public Pedagogy: Reading Muslim Masculinities through Muslim Femininities in Ms. Marvel." *Girlhood Studies* 8, no. 3 (2015): 24.

[60] Khoja-Moolji and Niccolini, "Comics as Public Pedagogy," 26.

[61] Khoja-Moolji and Niccolini, "Comics as Public Pedagogy," 26.

just want to smell it, delicious, delicious infidel meat."[62] The counter response from her close friend, Bruno Carrelli, who works as a cashier in the deli, captures the continuing challenge of "principles" that will confront Kamala Khan throughout the series to "either eat the bacon or stick to your principles."[63] While the writer, G. Willow Wilson, begins with a simple issue of Islamic dietary practices as a point of contestation, the second page introduces the reader to the controversial issue of the headscarf (*hijab*) and misconceptions in society. The reader is introduced to Zoe Zimmer, a tall, blonde, attractive French teenager who is a classmate of Kamala Khan. She confronts Nakia Bahadir, a Muslim Turkish immigrant and close friend of Kamala Khan, on wearing her headscarf. Zoe comments, "Your headscarf is so pretty, Kiki [Nakia]. I love that color. But I mean nobody pressured you to start wearing it, right? Your father or somebody? Nobody's going to like honour kill you? I'm just concerned."[64] Zoe's comments and satire on the use of the headscarf by Muslim women reveals a level of ignorance. However, if we deconstruct this scene, then we understand the social construction of this intended ignorance more meaningfully. First, the statement is made by an individual of French origin, which leads the reader to position the satire within the broader socio-cultural and political discourse of the Muslim veil in France and broader Europe. Second, Zoe's articulation of "father" and "honour killing" is linked to Euro-centric sentiments that the veil is a symbol of "patriarchal" oppression. Third, to counter this current position of thought, Nakia's response, "actually my dad wants me to take it off,"[65] provides a rebuttal to the patriarchal construct, by (re)positioning the wearing of the veil by Muslim women as one of choice and a symbol of modesty and self-preservation of religious identity. Nakia's rebuttal echoes the sentiments of many Muslim women captured by Hanna Ingber in her article "Muslim Women on the Veil" in the *New York Times*: "[I]t reminds me of who I am, my veil never stopped me from doing anything, it makes me feel confident, having the choice made me feel empowered."[66] By drawing on the issue of the "veil," Wilson is able to expose her readers to the socio-cultural challenges confronting Muslim women in society, and simultaneously offer the two positions "for" and "against" the veil.

---

[62] Willow G. Wilson, Adrian Alphona and Ian Herring, Ms. Marvel, Vol. 1, #001, "No Normal." New York, NY: Marvel Worldwide, Inc., a Subsidiary of Marvel Entertainment, LLC, (2014), 1.

[63] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #001, "No Normal," 1.

[64] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #001, "No Normal," 2.

[65] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #001, "No Normal," 2.

[66] Hanna Ingber, "Muslim Women on the Veil," *New York Times* (2015), https://www.nytimes.com/2015/05/28/world/muslim-women-on-the-veil.html

However, Wilson does not yield with her critique of the challenges confronting Muslim women in contemporary society. In Volume 1, Issue 3, "The Side Entrance," Wilson shifts to an internalisation of the challenges confronting Muslim women, by foregrounding the issue of gender segregation in mosques. Wilson sets the scene with Kamala Khan attending a Saturday Youth Lecture delivered by Sheikh Abdullah at the Islamic Masjid of Jersey City.[67] The graphic artist portrays an image of young boys siting around Sheikh Abdullah, listening to the lecture, while a group of young girls sit behind a non-fixed partition wall listening to the lecture. The non-fixed partition wall creates a "segregated" section, allowing Kamala Khan and Nakia to have a private conversation. Sheikh Abdullah chastises the conversing girls, "Sisters! No talking during the lecture, please."[68] Kamala Khan responds to Sheikh Abdullah, "S-sorry, Sheikh Abdullah, but it is really hard to concentrate when we can't be seen." This opens the space for a discourse on "gender segregation in mosques."[69] A dismayed Sheikh Abdullah responds to Kamala Khan, "Sister Kamala! How glad I am that you've joined us today. The partition and side entrance for women are there to preserve your modesty and dignity."[70] Kamala Khan responds, "But – didn't you tell us there was no partition at the Prophet's mosque in Medina? That men and women went through the same door and sat in the same room?"[71] Sheikh Abdullah responds, "Yes, but those were blessed times, free from today's scandal and temptation."[72] Through this scene, Wilson is able to immerse the reader into the dispute of gender segregated spaces in mosques. By counter-positioning Kamala Khan with Sheikh Abdullah, Wilson is able to create a "reflective space" between the traditional male dominant views espoused by Sheikh Abdullah and the more liberal position taken by Muslim feminist movements. The social construction of this scene is further enhanced by visually depicting Kamala Khan's brother, Aamir Khan, as stunned by his sister questioning Sheikh Abdullah on the segregation of women in mosques, and the deep silence and meditation of the young girls surrounding Kamala Khan and Nakia during the lecture. In this instance, Kamala Khan represents the emerging subaltern voice that is breaking with tradition. A reader familiar with the American social context, would be able to draw a parallel between Kamala Khan's

---

[67] Willow G. Wilson, Adrian Alphona and Ian Herring, Ms. Marvel, Vol. 1, #003, "Side Entrance". New York, NY: Marvel Worldwide, Inc., a Subsidiary of Marvel Entertainment, LLC, 2014, 5.

[68] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #003, "Side Entrance," 6.

[69] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #003, "Side Entrance," 6.

[70] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #003, "Side Entrance," 7.

[71] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #003, "Side Entrance," 7.

[72] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #003, "Side Entrance," 7.

questioning of Sheikh Abdullah and the 2010 protest led by Fatima Thompson and twenty other women, who prayed directly behind the men instead of in a segregated space for women at the Islamic Center of Washington, DC.[73]

In all three scenarios, we find the use of religion as a social construction of "us" and "other"/"them." It might be more apt at this point to turn to Jan Platvoet's operational definition of religion as the fulfillment of social order, social cohesion, and stability in society.[74] According to Platvoet, religion is a "social institution" consisting of four common elements: (a) representations; (b) social relations (or social organisations); (c) attitudes and emotions; and (d) behaviour.[75] Platvoet further distinguishes this as "visible manifestations" through "actual behaviour," "specific places" or "buildings," and "dress" or "insignia;" and "invisible manifestations" that are mental constructions such as "representations, relationships (or networks), statuses, attitudes, norms, expectations, interests, and emotions."[76] This definition is important to the study of religion in popular culture, since it not only embodies the structure of religion but also its impact on those who participate in it.

Social Construction 2: Race (Identity)

Let us now turn to the issue of race. One of the positive attributes of *Ms. Marvel* (Kamala Khan) is how Wilson manages to construct an "inclusive" narrative around racial diversity. Wilson brings to the fore, characters that are of Pakistani, French, Turkish, Italian, and American origin, thereby (re)affirming the racial diversity and multi-culturalism of the American society. Noah Berlatsky emphasises the importance of *Ms. Marvel* (Kamala Khan) within the broader race discourse in comic books by drawing on the following two points. First, Berlatsky argues that by positioning a dark-skinned Kamala Khan as the superhero, it makes the racial subtext of "difference and stigma" more focused; and, second, the stigma against Kamala Khan as Ms. Marvel, becomes a metaphor for the

---

[73] Julia Marsh, "Protestors Break prayer Rules at Leading Mosque." *Women's E-News* (2010), https://womensenews.org/2010/02/protesters-break-prayer-rules-at-leading-mosque/

[74] Jan Platvoet, "Method and Theory in the Study of Religion," *Journal of the North American Association for the Study of Religion* 2, no. 2 (1990): 187.

[75] Jan Platvoet, "Method and Theory in the Study of Religion," 187.

[76] Jan Platvoet, "Method and Theory in the Study of Religion," 188.

stigma experiences against women of colour.[77] In addition to Berlatsky's deductions, what makes *Ms. Marvel* (Kamala Khan) unique is that in a society, where being an immigrant is classified as a "problem," the comic series foregrounds the inner tensions of an immigrant family trying to preserve their identity and worldviews, while simultaneously attempting to integrate within American society. In so doing, Wilson is able to construct a subaltern voice through three notable scenarios.

The first scenario sees the contestation of immigrant identity and values in an American society. After Kamala Khan sneaks out to a party that she was forbidden to attend, she is caught by her parents sneaking back into her room. Kamala Khan's father (Yusuf Khan) responds: "I'm disappointed in you *beta* [daughter]. Very disappointed. You disobeyed me and worse, you put yourself at risk."[78] The idea of "risk" must be understood within the broader social construct of Muslim girls being forbidden to be alone with boys. This particular view was articulated earlier in the narrative, when Yusuf Khan refused to allow Kamala Khan to attend the party on the basis that boys would be present.[79] This is further emphasized in the lecture given by Sheikh Abdullah in the Islamic Masjid of Jersey City, "So remember, dear young brothers and sisters, as the Prophet tells us, when an unmarried man and woman are alone together, the third is Shaytan."[80] Kamala Khan's response to her father illustrates the inner contentions that she is confronted with: "I'm sorry I disobeyed you, Abu [father]. There's just – There's just a lot of stuff going on in my life right now, and I can't talk about it. Not yet. Not until I've figured it out on my own."[81] This response yields the following reply from Kamala Khan's mother (Muneeba "Disha" Khan), "That's what you have to say? You are figuring it out? Have I raised my daughter to hide things from her parents?"[82] Muneeba Khan then comments to Yusuf Khan, "This is your fault. You're the one who brought us to this country. See how the children have turned out? See? One sneaks out to parties with boys and the other dresses like a penniless mullah [Muslim scholar]."[83] This scenario provides an internal perspective into the issue of family values and the notion of a contested dominant "male" voice. While Muneeba Khan asserts her discontent with Kamala

[77] Noah Berlatsky, "Ms. Marvel is a Progressive Superhero, but Latest Story Arc is a Step Back on Race," *The Guardian Weekly* (2015), https://www.theguardian.com/books/2015/jun/05/ms-marvel-g-willow-wilson-muslim-race-comics

[78] Willow G. Wilson, Adrian Alphona and Ian Herring, *Ms. Marvel*, Vol. 1, #002, "All Mankind," New York, NY: Marvel Worldwide, Inc., a Subsidiary of Marvel Entertainment, LLC, 2014, 4.

[79] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #001, "No Normal," 5.

[80] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #003, "Side Entrance," 6.

[81] Wilson, Alphona and Herring, *Ms. Marvel*, Vol. 1, #002, "All Mankind," 14.

[82] Wilson, Alphona and Herring, *Ms. Marvel*, Vol. 1, #002, "All Mankind," 14.

[83] Wilson, Alphona and Herring, *Ms. Marvel*, Vol. 1, #002, "All Mankind," 15.

Khan's association with boys, it is the father's "disappointment" that is given priority. In addition, Muneeba Khan herself reaffirms the position of the male voice by threatening Kamala Khan to involve Sheikh Abdullah, "…If I wake up and find you have snuck out again, the next step will involve Sheikh Abdullah."[84] Muneeba Khan's further assertion, "you brought us to this country,"[85] implies a state of socialisation in American society that is compromising their family values.

In the second scenario, Wilson shifts the discourse by foregrounding the issue of racial assimilation and integration through a relationship between Kamala Khan's brother, Aamir Khan and a Black American Christian girl, Tyesha Marie Hillman. Aamir takes Tyesha home to meet his parents and notifies them of his intentions to marry Tyesha. The response by Muneeba Khan illustrates the critical position of "racial purity" for immigrant communities: "We never met this girl before! Who is she! Who are her people? What is her situation?"[86] This is further exasperated by her follow through comment, "Why didn't he tell me he wanted to get married? I could have gotten an excellent *rishta* [marriage proposal] with a Karachi girl…."[87] However, it is the response of Aamir Khan that places this scenario into a clear social construct of race, "And one of the reasons I respect you is because you would never reject a rishta with a smart beautiful, honorable woman because of some outdated idea that a good bride looks like a circa-1989 Bollywood commercial for Fair and Lovely."[88] This solicits the following response from Muneeba Khan: "We're not prejudice Aamir, you know – It's just that – you're my only son, Jaanu. We're so far away from our families…When I think of your wedding, I think of something familiar with people like us. The right family, the right background."[89] It is within this context that we can apply Howard Taylor's definition of race as a social construction, which grows out of a process of human interaction in which division of people occurs along the lines of physical attributes (i.e.

[84] Willow, G. Wilson, Adrian Alphona and Ian Herring. Ms. Marvel, Vol. 1, #004, "Past Curfew." New York, NY: Marvel Worldwide, Inc., a Subsidiary of Marvel Entertainment, LLC, 2014, 13.

[85] Wilson, Alphona and Herring. *Ms. Marvel*, Vol. 1, #002, "All Mankind," 15.

[86] Willow G. Wilson, Nico Leon, Ian Herring and Joe Caramagna. *Ms. Marvel*, Vol. 5, #004, "Army of One." New York, NY: Marvel Worldwide, Inc., a Subsidiary of Marvel Entertainment, LLC, 2016, 5.

[87] Wilson, Leon, Herring and Caramagna, *Ms. Marvel*, Vol. 5, #004, "Army of One," 5.

[88] Wilson, Leon, Herring and Caramagna, *Ms. Marvel*, Vol. 5, #004, "Army of One," 6.

[89] Wilson, Leon, Herring and Caramagna, *Ms. Marvel*, Vol. 5, #004, "Army of One," 6.

skin colour, hair colour and texture, bone structure, etc.).[90] Social construction thus entails people learning through "socialization and interaction processes, to attribute certain characteristics to people who are classified into a racial category."[91] This can be further enhanced with the thesis of Henry and Tator, that race is "a category used to classify humankind according to common ancestry and reliant on differentiation by physical characteristics."[92] For Henry and Tator, "common ancestry" is the core identifier for immigrant communities. However, through this social construct, Wilson is also able to capture the changing racial and ethnic composition of the American population, as new American identities are forged through marriage assimilation of immigrant communities across the racial divide.

The third scenario reverts back to the issue of Kamala Khan's contestations with her own identity as an American-Pakistani. In order to find her identity, she makes a pilgrimage to Pakistan to visit her extended family: "This is it, this is where I'm gonna find the missing pieces of my life. They weren't in Jersey City…."[93] However, when she is in Pakistan, she finds that she is treated like the "other," "The American is here,"[94] "Naani adjusted the spices in the food to white people levels so I could handle it."[95] It is within this context that Wilson constructs the notion of "otherness" more aptly – i.e. being in Pakistan, but too American in contrast with being in America, but too Pakistani. However, the contextualisation of Kamala Khan as "Ms. Marvel" in Pakistan sees a shift in visual representation. It is within this context that we see the true identity of Ms. Marvel, as Kamala Khan now wears the traditional *shalwar kameez* (traditional wear for Pakistani women), headscarf and sandals while fighting for justice, in comparison to her traditional western costume.[96]

---

[90] Howard F Taylor, "Defining Race" in *Race and Ethnicity in Society: The Changing Landscape*, eds. E. Higginbotham and ML. Andersen. (Belmont, CA: Thompson Higher Education, 2006), 47.

[91] Howard F Taylor, "Defining Race," 49-50. This is further substantiated by Achille Mbembe's recent publication, where he argues that the black person is in effect the "ghost of modernity," i.e. black as race is the "product" of a historical process. See Achille Mbembe, *Critique of Black Reason*. (Durham: Duke University Press, 2017), 129.

[92] F. Henry and C. Tator, *The color of democracy: Racism in Canadian society*. Third ed. (Toronto: Nelson, 2006), 4.

[93] Willow G. Wilson, Mirka Andolfo and Ian Herring, *Ms. Marvel*, Vol. 7, #012, "The Road to War." New York, NY: Marvel Worldwide, Inc., a Subsidiary of Marvel Entertainment, LLC, 2016, 7.

[94] Wilson, Andolfo and Herring, *Ms. Marvel*, Vol. 7, #012, "The Road to War," 5.

[95] Wilson, Andolfo and Herring, *Ms. Marvel*, Vol. 7, #012, "The Road to War," 6.

[96] Wilson, Andolfo and Herring, *Ms. Marvel*, Vol. 7, #012, "The Road to War," 14.

Social Construction 3: Gender

In social constructions one and two, we have alluded to the intersections of both religion and race with gender. However, in this third social construction, we want to focus more specifically on how gender representation is constructed internally – i.e. within an intra-gender space. Hence, we turn to Candace West and Don Zimmerman's definition that "gender" is "not a set of traits, nor a variable, nor a role, but the product of social doings of some sort" assigned to men and women.[97] Sally Haslanger builds upon this by arguing that as a social construct, "the ideas associated with gender are merely 'constructions', e.g. fictions about biological essences and genetic determination used to reinforce belief in the rightness and inevitability of the classification."[98] To substantiate this position, we focus on the metamorphosis and transfiguration of Kamala Khan into Ms. Marvel.

In the premier issue of *Ms. Marvel*, the transfiguration of Kamala Khan into a superhero occurs with her being surrounded by a mist that was produced by a Terrigen bomb, which exploded 12 hours earlier.[99] This renders her temporarily unconscious. When she awakes, she is confronted by Captain Marvel (previous alias Ms. Marvel), Iron Man, and Captain America. Captain Marvel initiates the conversation with the following quote in Urdu: "The yellow mustard is blooming in every field; the yellow mustard is blooming…mango buds click open, other flowers too; the koyal twitters from branch to branch and the maiden tries on her adornments."[100] In a state of mental disarray, Kamala Khan poses a rhetorical question to Captain Marvel: "You speak Urdu, then I am totes hallucinating. I must be ultra-drunk."[101] By employing an Urdu quote, Wilson immediately begins to challenge the dominant narrative of comic book superheroes being exclusively Western. This is further justified by the response of Captain Marvel, "We are faith. We speak all languages of beauty and hardship." The two key terms "faith" and "all languages" serve to highlight that fighting for justice is not exclusive to a certain faith or language. The conversation is driven further with Iron Man, "You are seeing what you need to see. You stand at a crossroads."[102] This implies a type of philosophical impasse,

---

[97] Candace West and Don H Zimmerman, "Doing Gender." *Gender and Society* 1, no. 2 (1987): 129.

[98] Sally Haslanger, "Gender and Social Construction" in *Applied Ethics: A Multicultural Approach.* Eds. Larry May Jill B Delston. (New York, Routledge, 2016), 299.

[99] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #001, "No Normal," 16.

[100] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #001, "No Normal," 16.

[101] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #001, "No Normal," 16.

[102] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #001, "No Normal," 16.

where Kamala Khan needs to make a decisive decision on her future. Captain America then contextualises the encounter, "You thought that if you disobeyed your parents – your culture, your religion – your classmates would accept you. What happened instead?"[103] This poses a moral question to Kamala Khan: Is she being true to herself or creating a façade of herself? She reflects on her current position by noting the following, "Zoe thought that because I snuck out, it was okay for her to make fun of my family. Like Kamala's finally seen the light and kicked the dumb inferior brown people and their rules to the curb."[104] Ernesto Priego argues that the visual representation of Kamala Khan with the three superheroes seems to be more Christian than Muslim, with its portrayal of Captain Marvel, "making an apparition, to make an announcement in the form of a poem by Amir Khusro."[105] Priego further contends that the imaging used by the graphic artists bares a close resemblance to the "Transfiguration" painting by Raphael; hence, it is embedded with "messianic undertones."[106]

In attempting to further unravel the identity crisis of Kamala Khan, Captain Marvel poses a question to her, "Who do you want to be?"[107] She responds, "I want to be beautiful and awesome and butt-kicking and less complicated. I want to be you. Except, I would wear the classic, politically incorrect costume and kick butt in giant wedge heels."[108] This type of response sees Kamala Khan immediately transfigure into a white young girl, blond hair, long boots and gloves, and a grey mask around her eyes. In essence, Wilson reconstitutes Kamala Khan as the ideal all-American girl. She transcends her religious, cultural, and racial profile to assume the body of a white blonde female teenager. Through this transfiguration, she attains the power of "shapeshifting" – becoming larger or smaller – and the "healing factor" – ability to heal herself.

A closer analysis of this transfiguration brings to the fore the intra-gender discourse – a type of idealisation of the same gender, but one socially constructed as superior. Wilson brings this to the fore with the transfiguration of an "inferior brown" female teenager into a "superior white" female teenager. Through this social construct, Wilson is able to problematise the identity challenges confronting young immigrant females

---

[103] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #001, "No Normal," 16.

[104] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #001, "No Normal," 16.

[105] Ernesto Priego. *Ms. Marvel: Metamorphosis and Transfiguration of the 'Minority' Superhero.* (London: City, University of London Institutional Repository, 2016), 4.

[106] Priego, *Ms. Marvel: Metamorphosis*, 4.

[107] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #001, "No Normal," 17.

[108] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #001, "No Normal," 17.

and their desire to fit into the American society at the cost of losing their own identity, religion, and culture. However, while Wilson attempts to provide a legitimate voice for the immigrant Muslim female teenager in American society, she falls prey to constructing this new superhero, Ms. Marvel (Kamala Khan) under the shadow of Captain Marvel. It is within this context that the gender construct cannot ignore the "power" discourse embedded within the race discourse.

Conclusion

The recent comic book renaissance has opened new spaces for academic engagement with emulations of society. Its focus on issues of religion, race, and gender offers a mirror into the various hegemonic and ideological contestations in society. The aim of this paper was to explore the intersections of religion, race, and gender in contemporary comics by drawing on *Ms. Marvel* (Kamala Khan) as a case study. One of the significant achievements of G. Willow Wilson and Sana Amanat's *Ms. Marvel*, was that, in addition to a narrative that sought to transform the comic book industry, it also created a space in each issue to capture the "voice" of its readers. Comments such as "It's a huge step in diversity and solidarity," "I'm Mormon, not Muslim, but I love seeing positive portrayals of any religion," and "She will probably still be something of a religious minority, but that's okay. She will be helping to break down layers and years of hate and prejudice between cultures," affirm the readership's association with Kamala Khan.[109] In order to analyse the intersections between religion, race, and gender in *Ms. Marvel* (Kamala Khan), we opted for "social constructionism" as the theory underpinning our analysis. The rational for such theory was that it provides a space to critique the production and contextualisation of knowledge within the comic book space. While there are many definitions of "social constructionism," we opted for Vivien Burr and her four-key assumptions that underpin the social constructionist approach. We then drew on selective scenes from *Ms. Marvel* (Kamala Khan) and applied these assumptions under three social constructs, *vis-à-vis* religion, race, and gender. Although we categorically labelled each construct individually, our analysis demonstrates an intersection of these constructs. In addition to providing a fresh perspective to the superhero genre, *Ms. Marvel* (Kamala Khan) also provides a "voice" for the subaltern. Our conclusion is that the intersections between religion, race, and gender as "played" out in *Ms. Marvel* (Kamala Khan) serves to foreground a socially constructed reality of religious (Islamic) prejudice; immigrant socio-cultural and political

---

[109] Wilson, Alphona and Herring, Ms. Marvel, Vol. 1, #001, "No Normal," 25.

assimilation predispositions; and gender and power disparities embedded in both Muslim immigrant worldviews (internal) and American social ideals (external). There is much potential for further research on *Ms. Marvel* (Kamala Khan); hence, we hope that this paper stimulates further research in *Ms. Marvel* as well as within the broader comic book space.

References

Al-Mutawa, Naif. *The 99*. Kuwait: Teshkeel Comics, 2007-2014.

Amanat, S. "Interview". *Late Night with Seth Meyers*, 2016. https://www.youtube.com/watch?v=HWxWwewXJbU (Accessed 20 June 2018).

Andrews, T. "What is Social Constructionism?" *The Grounded Theory Review* 11, no. 1 (2012): 39-46.

Arjana, R. Sophia. *Veiled Superheroes: Islam, Feminism and Popular Culture*. New York: Lexington Books, 2018.

Azzarello, Brian. *Batman*, #44, "A Simple Case." New York: DC Comics, 2015.

Berlatsky, N. "Ms. Marvel is a Progressive Superhero, but Latest Story Arc is a Step Back on Race." The Guardian Weekly (2015). https://www.theguardian.com/books/2015/jun/05/ms-marvel-g-willow-wilson-muslim-race-comics (Accessed 20 June 2018).

Betancourt, David. "Are We Living in a Comic Renaissance? The New Publisher Is Betting That's The Case." *The Washington Post*, 6 January 2016. https://www.washingtonpost.com/news/comic-riffs/wp/2016/01/ 06/are-we-living-in-a-comics-renaissance-this-new-publisher-is-betting-thats-the-case/?utm_term= .a5b5479779ba (Accessed 18 July 2017).

Blake, Corey. "The Comic Book Renaissance." *Fox News*, 2 March 2011. http://video.foxnews.com/v/4564174/?#sp=show-clips (Accessed 18 July 2017).

Burr, V. *Social Constructionism*. London: Taylor and Francis, 2003.

Cogan, Brian and Tony Kelso. *Encyclopedia of Politics, the Media and Popular Culture*. Santa Barbara: Greenwood Press, 2009.

Dar, Jehanzeb. "Holy Islamophobia, Batman! Demonization of Muslims and Arabs in Mainstream American Comic Books." *Counterpoints* 346 (2010): 99-110.

Darowski, Joseph J. *X-Men and the Mutant Metaphor: Race and Gender in the Comic Books*. New York: Rowman and Littlefield, 2014.

DiChristopher, Tom. "Comic Books Buck Trends as Print and Digital Flourish." *CNBC*, 5 June 2016. http://www.cnbc.com/2016/06/05/comic-books-buck-trend-as-print-and-digital-sales-flourish.html (Accessed 18 July 2017).

Ellis, Warren and Bryan Hitch. *Midnighter*. New York: DC Comics, 1998-2016.

Ennis, Garth. *Preacher*. New York: Vertigo, DC Comics, 1995-2000.

Galbin, A. "An Introduction to Social Constructionism." Social Research Reports 26 (2014): 82-92.

Gergen, J. Kenneth. "Social Constructionist Inquiry: Context and Implications." In *The Social Construction of the Person* edited by KE Davis. Springer Series in Social Psychology, 3-18. New York: Springer, 1985.

Hanuka, Asaf. *The Realist*. Los Angeles: Archaia, 2015.

Haslanger, Sally. "Gender and Social Construction." In *Applied Ethics: A Multicultural Approach* edited by Larry May and Jill B Delston, 299-307. New York: Routledge, 2016.

Haynes, Natalie. "Why Comic Books Are More Radical Than You Think." *BBC Culture*, November 2015. http://www.bbc.com/culture/story/20151105-why-comic-books-are-more-radical-than-you-think (Accessed 29 August 2017).

Henry, F. and C. Tator. *The Color of Democracy: Racism in Canadian Society*. Third ed. Toronto: Nelson, 2006.

Ingber, H. "Muslim Women on the Veil." New York Times (2015). https://www.nytimes.com/2015/05/28/world/muslim-women-on-the-veil.html (Accessed 20 June 2018).

Kent, M. "Unveiling Marvels: Ms. Marvel and the Reception of the New Muslim Superheroine." *Feminist Media Studies* 15, no. 3 (2015): 522-38.

Khoja-Moolji, SS. and AD. Niccolini. "Comics as Public Pedagogy: Reading Muslim Masculinities through Muslim Femininities in Ms. Marvel." *Girlhood Studies* 8, no. 3 (2015): 23-39.

Lee, Stan. *Daredevil.* New York: Marvel Comics, 1964-2016.

Lewis, John and Andrew Aydin. *March: Book Three.* Marietta, Georgia: Top Shelf Productions, 2016.

Marsh, J. "Protestors Break prayer Rules at Leading Mosque." Women's E-News (2010). https://womensenews.org/2010/02/protesters-break-prayer-rules-at-leading-mosque/ (Accessed 20 June 2018).

Mbembe, Achille. *Critique of Black Reason.* Durham: Duke University Press, 2017.

Meskin, Aaron. "Comics as Literature?" *British Journal of Aesthetics* 49, no. 3 (2009): 219-39.

Miller, Frank. *Holy Terror.* Burbank: Legendary Comics, 2011.

Moore, Alan. *Watchmen.* New York: DC Comics, 1986-1987.

Nygaard, Sandra. "Comics' Fantastic Influence on U.S". *Chicago Tribune*, 17 August 2003. http://articles.chicagotribune.com/2003-08-17/news/0308170395_1_comic-book-frederic-wertham-american-splendor (Accessed 18 July 2017).

Peters, Brian Mitchell. "Qu(e)erying Comic Book Culture and Representations of Sexuality in Wonder Woman." *Comparative Literature and Culture* 5, no. 3 (2003): 1-9.

Platvoet, Jan. "Method and Theory in the Study of Religion." *Journal of the North American Association for the Study of Religion* 2, no. 2 (1990): 180-212.

Porcu, Elisabetta. "Down-to-Earth Zen: Zen Buddhism in Japanese Manga and Movies." *Journal of Global Buddhism* 16 (2015): 37-50.

Priego, Ernesto. *Ms. Marvel: Metamorphosis and Transfiguration of the 'Minority' Superhero*. London: City, University of London Institutional Repository, 2016.

Reese, Nathan. "Wonder Women: How Female Characters and Creators are Battling to Make Comics Better." *Complex*, 2015. http://www.complex.com/pop-culture/2015/02/race-and-gender-in-comic-books (Accessed 28 August 2017).

Satrapi, Marjane. *Persepolis*. New York: Pantheon Books, 2003.

Shendruk, Amanda. "Analysing the Gender Representation of 34, 476 Comic Book Characters." *The Pudding*, 2017. https://pudding.cool/2017/07/comics/ (Accessed 29 August 2017).

Singer, Marc. "Black Skins and White Masks: Comic Books and the Secret of Race." *African American Review* 36, no. 1 (2002): 107-19.

Spiegelman, Art. *Maus: A Survivors Tale*. New York: Pantheon Books, 1986.

Talbot, M. Mary. *Dotter of Her Father's Eye*. London: Jonathan Cape, 2012.

Taylor, F. Howard. "Defining Race" in Race and Ethnicity in *Society: The Changing Landscape* edited by E. Higginbotham, ML. Andersen and CA. Belmont, 47-54. Thompson Higher Education, 2006.

Ulanowicz, Anastasia, ed. *ImageText Interdisciplinary Comic Studies.* http://www.english.ufl.edu/imagetext/ (Accessed 29 August 2017).

Warren, Ellis and Bryan Hitch. *Midnighter*. New York: DC Comics, 1998-2016.

West, Candace and Don H. Zimmerman. "Doing Gender." *Gender and Society* 1, no. 2 (1987): 125-51.

Wilson, G. Willow, Adrian Alphona and Ian Herring. *Ms. Marvel*, Vol. 1, #001, "No Normal." New York, NY: Marvel Worldwide, Inc., a Subsidiary of Marvel Entertainment, LLC, 2014.

Wilson, G. Willow, Adrian Alphona and Ian Herring. *Ms. Marvel*, Vol. 1, #002, "All Mankind." New York, NY: Marvel Worldwide, Inc., a Subsidiary of Marvel Entertainment, LLC, 2014.

Wilson, G. Willow, Adrian Alphona and Ian Herring. Ms. Marvel, Vol. 1, #003, "Side Entrance." New York, NY: Marvel Worldwide, Inc., a Subsidiary of Marvel Entertainment, LLC, 2014.

Wilson, G. Willow, Adrian Alphona and Ian Herring. *Ms. Marvel*, Vol. 1, #004, "Past Curfew." New York, NY: Marvel Worldwide, Inc., a Subsidiary of Marvel Entertainment, LLC, 2014.

Wilson, G. Willow, Nico Leon, Ian Herring and Joe Caramagna. *Ms. Marvel*, Vol. 5, #004, "Army of One." New York, NY: Marvel Worldwide, Inc., a Subsidiary of Marvel Entertainment, LLC, 2016.

Wilson, G. Willow, Mirka Andolfo and Ian Herring. *Ms. Marvel*, Vol. 7, #012, "The Road to War." New York, NY: Marvel Worldwide, Inc., a Subsidiary of Marvel Entertainment, LLC, 2016.

Winterhart, Joff. *Days of the Bagnold Summer*. London: Jonathan Cape, 2012.

Religion, International Human Rights Standards, and the Politicisation of Homosexuality in Ghana

Seth Tweneboah[1]

Abstract

Existing narratives on same-sex intimacies in Africa have largely shed light on the ways in which religion and custom serve as a limiting factor to the rights of same-sex partners. Less attention has been paid to the politicisation of homosexuality as well as the tensions and cooperation among the differing normative authorities in society. Using homosexual controversies in Ghana as a case in point, this paper interrogates the political valence of religious and customary notions of sexuality. I examine the religion-state relationship by showing how the State of Ghana relies on its domestic sources of plural legal orders and authorities to assert its sovereignty over external interventions. The paper rests on an analysis of the worth of ethnographic materials and existing literature to argue that religious and customary paradigms on marriage and sexuality provide avenues for contesting external political pressure and legal influence.

Keywords: Ghana, homosexuality, law, human rights, politicisation

Introduction

Indigenous Ghanaian societies largely reveal ambivalent and complicated forms of marriage and sexual intimacies.[2] Among the Akan, for example, studies have identified at least twenty-four different forms of heterosexual marriages, each of which has created one form of tension or the other.[3] These differing conceptions of marriage shed crucial insights into the changes contemporary Ghanaian society has undergone in terms of

---

[1] Seth Tweneboah (PhD) is a lecturer at the Religious Studies Department of the Kwame Nkrumah University of Science and Technology, Kumasi, Ghana. He received his PhD in Religious Studies at the Victoria University of Wellington, New Zealand. Seth has two Master's degrees from University of Ghana, Legon and Florida International University, Miami. His research focuses on the religion-law interrelationships in Africa. He has published in a number of reputable journals including the *Journal of Law, Religion and State*.

[2] Dorothy Dee Vellenga, "Who Is a Wife? Legal Expressions of Heterosexual Conflicts in Ghana," in *Female and Male in West Africa*, edited by Christine Oppong (London: George Allen & Unwin, 1983), 144-55. See also Italo Signorini, "Agɔnwole Agyalɛ: The Marriage Between Two Persons of the Same Sex Among the Nzema of Southwestern Ghana." *Journal De La Société Des Africanistes* 43, no. 2 (1973): 221-34.

[3] Dorothy Dee Vellenga, "Changing Sex Roles and Social Tensions in Ghana: The Law as Measure and Mediator of Family Conflict." Doctoral dissertation, Columbia University, 1974, 55-83.

sexual relations. They are also key to reflecting on the legal and human rights concerns of recent homosexual controversy, namely, when embarking on anti-homosexual discourses in Ghanaian society, do the people have the same notion of marriage and sexuality as it exists elsewhere? Addressing this conceptual nuance is significant in foregrounding the controversy over same-sex marriage as a religious as well as a secular challenge.

In this paper, I seek to explicate how Ghanaian religious and customary conceptions of marriage and sexual intimacies provide a basis for the ongoing tension over same-sex relationships in Ghana. To achieve this task, the paper

1. will interrogate the interrelationship between politics and religion within the context of sexuality, pinpointing the various historical processes which the ongoing discourse on same-sex has taken shape;

2. will examine the religion-state relationship in Ghana, paying sufficient attention to how the state relies on its domestic sources of plural legal orders and authorities to resist external interventions;

3. will reflect upon how, despite anxieties over widespread homosexuality being a source of tension between the different normative traditions, they are also an avenue for collaboration between diverse actors especially in resisting what society holds as imported practices;

4. will show, finally, how the ongoing controversies over homosexuality are deeply significant to shedding more insights into the notion that religious resources are not mere drivers of socio-political tensions. These are rather also a solution in itself.

Methodologically, the paper relies on the worth of ethnographic materials gathered from interactions with mainly the church and other well-meaning authorities in Ghanaian societies. The views of these key informants were gathered with fieldwork done during 2014-2015 in the Ashanti and Brong Ahafo regions of Ghana. This information was supplemented with an analysis of a number of existing scholarly literature and statements of high-profile Ghanaians. The information gathered was useful in trying to explain the complex interconnections between religion and politics within the discourse of sexuality.

The extent to which the politics of homosexuality are linked to governmentality, power, and influence,[4] is largely underexplored. Yet, tensions over homosexuality reveal an interesting convergence of, and power play between the differing plural legal traditions. To be able to appreciate the ongoing controversy over homosexuality, there is the need to interrogate how religious and customary paradigms of sexuality are linked to the signification of power, identity, and influence which are a source of contestation among the various normative traditions and authorities. Section one of the paper, therefore, attends to this concern.

Religious values and imaginations are core features of how Ghanaians approach questions of homosexuality. The claim of section two is that, historically, there has been a broad interrelationship between the religious, the legal, and the political dimensions of homosexuality in Ghana. The section illustrates the way that in the ongoing politicisation of homosexuality, the religious and the customary are translated into the legal and the political realm and *vice versa*.[5] In particular, the section shows the extent to which the state law, prohibiting homosexual relationships, reflects Victorian values of the nineteenth-century colonial Christianity, and that it is now used by both Christians and state actors to defend traditional values.[6]

Section three examines the instrumentalisation of sexuality as a means of consolidating state power and control. It details how religious and customary resources are mobilised to resist efforts to legalise homosexuality in Ghana. In section four, I look at the current relationships between the different legal orders and how different forms of conflict emerge out of these and the role religion plays in this. The thesis of the section is that religious and customary solidarity are vital for the nation-state to assert its sovereignty when it comes to responding to external pressure to legalise homosexuality. The final section concludes the discussion by reflecting on the extent to which religion publicly engages law and politics in Ghana using sexuality as a case study. This section demonstrates how religion aids the state of Ghana in negotiating its

---

[4] Jonathan Joseph, *The Social in the Global: Social Theory, Governmentality and Global Politics* (Cambridge: Cambridge University Press, 2013).

[5] Kathleen E. Hull, *Same-Sex Marriage: The Cultural Politics of Love and Law* (Cambridge: Cambridge University Press, 2006), 5.

[6] Adriaan van Klinken and Ezra Chitando, "Introduction: Christianity and the Politics of Homosexuality in Africa," in *Christianity and Controversies over Homosexuality in Contemporary Africa*, edited by Adriaan van Klinken and Ezra Chitando (New York: Routledge, 2016), 3.

international obligations, focusing on the rights challenges associated with this.

I.   Notions of sexuality

Studies on sexual intimacies in African societies have expanded knowledge on the ways in which religious-cultural notions of sexuality have, historically, been used to entrench political positions in society. Sylvia Tamale's *Confronting the Politics of Nonconforming Sexualities in Africa*, for example, provides convenient grounds upon which to understand how postcolonial African leaders have deployed heterosexual narratives as a smokescreen to perpetuate despotic control of power on the continent.[7] The use of anti-homosexual rhetoric for political gains becomes compounded when religious and customary beliefs and imaginations are invoked. For purposes of political convenience, as Adriaan van Kliken and Ezra Chinado observe, in most parts of Africa, religion and culture have generally come together to curb the freedom of homosexuals on the continent.[8]

Recent aggressive anti-homosexual stances in Ghana, and most of Africa, are thus not only a religious affair, but also betray a systematic traditional mechanism of governmentality. That is, indigenous regulation on gender and sexuality is an organised means of what society holds as its rightful ordering of citizens. Emmanuel Akyeampong has already examined gender imbalance in society, showing how in the sixteenth century, for example, some Akan communities institutionalised the office of "public women" who were engaged in meeting the sexual needs of unmarried young men.[9] He recounts that while the women involved were first ritualised to avert any spiritual catastrophe in society, the underlying philosophy was that meeting the young men's sexual needs was an important stabilising force in society. Importantly, this system was also meant to prevent any possibility of discord in society especially among the young unmarried men. Thus, for political convenience, managing tension resulting from sexual desires provided a means for determining which type of gender and sexual relationship would be allowed.

---

[7] Sylvia Tamale, "Confronting the Politics of Nonconforming Sexualities in Africa." *African Studies Review* 56, no. 2 (September 2013): 31-45.

[8] Adriaan van Klinken and Ezra Chitando, "Introduction: Public Religion, Homophobia and the Politics of Homosexuality in Africa." *Public Religion and the Politics of Homosexuality in Africa* (London and New York: Routledge, 2016), 1-16.

[9] Emmanuel Akyeampong, "Sexuality and Prostitution Among the Akan of the Gold Coast C. 1650-1950." *Past & Present* no. 156 (August 1997): 144-73.

Among the Nankani of northern Ghana, Rose Mary Amenga-Etego observes that the concept of woman to woman marriage was a symbolic relationship for the continuous perpetuation of the lineage. Her analysis of this practice rules out any possibility of intimate sexual encounter between the women spouses involved, but it crucially reveals a form of gender disparity through male hegemony in society. Women to women marriage, she argues, was "the last desperate religio-cultural practice employed to reclaim and reinstate the male genealogical descent structure of the people."[10] She therefore blames Nankani religious and customary rationales for serving as a form of governmentality. Thus, the practice of a symbolic marriage provided a shrewd mechanism for perpetuating a patriarchal and authoritative social and political relationship in the Nankani society.

In the early 1930s, a new form of sexual revolution occurred when some Asante chiefs ordered the arrest of all women who were over fifteen years of age and unmarried.[11] Several women were locked up until they could find a lover who would pay for their fines. Here too, the context is of crucial importance. While the colonial administration suspected that the law benefitted the chiefs monetarily, the chiefs claimed, hereby, to be curbing sexual immorality, seen as the cause of chaos in the community. According to Jean Allman,

> This chaos, often articulated in the language of moral crisis, in terms that spoke of women's uncontrollability, of prostitution and venereal disease, was, more than anything, about shifting power relationships. It was chaos engendered by cash and cocoa, by trade and transformation.[12]

Akan women at the time had, gradually, become economically independent through capitalist endeavours in the form of the cocoa business. These women also declared ownership and authority over their sexual needs. They, therefore, had little or no dependence on men apart from, for some, to bear children. By this time, modernisation associated with colonialism was steadily making an impact on society. As the discussion below further details, this possible conflict between indigenous and introduced economic and political values created a situation where

---

[10] Rose Mary Amenga-Etego, "Marriage Without Sex? Same-Sex Marriages and Female Identity Among the Nankani of Northern Ghana." *Ghana Bulletin of Theology* 4, New Series (December 20122.): 2.

[11] Jean Allman, "Rounding Up Spinsters: Gender Chaos and Unmarried Women in Colonial Asante." *Journal of African History* 37 (1996): 195-214.

[12] Jean Allman, "Rounding Up Spinsters." *Journal of African History* 37 (1996): 198.

sexuality was used by chiefs in an attempt to bring people who had fallen off the indigenous path, back on track.

In contemporary times, sexuality continues to provide a lens for seeing the tensions between tradition and modernity. Couched in religious and customary narratives, homosexuality is an indigenous political weapon of controlling the modern society. The introduction of colonial and postcolonial political systems has made possible the ongoing diminution of formal chiefly powers. It must be pointed out that with the increasing influence of modernisation and social change in chiefly controlled territories, chiefs have challenged in multiple ways, any change they deem as a threat to their authority.

Homosexuality, which is cast as a foreign practice, has therefore become a chiefly tool for asserting their political authority. As a type of indigenous sexual deviation, homosexuality is held as an offence against ancestral law. Because the ancestors are held as not just spiritual lawgivers, but also owners of the land, traditional authorities interpret homosexuality as a treasonable offence. They see it as a rebellion against the land and the ancestors whose hegemony was, in the previous society, barely challenged. The case of a divisional chief in the Wenchi Traditional Area supports this. According to him:

> That thing [homosexuality], even in the olden days when our ancestors sat and founded the various towns, the custom did not allow that women should sleep with women, as for that if you were caught, sometimes the two of you were banished from the town. If you are not banished too, they can mulct you or they can demand something like say a ram to pacify the land on which it occurred and the stool and stuffs like that. And so from the times past, we tabooed it; and so it won't happen that because now some are doing it, we will allow it. No.[13]

An evangelist noted for his harsh criticism of traditional religious beliefs and practices, for example, also reinforces this indigenous notion. He asserts that beyond the biblical prohibition of the practice, homosexuality is a taboo:

> When *nananom* [the ancestors] came and there was no Bible," he points out, "they still abhorred it…They will tell you [the homosexual] that you have brought filth to the town…And so that thing that is coming [homosexuality] I believe that *Nananom* [the chiefly authorities] don't condone it the same way we Christians don't condone it.[14]

---

[13] Interview on 16 December 2016.

[14] Interview with Evangelist A, 15 February 2015.

In a secular and rationalist society, the claim that homosexual practice brings "filth" is deemed as laughable and irrational. I contend, however, that in contemporary Ghana, this claim reflects the importance society attaches to "purity and danger" as related to sexual activities.[15] As a modern nation-state which emerged out of a former sacred traditional state, the imagined "filth" is understood within the context of an alleged pollution of the sanctity of society. While the approach to remedying this "filth" differs, both indigenous religious adherents and Christians view the so-called "filth" as having the potential to attract *musuo* (misfortune). Traditionally, *musuo* has to be remedied if the society is to survive the onslaught of modernisation. In discussing the tensions over homosexuality, then, it is important not to belittle the moral panic associated with the alleged "filth" that people believe homosexuality brings to society. I must stress that understanding this religious and customary thinking is vital. It will help approach questions related to ongoing homosexual controversy in ways that will not be met by Christians and traditionalists as an imposition of introduced values.

II.   A question of legal dimension

Despite state norms which protect individual freedoms, including sexual freedom, the state is unable to fully invoke its legal systems in topics related to homosexuality due to the strong hold of religious and customary notions on sexuality. State regulation of what it considers legitimate and illegitimate marriage, heterosexual monogamy, and age of sexual consent and marriage, is not only a mechanism of controlling its members but also a way of responding to the needs of the moral majority of society. In a society where research has shown that over 96% of the population is against homosexuality,[16] and over 98% (the highest rate globally according the Pew Research survey) see it as morally unacceptable,[17] it is understandable to see why the state of Ghana invokes religious arguments to resist the legalisation of homosexuality.

---

[15] Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (London and New York: Routledge, 1966), 3, 54.

[16] Pew Research Center, *The Global Divide on Homosexuality: Greater Acceptance in More Secular and Affluent Countries* (Pew Research Center, 4 June 2013), 1.

[17] Pew Research Center, *Global Views on Morality: Ghana*, Global Attitudes & Trends (Pew Research Center, 2013), http://www.pewglobal.org/2014/04/15/global-morality/country/ghana/

The Ghanaian constitution and other statutory instruments[18] guarantee the rights and freedoms of the individual. Article 14 (1) of the constitution, for example, guarantees the personal liberty of every individual and recommends that no person shall be deprived of such personal liberty except in cases permitted by law. The constitution also recommends that these fundamental liberties be respected and upheld by all. However, in the face of the challenges confronting the legal systems and the weaknesses of other machineries of government, the state sometimes ignores the critical issues involved in the protection and promotion of fundamental human rights. Part of the state's responsibility is thereby taken over by non-state actors. These actors are major partners of development and non-state justice and security systems in society. Recognising this, the state balances individual rights with competing claims of society. Thus, while state legal norms recognise the personal liberties of the individual, the state also emphasises public interest.

Because of their closeness to the masses and their influence in society, agents of religious, customary, and ethno-cultural institutions, whose voice is respected and listened to by their people, have played a key and active role in this. The problem is that these agents have also, in some cases, resorted to imposing communally sanctioned or customary legal punishments that are sometimes excessive and also conflict with or undermine other rights of the individual, raising issues of concern.[19]

The challenge here is that existing provision regarding sexual relationship, for example, in the Criminal Code is legally elusive and nebulous, creating conceptual and practical legal problems. Conceptually, under this Code, it is a crime to engage in an "unnatural carnal knowledge." The definition of "unnatural carnal knowledge" creates further confusions. Section 104 (2) of the Code provides that an unnatural carnal knowledge "is sexual intercourse with a person in an unnatural manner." This section of the Code follows both an old and existing traditional, colonial, Islamic, and Christian trajectory, namely, conjugal relationship must involve a man and a woman. However, in a society that is gradually becoming conscious of legal universalism, the establishment of what constitutes an "unnatural carnal knowledge," is unclear and also practically difficult to sustain in court. According to Section 99 of the Code, "unnatural carnal knowledge shall be deemed complete upon proof of the least degree of penetration." This clearly assumes a male-to-male sexual intercourse although the law

---

[18] Article 295 (1) of the constitution defines "statutory instrument" as "an instrument made, whether directly or indirectly, under a power conferred by an Act of Parliament or a Decree or a Law."

[19] Atiemo, *Religion and the Inculturation of Human Rights,* 155.

has been applied to cases of both sexes. For example, in a case that gained national interest, an Accra Circuit Court charged a senior medical doctor with defiling an under-sixteen-year old boy contrary to Section 101(2). This section of the Code provides that, "Whoever naturally or unnaturally carnally knows any child under sixteen years of age, whether with or without his or her consent commits an offence and shall be liable on summary conviction to imprisonment for a term of not less than seven years and not more than twenty-five years." The doctor was also charged with another count of engaging in an unnatural carnal knowledge.

This case has interesting legal significance for some reasons. People's interest in the case could largely be attributed to the social and professional standing of the accused, whether or not he would be treated like any ordinary person. Also, the media broke the news at a time that there was mounting pressure on the state to declare its stance on same-sex marriage. Significantly, the case was deemed to be a major test case for the state's interpretation and enforcement of the provision of the Criminal Code regarding "unnatural carnal knowledge." In the end the doctor was found guilty of defilement and was sentenced to twenty-five years imprisonment.[20] It is arguable that the presiding judge tacitly focused on the first count, evading the second charge which evokes so much local and international controversy especially as its unclear interpretation has become a major concern for many pro-gay activists. The judge was reported to have stated that "it was unnecessary for the prosecution to have preferred the charge of unnatural carnal knowledge against the convict, indicating that the offence could not have been sustained with defilement."[21]

The "unnatural carnal knowledge" provision may aptly be interpreted to equally involve heterosexual anal sexual intercourse and sexual relations between two females, on condition that a degree of penetration is established. As just noted, there have been rare occasions where people have been charged with this provision especially in the case of two women. During February 2016, for example, a woman was charged with engaging in unnatural carnal knowledge when she was alleged to have inserted a dildo into the private part of another woman after she reportedly intoxicated her victim with vodka beer and other liquors.[22] These

---

[20] Seth J. Bokpe, "Ali-Gabass Begins 25-year Jail Term," *Daily Graphic*, 14 July 2015.

[21] Jeffrey De-Graft Johnson, "Doctor Jailed 25 Years," *Daily Guide*, 14 July 2015.

[22] "Woman Charged For Inserting Artificial Penis Into Co-Tenant's Vagina," *The Chronicle*, 3 February 2016.

notwithstanding, controversies and challenges associated with the law are ongoing subjects of interrogation for legal functionaries.

III. Religio-political response to widespread homosexuality

To further illustrate how sexuality is used as a political weapon, it is imperative that, while homosexuality was for long assumed to be practised even as a "silent trade,"[23] within the public domain and particularly in chiefly controlled lands, little attention was paid to activities and operations of homosexuals. For example, as late as 2003, an Accra Circuit Court jailed four men for engaging in sodomy.[24] Very little was heard about this sentence and this did not generate any significant public discussion. In 2004, a gay and lesbian group came to the public domain. It is unclear if the 2003 episode of jailing the four men led to a counter-hegemonic reaction of the "coming out" of this group. The group was reported to have urged the government to, as a matter of urgency, decriminalise the colonially inherited law that prohibits homosexuality in Ghana.[25] They were also believed to have threatened to boycott the general elections which were scheduled for December 2004. Again, despite this agitation, little was heard or known about this group and chiefly anxiety and societal interest in homosexual activity was still not significantly felt. In 2008 the homosexual group was again said to have threatened to boycott that year's general elections if something concrete was not done about their plight.[26]

What we might call "widespread homosexuality," however, became a major public concern in 2006 when the media reported of the first proposed gay and lesbian conference, scheduled to take place at the Accra International Conference Centre. This proposed conference inspired a general panic. It also generated news headlines and gained attention in public debates and discussions. A radio caller was reported to have warned: "Let us wait until they gather in Accra and we can cut them in pieces."[27] In that same year, the media also heightened the activities of

---

[23] Serena Owusua Dankwa, "'It's a Silent Trade': Female Same-Sex Intimacies in Post-Colonial Ghana." *Nordic Journal of Feminist and Gender Research* 17, no. 3 (September 2009): 192-205.

[24] "Four Homosexuals Jailed 2 Years Each," *Daily Graphic*, 8 August 2003.

[25] "Ghana's Gays Organise to Fight British Criminal Law," *Afrol.com*, 19 August 2004, http://www.afrol.com/articles/13832

[26] "Gays To Boycott Elections?" *Gye Nyame Concord*, 23 May 2008.

[27] Kwame Essien and Saheed Aderinto, "'Cutting the Head of the Roaring Monster:' Homosexuality and Repression in Africa." *African Study Monographs* 30, no. 3 (September 2009): 121-35.

homosexuals when it was reported that Ghanaian children were at risk of abuse by homosexuals, especially foreign tourists, reiterating the exotic character of the practice. Citing a study conducted by an NGO *Save the Children*, the media drew a correlation between poverty and homosexual exploitation of boys. It was reported that 56% of the children surveyed indicated that they have been sexually defiled or engaged in homosexuality for money.[28]

By 2009, homosexuality was a sensitive topic for discussion, specifically when a Western Regional Focal Person in HIV/AIDS claimed that over 2,000 registered gays and lesbians were found in the capital of the region, Sekondi-Takoradi.[29] This panic news was taken as a confirmation of the notion that the practice was a threat to the Ghanaian society, albeit the degree to which it threatens and brings *basa basa* (chaos) in society has still not been proven.

While homosexuality was originally not an issue of major concern, at the turn of the twenty-first century, its politicisation as a reaction to demands for equal treatment and the need to demarcate identity, made it a matter of public interest. Once it gained public political attention, church leaders found the need to wage into the debate. For example, following the persistent media report on homosexual activities, the Christian Council of Ghana in 2011 condemned the practice, cautioning the government not to endorse what they called a "detestable and abominable act" since endorsing it will bring the wrath of God and "the consequences will be unbearable" for the nation.[30] The question of interest here is why it became an issue of concern to church leaders, which I discuss below.

First, churchly engagement in homosexual politics is a result of transnational religious and political power play. To be sure, America's religious rights play a crucial role that deserves to be mentioned as far as homosexual tensions in Africa are concerned. For some years now, American evangelicals have been accused of fanning anti-homosexual sentiments in some African countries, especially in Kenya, Uganda, and Nigeria. According to critics of such moves, the Ugandan Anti-Homosexual Act, for example, received a great boost from American

---

[28] "'Fa Wo to Begye Sika' Syndrome Rises," *Gye Nyame Concord*, 11 December 2006.

[29] "Thousands Attend First Anti-gay Protests In Ghana," *Ghanaweb.com*, 4 June 2010, http://www.ghanaweb.com/GhanaHomePage/NewsArchive/Thousands-Attend-First-Anti-gay-Protests-In-Ghana-183484

[30] Ghana New Agency, "Christian Council Joins Calls to Condemn Homosexuality in Ghana," *Ghananewsagency.org*, 19 July 2011, http://www.ghananewsagency.org/details/Social/Christian-Council-joins-calls-to-condemn-homosexuality-in-Ghana/?ci=4&ai=31187

evangelicals who saw "Africa as something of a last frontier for right-wing policy."[31] American religious and moral revulsion against homosexuality, largely, has received a fertile ground in most of Africa. African church leaders who have spoken against or resisted homosexuality in the Anglican Church, for example, have mostly taken inspiration from or looked up to North America.[32]

In Ghana, churchly engagement in what started as a political issue was a means of the local churches asserting their authority and also cutting certain ideological ties with the churches in the global North. This form of churchly ideological decolonisation finds its expression in the tensions between the Presbyterian Church of Ghana and its partner in the US.[33] Following the passage of the same-sex legislation in the US, the Presbyterian Church of Ghana announced that it has severed ties with the Presbyterian Church of the United States of America. It also called for the withdrawal of its New York based pastor, a former moderator of the Presbyterian Church of Ghana. This situation brought acrimonious tension between him and the then moderator whom the former moderator accused of fuelling tensions.[34] Following a series of tensions between the two parties, the US-based former moderator announced his resignation from the Presbyterian Church of Ghana.[35] Some have accused the then moderator, Reverend Professor Emmanuel Martey of hiding behind homosexuality to further a political agenda by eliminating people perceived as a threat to his position.[36] At the core of this tension, however, is how homosexuality is used as a means to assert domestic church authority over international partners whose ideals on sexuality are held as inconsistent with domestic sexual orientation.

---

[31] Alexis Okeowo, "A Rising Tide of Anti-Gay Sentiment in Africa," *The New Yorker*, 28 February 2014, https://www.newyorker.com/news/news-desk/a-rising-tide-of-anti-gay-sentiment-in-africa

[32] See, for example, Tom Heneghan, "African Anglicans Denounce Church of England Gay Bishop Rule," *Reuters*, 10 January 2013, https://uk.reuters.com/article/uk-anglican-africa-gay-idUKBRE90909Q20130110. See also Sam Hodges, "Church of Nigeria in Full Communion with Anglican Church of North America," *The Dallas Morning News*, 11 September 2009.

[33] Akosua Asiedua Akuffo, "Tension in Presbyterian Church over Homosexuality," *Myjoyonline.com*, 8 October 2015, http://www.myjoyonline.com/news/2015/October-8th/tension-in-presbyterian-church-over-homosexuality.php

[34] "Presby Withdraws US Pastor over Gay," *Daily Guide*, 8 October 2015.

[35] Debrah Fynn, "Immediate Past Moderator Resigns from Presby Church," *Daily Graphic*, 16 April 2016.

[36] Dorcas Abedu-Kennedy, "We Won't Allow Prof Martey to Destroy Presby Churches – US Moderator," *Adomonline.com*, 23 October 2015, http://ghana-news.adomonline.com/news/2015/October-23rd/we-wont-allow-prof-martey-to-destroy-presby-churches-us-moderator.php

Some church leaders have expressed the fear that the infiltration of Western cultural practices such as homosexuality into traditional Ghanaian familial values is a tacit limitation of the family size and the usurping of the sovereignty of God endowed with the family unit.[37] Here, the link between homosexuality and religious and cultural sovereignty is significant. Elsewhere, Paul Morris has argued that if sovereignty does not lie easily or simply in legal norms but rather "in something more fluid than this conventional wisdom, something that is covert and only exposed during times of emergency, then we have excellent grounds for reconsidering sovereignty."[38] In the same vein, we see an overlapping exercise of control over sexual morality between national and international actors. In the minds of Ghanaian church leaders, once the nation as a state party to international human rights protocols does not have full control over its values on sexuality, then there are excellent grounds to reconsider Ghana's sovereignty, hence the need to invoke the sovereignty of God.

Second, church actors' engagement in anti-homosexual campaigns which are also clear legal and human rights issues, are seen not only as transnational religious tensions but also internally, it is a proselytising strategy. With a few exceptions like the then Moderator of the Presbyterian Church of Ghana just cited, most of the ardent and open individual condemnation of homosexual practices often come from pentecostal pastor-prophets. It is difficult to pin the reasons to a particular determinant, but one explanation is that as part of their proselytising approach, because most of the pentecostal actors belong to independent Christian organisations, it is easier for them to freely voice their opposition than those under the institutionalised churches. An evangelist explains:

> My fellow brothers know the truth [about the "sin" of homosexuality] but they are afraid to come up with it. They want the message and not the cross. They don't want people to speak against them. All the things I say they know it. Some of them even call and praise me. They explain to me that because of the nature of their church, if they say certain things in public, they will be dismissed or transferred…"that their church has

---

[37] "Same-sex Marriage Is a Threat to Family Life – Catholic Bishop," 8 April 2014, http://www.ghanaweb.com/GhanaHomePage/NewsArchive/Same-sex-marriage-is-a-threat-to-family-life-Catholic-Bishop-305593

[38] Paul Morris, "The End of Multiculturalism? Religion, Sovereignty and the Nation State.," in *Global Perspective on the Politics of Multiculturalism in the 21st Century: A Case Study Analysis*, edited by Fethi Mansouri and Boulou Ebanda de B'béri (New York: Routledge, 2014), 225.

policies; they said they shouldn't say this or shouldn't say that.…" So it's about fear. And they are the people making the work difficult for me.[39]

Beyond being a proselytising issue, churchly anti-homosexuality rhetoric also has a political dimension. Ezra Chitando and Adriaan van Klinken suggest that churchly active engagement in the politicisation of homosexuality is connected to the reality of the aggressive competition in the "religious market" among Christians, and in Nigeria and elsewhere, between Muslims and Christians.[40] In Ghana, the timing of churchly anti-homosexual public statements, as noted, is considerable. Gifford has noted that by the beginning of the Fourth Republic, the two most significant religious bodies in Ghana noted for their vociferous public statements were the Ghana Catholic Bishops Conference and the Christian Council of Ghana.[41] The fact that public anti-homosexual narratives coincided with the active pentecostal engagement in the public sphere, provides crucial perspectives into appreciating the role Christianity – particularly pentecostalism – plays in the politics of homosexuality in the public domain.

IV. Same-sex in the public sphere

In a plural legal society such as contemporary Ghana, the state's response to religious and social anxieties over same-sex hysteria enables us to contextualise the normative challenges associated with addressing tensions between universal human rights standards and domestic cultural values on sexuality. It has already been said that the Fourth Republican regime emphasises individual moral sovereignty. The new state also promotes the flourishing of the individual without constraints of religious, customary, and social obligations, including marriage and sexuality. From the above controversies, it is apparent how homosexual narratives are central to the intricate conflict of normative values and legal norms. We see a conflict between the state's responsibility to protect individual sexual sovereignty and personal self-determination; we also see the state's respect for the religious and customary values of its populations. Achieving this task, involves some normative challenges including how it ought to maintain the balance of power between individual and communal autonomy. In this section, therefore, I examine the political ideological use of religious and customary notions of sexuality. Despite the imposed supremacy and centrality of the Ghanaian nation-state, its civil law structures, as noted earlier, are not enough to resist the strong impact of

---

[39] Interview on 15 February 2015.

[40] Van Klinken and Chitando, "Introduction," 6.

[41] Paul Gifford, *African Christianity: Its Public Role* (Bloomington & Indianapolis: Indiana University Press, 1998), 69.

external forces. As such, it invokes religious and customary ideals to reject external demands to legalise same-sex.

In the face of the state of Ghana's inadequacy in meeting certain international human rights standards, religious and customary systems and authorities are deployed to resist external pressure. As a secular state "inextricably bound up with religion and the spirit world,"[42] the state of Ghana largely depends on religion-based normative systems and authorities to resist external influences regarding homosexuality. Political actors insist that demands to conform to universal sexual morality would systematically weaken Ghana's cultural and social peculiarity. On March 2014, for example, Professor Mike Oquaye, the current Speaker of Parliament, lamented what he deemed a clear attempt by Western liberal states, in collaboration with the World Bank, in "ganging up in a collective action against Africa."[43] The political historian noted that international intimidation resulting from legalisation of same-sex was very serious and urged African nations to come out with a united front so that societal ideas, beliefs, values, and practices "which form the cornerstone of our acculturisation should not be undermined."[44] Clearly the professor and political actor was not invoking Ghana's secular legal norms which cannot stand the influences of legal universalism. As a result, he appealed to the religious and cultural values of Ghana which have much purchase at the local and national level.

Homosexual practice has in the last couple of years become a political arena of ideological contests between liberal and non-liberal nation-states. International aid to end poverty and other social challenges in Africa has been tied to the receiving country's adherence to basic political and human rights standards. During February 2014, for example, the World Bank announced the suspension of $90 million in loans aimed at improving the Ugandan health sector following the passage of the country's 2014 Anti-Homosexual Act. Countries such as Denmark, the Netherlands, and Norway also followed suit to freeze all aid to the Ugandan government.[45] This morally controversial decision was preceded by similar demands in November 2011 at the Commonwealth Heads of Government Meeting in

---

[42] John S. Pobee, "Religion and Politics in Ghana: A Case Study of the Acheampong Era 1972-1978" (An Inter-Faculty Lecture on Thursday 10 January 1980, Accra: Ghana Universities Press, 1992), 1.

[43] Mike Oquaye, "Homosexuality and Lesbianism: A Global Threat to Africa," *News Ghana*, 23 March 2014, http://newsghana.com.gh/homosexuality-lesbianism-global-threat-africa/

[44] Mike Oquaye, "Homosexuality and Lesbianism: A Global Threat to Africa."

[45] Mike Pflanz, "Keep Your Gays and Keep Your Aid, Uganda Tells the West," *The Telegraph*, 28 February 2014.

Perth, Australia. During this meeting, then British Prime Minister, David Cameron, announced that Britain was considering cutting aid to countries which failed to respect gay rights.

While external conditionalities such as the above have since the 1990s led to several economic and political reforms including ongoing democratisation of the continent, there have also been some residual effects in terms of religious and customary tensions. The demand for the adherence to liberal ideals such as the legalisation of same-sex marriages, problematises the dominant struggles between the West and post-colonised states such as Ghana. The refusal on the part of some African states to yield to this external demand has led to mischaracterisations such as homophobic Africa.[46] However, more important for this discussion is how local values regarding sexuality become directly involved with universal legal contests. Not only is the subjugation of the human body and sexuality a tool for maintaining state power in the Foucauldian sense, but through the politics of homosexuality, the state's normative legitimacy can and does become a stage for political manipulation.

A major concern regarding this demand was that once the legalisation of same-sex partnerships are tied to certain requirements especially before securing external help, then it creates a dependency-syndrome between the rich, liberal, donor countries, and the needy, non-liberal, recipient nations. As Professor Oquaye laments, conditions set by donor states are said to undermine local ideals which are held as core identifiers of the states' uniqueness.

To the extent that liberalism evolved within particular enabling historical and political contexts,[47] conditions set by liberal states and organisations in connection with same-sex partnerships raise further tensions between local values and national and international human rights norms. In strong liberal societies, individual actors have the power and the means of challenging the state. Individual agency works in an entirely different context in traditional societies. In Ghana and most of Africa, because of the widespread religious and customary influences, the government acting on behalf of the society and its people has its own exceptional challenges. State agents very often refer to social norms and values, which are references to traditional and religious values. Although such a simple deferral to religion is a result of the absence of a distinctive state position

---

[46] Patrick Awondo, Peter Geschiere and Graeme Reid, "Homophobic Africa? Toward a More Nuanced View," *African Studies Review* 35, no. 3 (December 2012): 145-68.

[47] Nikolas Rose, *Powers of Freedom: Reframing Political Thought* (Cambridge: Cambridge University Press, 1999), 139.

on same-sex marriage, the claim that religion functions as the foundational basis for certain legal and human rights actions and discourses in Ghana cannot be dismissed. Traditional and religious values influence individual actions and public debates and decisions in matters of national and universal significance.

In view of this, political actors have persistently invoked this reality to make a unique case against legalising homosexuality. For example, during July 2015 when the US President, Barack Obama, visited Kenya, he cautioned African political and religious leaders on the need to safeguard sexual minorities. In response, the Kenyan President, Uhuru Kenyatta, reminded President Obama that it is very difficult to impose on people that which they themselves do not accept. In Kenya, like most of Africa, he said, "gay rights is really a non-issue,"[48] thus, giving credence to the earlier position that homosexuality was originally not an issue of public concern. He posited that unlike advanced countries like the US, Kenya's immediate day-to-day needs were health issues, infrastructure, roads, women empowerment, and education. The Kenyan President emphasised that "maybe once, like you [the US], [we] have overcome some of these challenges, we can begin to look at other ones, but as of now the fact remains that this issue is not really an issue that is at the foremost minds of Kenyans and that is a fact."[49] While President Kenyatta couched his rejection of President Obama's demand in a crafty secular argument, beneath it lies religious and cultural ideals of a sovereign Kenyan state, which as he said, is different from those of liberal countries like the US.

Confronted with this reality, many African governments very often invoke religious and customary polemics in asserting political sovereignty. An imminent threat of societal destruction due to homosexuality, thus, becomes a potent political and moral power through which the state's "exclusive control culture"[50] is maintained. However, at the same time, if indeed the state's legal authority and national sovereignty depend on its ability to control its populations and institutions,[51] then anxieties over the eminent destruction of the societal foundation as a result of homosexuality

---

[48] Kiran Moodley, "Kenya President Uhuru Kenyatta Clashes with President Obama on LGBT Equality: 'Gay Rights Is Really a Non-issue,'" *Independent*, 27 July 2015, http://www.independent.co.uk/news/people/kenya-president-uhuru-kenyatta-clashes-with-president-obama-on-lgbt-equality-gay-rights-is-really-a-10418267.html

[49] Kiran Moodley, "Kenya President Uhuru Kenyatta Clashes.

[50] Stanley Cohen, *Folk Devils and Moral Panic: The Creation of Mods and Rockers* (London and New York: Routledge, 2002), 66.

[51] Jean L. Cohen, *Globalization and Sovereignty: Rethinking Legality, Legitimacy, and Constitutionalism* (Cambridge: Cambridge University Press, 2012), 68.

becomes a technique of maintaining state sovereignty, even if only by implication. For example, subsequent to the demand made by David Cameron cited above, the then President of Ghana, Professor John Evans Atta Mills, rejected this condition by explicitly invoking national sovereignty, cultural values, and societal norms. The law professor argued that David Cameron, like any other political leader, was entitled to opinions that reflected the norms and ideals of his society. Yet, he argued, neither Cameron nor any other leader had

> the right to direct other sovereign nations as to what they should do especially where their societal norms and ideals are different from those which exist in Prime Minister Cameron's society. I, as president of this nation, will never initiate or support any attempt to legalise homosexuality in Ghana. As a government, we will abide by the principles enshrined in our Constitution, which Constitution is supreme.[52]

This coheres with my claim that religious convictions and customary values and ideals furnish the nation-state with the solidarity its needs to assert its full sovereignty. The state of Ghana, as elsewhere, no longer has absolute authority and exclusive jurisdiction over its borders, its laws and its population. As a state party to many of international protocols and treaties, its control over matters of policies, sovereignty, legal authority, and influence is not absolute, but fragmented. Abuses of power and violations of human rights are not merely breaches peculiar to a state. As a state party, international communities can at any point in time call it to account for such abuses. State parties' human rights records and commitments are also readily available to outsiders and are constantly monitored by special rapporteurs who are representatives of international organisations. With this in mind, Ghana's claim to territorial sovereignty alone is not enough to insulate it from issues of gay rights. Due to high societal opposition to the practice, it is understandable why President Mills would link Ghana's sovereignty with the sanctity society attaches to sexuality as extra basis for his insistence on Ghana's position on same-sex relationship. It is also clear why many Ghanaians accused President Akuffo Addo for missing the opportunity to unequivocally state his unwillingness to initiate moves for the legalisation of homosexuality in Ghana.

While Ghana's constitution and other statutory laws protect individual freedom including sexual rights, we also see how religious-customary values play an important role in deciding which rights are to be guaranteed

---

[52] "Ghana Will Not Legalise Homosexuality," Youtube.com, 4 November 2011, https://www.youtube.com/watch?v=px0XQwmiQ68

and which ones are to be repressed for the survival of the nation-state. We get an affirmation that while contemporary Ghana is constitutionally secular, because of the saturated nature of religion and custom, at any point in time it holds fit, it can curtail individual rights under domestic and international human rights if it feels these systems are threatened.

State agents' conception of partners of same-sex relationships as sexual deviants is akin to those held by traditional and church leaders. They perceive the homosexual practice as constituting a menace to social norms and traditional values. While such dangers are decidedly imagined or exaggerated, they nonetheless become bases for limiting certain individual autonomy. Homosexuals are blamed for economic and other failures of the country.[53] As the Millian harm principle proposes, the only justifiable basis for which intervention is needed is to prevent harm to others.[54] We see a similar argument made by President Mills, namely that Ghana as a sovereign nation-state will not accept any aid if that will eventually destroy (harm) the very society that the aid is meant to improve.[55] Just like the chiefly and church actors, the state couches homosexuality as harming the moral community. Intriguingly, while it is still not clear what the nature of harm or "destruction" homosexuals bring to society, the fear of this "harm" has been used to resist external pressure and influence in connection with homosexual rights, raising further challenges for the enforcement of national laws and the development and human rights in Ghana.

Conclusion

This paper has furthered an understanding of the way in which religion publicly engages law and politics in Ghana. It has illustrated the idea that when Ghanaians, including high profile political actors, resist the legalisation of homosexual relationship, they are in principle signalling that, despite the constitutional guarantee of sexual freedom, the rights of homosexuals must be respected within the context of religious and customary definitions society has given to marriage and sexuality. I have contended that the ongoing tensions over homosexuality are a part of a systematic means through which society has used sexuality to maintain power and order. Throughout its encounter with foreign normative

---

[53] "NDC Guru Blames Economic Woes on Pro-gay Saboteurs," *Ghanaweb.com*, 3 July 2014, http://www.ghanaweb.com/GhanaHomePage/NewsArchive/NDC-Guru-blames-economic-woes-on-pro-gay-saboteurs-315360

[54] John Stuart Mill, *On Liberty* (Ontario: Batoche Books, 2001), 13.

[55] "Ghana Will Not Legalise Homosexuality."

systems and even before that, sexuality was used as an important marker of regulating society and also maintaining chiefly power. In the new society, traditional authorities who wish to maintain the remaining authority, have insisted on the application of their ancestral norm on sexuality as a means of demanding allegiance to chiefly office.

The second unique contribution of this paper is that I have shown that in the politics of homosexuality, we see a very fluid and dynamic relationship between traditional and church actors. By characterising homosexuality as un-Ghanaian, a "filth," and a danger to local values, there is no doubt that the values in question are those of traditional customary and familial ideals. The churches in Ghana have used the preservation of this ideal as a basis to sever practical and ideological contact with their partners in the global North.

Besides, because state power is inadequate to confront universal human rights and other legal standards, the state relies on religious values and authorities to assert its imposed sovereignty. In analysing recent homosexual controversy, I have demonstrated that in a plural legal society such as Ghana, homosexuality has become a fertile zone for ideological and practical contestations between domestic and universal political power and influence. Despite the normative differences, all the three traditions construct anti-homosexuality as a collective cultural value. Doing so requires a political use of past narratives in an attempt to construct what society holds as a better future.

References

Abedu-Kennedy, Dorcas. "We Won't Allow Prof Martey to Destroy Presby Churches – US Moderator." adomonline.com, 23 October 2015. http://ghana-news.adomonline.com/news/2015/October-23rd/we-wont-allow-prof-martey-to-destroy-presby-churches-us-moderator.php (Accessed 20 June 2018).

Akuffo, Akosua Asiedua. "Tension in Presbyterian Church over Homosexuality." myjoyonline.com, 8 October 2015. http://www.myjoyonline.com/news/2015/October-8th/tension-in-presbyterian-church-over-homosexuality.php (Accessed 20 June 2018).

Akyeampong, Emmanuel. "Sexuality and Prostitution among the Akan of the Gold Coast C. 1650-1950." *Past & Present*, no. 156 (August 1997): 144-73.

Allman, Jean. "Rounding Up Spinsters: Gender Chaos and Unmarried Women in Colonial Asante." *Journal of African History* 37 (1996): 195-214.

Amenga-Etego, Rose Mary. "Marriage without Sex? Same-Sex Marriages and Female Identity among the Nankani of Northern Ghana." *Ghana Bulletin of Theology*, New Series, 4 (December 2012): 14-37.

Awondo, Patrick, Peter Geschiere and Graeme Reid. "Homophobic Africa? Toward a More Nuanced View." *African Studies Review* 35, no. 3 (December 2012): 145-68.

Bokpe, Seth J. "Ali-Gabass Begins 25-year Jail Term." *Daily Graphic*, 14 July 2015.

Cohen, Jean L. *Globalization and Sovereignty: Rethinking Legality, Legitimacy, and Constitutionalism*. Cambridge: Cambridge University Press, 2012.

Cohen, Stanley. *Folk Devils and Moral Panic: The Creation of Mods and Rockers*. London and New York: Routledge, 2002.

Dankwa, Serena Owusua. "'It's a Silent Trade:' Female Same-Sex Intimacies in Post-Colonial Ghana." *Nordic Journal of Feminist and Gender Research* 17, no. 3 (September 2009): 192-205.

Douglas, Mary. *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo*. London and New York: Routledge, 1966.

Essien, Kwame, and Saheed Aderinto. "'Cutting the Head of the Roaring Monster:' Homosexuality and Repression in Africa." *African Study Monographs* 30, no. 3 (September 2009): 121-35.

"'Fa Wo to Begye Sika' Syndrome Rises." *Gye Nyame Concord*, 11 December 2006.

"Four Homosexuals Jailed 2 Years Each." *Daily Graphic*, 8 August 2003.

Fynn, Debrah. "Immediate Past Moderator Resigns from Presby Church." *Daily Graphic*, 16 April 2016.

"Gays to Boycott Elections?" *Gye Nyame Concord*, 23 May 2008.

Ghana New Agency. "Christian Council Joins Calls to Condemn Homosexuality in Ghana." ghananewsagency.org, 19 July 2011. http://www.ghananewsagency.org/details/Social/Christian-Council-joins-calls-to-condemn-homosexuality-in-Ghana/?ci=4&ai=31187 (Accessed 20 June 2018).

"Ghana Will Not Legalise Homosexuality." Youtube.com, 4 November 2011. https://www.youtube.com/watch?v=px0XQwmiQ68

"Ghana's Gays Organise to Fight British Criminal Law." afrol.com, 19 August 2004. http://www.afrol.com/articles/13832

Gifford, Paul. *African Christianity: Its Public Role*. Bloomington & Indianapolis: Indiana University Press, 1998.

Hull, Kathleen E. *Same-Sex Marriage: The Cultural Politics of Love and Law*. Cambridge: Cambridge University Press, 2006.

Johnson, Jeffrey De-Graft. "Doctor Jailed 25 Years." *Daily Guide*, 14 July 2015.

Joseph, Jonathan. *The Social in the Global: Social Theory, Governmentality and Global Politics*. Cambridge: Cambridge University Press, 2013.

Mill, John Stuart. *On Liberty*. Ontario: Batoche Books, 2001.

Moodley, Kiran. "Kenya President Uhuru Kenyatta Clashes with President Obama on LGBT Equality: 'Gay Rights Is Really a Non-issue'." *Independent*, 27 July 2015. http://www.independent.co.uk/news/people/kenya-president-uhuru-kenyatta-clashes-with-president-obama-on-lgbt-equality-gay-rights-is-really-a-10418267.html (Accessed 20 June 2018).

Morris, Paul. "The End of Multiculturalism? Religion, Sovereignty and the Nation State." In *Global Perspective on the Politics of Multiculturalism in the 21st Century: A Case Study Analysis*, edited by Fethi Mansouri and Boulou Ebanda de B'béri, 212-29. New York: Routledge, 2014.

"NDC Guru Blames Economic Woes on Pro-gay Saboteurs." ghanaweb.com, 3 July 2014. http://www.ghanaweb.com/GhanaHomePage/NewsArchive/NDC

-Guru-blames-economic-woes-on-pro-gay-saboteurs-315360 (Accessed 20 June 2018).

Oquaye, Mike. "Homosexuality and Lesbianism: A Global Threat to Africa." News Ghana, 23 March 2014. http://newsghana.com.gh/homosexuality-lesbianism-global-threat-africa/ (Accessed 20 June 2018).

Pew Research Center. "Global Views on Morality: Ghana." Global Attitudes & Trends. Pew Research Center, 2013. http://www.pewglobal.org/2014/04/15/global-morality/country/ghana/ (Accessed 20 June 2018).

Pew Research Center. "The Global Divide on Homosexuality: Greater Acceptance in More Secular and Affluent Countries." Pew Research Center, 4 June 2013.

Pflanz, Mike. "Keep Your Gays and Keep Your Aid, Uganda Tells the West." *The Telegraph*, 28 February 2014.

Pobee, John S. "Religion and Politics in Ghana: A Case Study of the Acheampong Era 1972-1978." An Inter-Faculty Lecture on Thursday 10 January 1980, Accra: Ghana Universities Press, 1992.

"Presby Withdraws US Pastor over Gay." *Daily Guide*, 8 October 2015.

Rose, Nikolas. *Powers of Freedom: Reframing Political Thought*. Cambridge: Cambridge University Press, 1999.

"Same-sex Marriage Is a Threat to Family Life – Catholic Bishop," 8 April 2014. http://www.ghanaweb.com/GhanaHomePage/NewsArchive/Same-sex-marriage-is-a-threat-to-family-life-Catholic-Bishop-305593 (Accessed 20 June 2018).

Signorini, Italo. "Agɔnwole Agyalɛ: The Marriage between Two Persons of the Same Sex among the Nzema of Southwestern Ghana." *Journal De La Société Des Africanistes* 43, no. 2 (1973): 221-34.

Tamale, Sylvia. "Confronting the Politics of Nonconforming Sexualities in Africa." *African Studies Review* 56, no. 2 (September 2013): 31-45.

"Thousands Attend First Anti-gay Protests in Ghana." Ghanaweb.com, 4 June 2010. http://www.ghanaweb.com/GhanaHomePage/NewsArchive/Thousands-Attend-First-Anti-gay-Protests-In-Ghana-183484 (Accessed 20 June 2018).

Van Klinken, Adriaan and Ezra Chitando. "Introduction: Christianity and the Politics of Homosexuality in Africa." In *Christianity and Controversies over Homosexuality in Contemporary Africa*, edited by Adriaan van Klinken and Ezra Chitando,1-17. New York: Routledge, 2016.

Van Klinken, Adriaan and Ezra Chitando. "Introduction: Public Religion, Homophobia and the Politics of Homosexuality in Africa." In *Public Religion and the Politics of Homosexuality in Africa*, edited by Adriaan van Klinken and Ezra Chitando, 1-16. London and New York: Routledge, 2016.

Vellenga, Dorothy Dee. "Changing Sex Roles and Social Tensions in Ghana: The Law as Measure and Mediator of Family Conflict." Doctoral dissertation, Columbia University, 1974.

Vellenga, Dorothy Dee. "Who Is a Wife? Legal Expressions of Heterosexual Conflicts in Ghana." In *Female and Male in West Africa*, edited by Christine Oppong, 144-55. London: George Allen & Unwin, 1983.

"Woman Charged for Inserting Artificial Penis into Co-Tenant's Vagina." *The Chronicle*, 3 February 2016.

Identifying Gender Biases in Islamic Legal Literature: An Examination of Analogical Arguments to Prohibit Women from Leading Prayer

David Solomon Jalajel[1]

Abstract

It is generally assumed that gender biases played an important role in shaping Islamic Law, particularly some legal rulings that are unfavourable to women. Determining the degree of this influence is problematic, since the claims jurists make about gender in Islamic legal texts are meant to defend a given law and therefore might be purely polemical and not accurately represent the original reasons for the law. In this paper, a methodology is suggested to gauge the influence of gender attitudes in works of Islamic Law. The legal expositions from a broad survey of legal texts are compared with the framework of Islamic legal theory to identify assumptions operating behind the formal legal arguments and demonstrate how those assumptions impacted on the jurists' conclusions. This methodology is applied to the case of how juristic analogy (*qiyās*) is used to prohibit women from leading men in prayer.

Keywords: Islamic Law, Analogy, Qiyās, Legal Theory, Usūl al-Fiqh, Gender

Introduction

How have gender biases influenced Islamic Law? Sa'diyya Shaikh identifies the need to "ask critical questions about the nature of human beings and gender differences assumed within the traditional *fiqh* discourse."[2] This is not as straightforward as simply identifying gender attitudes in the statements the jurists make. Bauer cautions that discussions of gender in classical Islamic legal works "may at the time have had less to do with jurists' perceptions of women's abilities than with their desire to find a coherent justification for the law."[3] Katz cautions that normative claims might not always reflect "the practical mores of

---

[1] Dr. David Solomon Jalajel is a consultant with the Prince Sultan Research Institute at King Saud University and holds a PhD in Arabic and Islamic Studies from the University of the Western Cape. Formerly, he was a lecturer in Islamic theology and legal theory at the Dar al-Uloom in Cape Town, South Africa.
[2] Sa`diyya Shaikh, "In Search of al-Insān: Sufism, Islamic Law, and Gender," *Journal of the American Academy of Religion* 77, no. 4 (2009): 7.
[3] Karen Bauer, "Debates on Women's Status as Judges and Witnesses in Post-Formative Islamic Law," *Journal of the American Oriental Society* 130, no. 1 (2010): 2.

surrounding society."[4] Jurists were defending the pre-existing rulings of their legal schools, and the statements they made about women might not be motivated by anything else.

This is not an insurmountable difficulty. There are ways to gauge how gender assumptions influenced the rulings. This is especially true when they are implicitly assumed, or underlie a textual interpretation, or are subtly embedded in analogies and other legal arguments. In these cases, they would indicate what Shaikh describes as "the specific understandings of gender relationships assumed by dominating discourses in the *fiqh* canon."[5] The various ways in which gender-related ideas operate in the legal texts are exceptionally important, and a methodology is needed that successfully reveals the assumptions operating behind the formal arguments and demonstrates how they impact on the jurists' conclusions.

Methodology

This research presents an approach for determining how assumptions about women and gender influenced the development of specific legal rulings. First, a legal question is selected for study. Then, a survey of essential Islamic legal texts is conducted, focusing on where those texts discuss the selected legal question. A legal-hermeneutical analysis is then applied to the surveyed texts, which focuses on the jurists' ideological and methodological framework – another genre of legal writing known as Islamic legal theory (*usūl al-fiqh*). The legal arguments found in the surveyed legal texts are identified according to the relevant theoretical rubrics that are set forth in the corresponding legal theory literature. It is important to note that legal theory developed after the formative period of the law[6] and was largely deduced by later scholars from the rulings and statements of each school's foundational jurists, which helps to explain a lack of perfect correspondence between theory and practice.[7] Where the legal arguments fall short of the theoretical ideals projected in the legal theory works, the discrepancy is studied to determine what other influences and assumptions are evident in the legal texts that enable the jurists to suggest those arguments. These influences are identified and

---

[4] Marion Holmes Katz, *Women in the Mosque: A History of Legal Thought and Social Practice* (New York, Columbia University Press, 2014), 36.

[5] Shaikh, "In Search of al-Insān," 8.

[6] Though it is widely held that the first work in Islamic legal theory was the *Risālah* of al-Shāfiʿī (d. 204/820), Lowry points out that mature legal theory is quite different and he identifies the work of the Ḥanafī jurist al-Jaṣṣāṣ (d. 370/980) as being the first work representative of the discipline in its classical form. See Joseph Lowry, *Early Islamic Legal Theory* (Leiden: Brill, 2007), 360-1.

[7] See Umar Abd-Allah, "Malik's Concept of ʿAmal in the Light of Maliki Legal Theory" (PhD dissertation, University of Chicago, 1978), 6-7.

examined to determine how they function to lend added strength to legal arguments that would otherwise be defective according to the professed methodologies of the jurists who proposed them.

This approach is applicable to any of the sources of evidence recognised by Islamic legal scholars (like the Qur'an or Sunnah) or any of their interpretive methods, and it can be applied to any legal ruling or set of rulings where the influence of gender (or other social factor) is suspected. In this study, the ruling prohibiting women from leading men in prayer is examined, and the focus is on the use of juristic analogy (*qiyās*). Of course, jurists have other evidence for the ruling. However, this study is not critiquing the ruling itself, but revealing how gender biases function in Islamic legal thought. Therefore, the point in analysing these instances of analogical reasoning is not simply to look for defects, but rather to uncover the assumptions that made those analogies appear sound to the jurists who proposed them.

This study surveys major works from the four Sunni schools of law. The Ḥanafī, Mālikī, and Shafiʿī schools are represented by eight texts each, and five were selected to represent the Ḥanbalī school. Works representing different historical periods were chosen for their authoritativeness and thoroughness in presenting evidence. Abou El Fadl identifies all "Sunni schools of legal thought" as possessing sufficient overlap in their methodologies of discourse to constitute a single interpretive community, with each of the four schools constituting communities of interpretation within this broader one.[8] They adhere to the same theological tenets, refer to a common body of ḥadīth literature, share the same beliefs regarding clerical authority, and recognise roughly the same essential legal principles. I present my conclusions as relevant to Sunni Islam and as one example for exploring how gender attitudes can influence Islamic legal rulings.

Juristic Analogy (*Qiyās*)

There are four primary sources of law that are agreed upon by the canonical schools. They are: the Qur'an, the Sunnah, consensus (*ijmāʿ*), and juristic analogy (*qiyās*).[9] There are other sources recognized by some

---

[8] Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (Oxford: Oneworld Publications, 2001)*,* 124.

[9] The early Ḥanafī legal theorist, al-Shāshī (d. 344/955) is probably the first to list the four sources in this way in a legal theory text, where he writes: "The sources of Islamic law are four: God's Book, the Sunnah of His Messenger, the consensus of the community, and analogous reasoning (*qiyās*), and it is imperative to study each of these to know how to

but not all the legal schools. Juristic analogy (*qiyās*) is defined in Islamic legal theory as the extension of a legal ruling from one case to another case due to a similarity that justifies the presence of the ruling in both cases.[10] Though the four schools of law differ on some matters, a general description of the process can be given.

There are two widely recognised types of *qiyās*. The most accepted type is *qiyās al-ʿillah* based on determining the ruling's effective cause (*ʿillah*). It has four elements: an original case, its original ruling, the new case, and the effective cause, which is legal rationale for extending the ruling to the new case. The effective cause is a meaning that is appropriate for the ruling to the original case. When this same meaning is found in a new case whose ruling is unknown, the ruling can be applied to it due to the shared presence of the effective cause.

The standard example for this is wine, which is prohibited by the Qur'an. The effective cause for this prohibition is intoxication. This ruling is extended by way of *qiyās* to other intoxicating substances, which are the new cases. In this way, the ruling established by the text of the Qur'an can be applied to many cases the Qur'an does not directly address.

The second widely recognised form of *qiyās* is an analogy of resemblance (*qiyās al-shabah*). This is generally understood as comparing the new case to other existing cases to determine which of these it most closely resembles.[11] The ruling of that original case is then applied to the new

---

derive legal rulings from them." Aḥmad b. Muḥammad al-Shāshī, *Uṣūl al-Shāshī*, edited by ʿAbd Allah Muḥammad al-Khalīlī. (Beirut: Dār al-Kutub al-ʿIlmiyyah, no date), 12.

[10] Al-Ghāzālī (d. 505/1111) defines *qiyās* as: "Applying one known matter to another by establishing or negating a ruling for both by way of something that brings them together through the assertion or negation of a ruling or attribute…and every *qiyās* must have a new case, an original case, an effective cause and a ruling." Abū Ḥāmid Muḥammad b. Muḥammad al-Ghazālī, *al-Mustaṣfā fī ʿIlm al-Uṣūl*, edited by Najwā Daww. (Beirut:Dār Iḥyāʾ al-Turāth al-ʿArabī, no date) 2:96. Al-Qarāfī (d. 684/1285) defines *qiyās* as: "Establishing a ruling like that [which exists] for one known matter in another known matter due to their resembling each other in the ruling's effective cause in the opinion of the one who engages in it." Aḥmad b. Idrīs Shihāb al-Dīn al-Qarāfī, *Sharḥ Tanqīḥ al-Fuṣūl*, edited by Muḥammad ʿAbd al-Raḥmān al-Shāghūl. (Cairo: al-Maktabah al-Azhariyyah lil-Turāth, 2005), 357. Ibn Qudāmah (d. 620/1223) defines it as follows: "Applying to a new case the ruling of an original case due to something that brings them together." ʿAbd Allah b. Aḥmad b. Muḥammad b. Qudāmah al-Maqdisī. *Rawḍat al-Nāẓir wa Jannat al-Munāẓir*, edited by Dr. ʿAbd al-Karīm al-Namlah. (Riyadh: Maktabat al-Rushd, 2003), 3:797. Al-Sarakhsī (d. 490/1096) describes it as "exercising opinion to analogise from original cases whose rulings are known by textual evidence to extend the textual ruling to new cases." Muḥammad b. Aḥmad al-Sarakhsī, *Uṣūl al-Sarakhsī*, edited by Dr. Rafiq al-ʿAjam. (Beirut: Dār al-Maʿrifah, 1997), 2:118.

[11] See al-Juwaynī (d. 478/1085), *al-Waraqāt*, 10. Ibn Qudāmah qives this definition in *Rawḍat al-Nāẓir*, 3:868, and then gives an alternate definition of "bringing together the original case and the new case by way of an attribute that [merely] implies it contains some wisdom for the ruling that brings benefit or repels harm." According to this definition, the appropriateness

case. This is what jurists must resort to when they are unable to determine the effective cause by way of textual evidence, *ijmāʿ*, or identifying an appropriate factor.[12]

Regardless of the form it takes, the purpose of *qiyās* is to reveal the intended scope of a ruling that is established by the Qur'an, the Sunnah, or *ijmāʿ*. Its function is merely to extend the ruling established by that evidence to new cases. This is particularly true for the Shafiʿī and Ḥanbalī schools. By contrast, *qiyās* enjoys a strength in Mālikī law above that of isolated individual-narrator ḥadīth.[13] Likewise, since Mālikī jurists regard the general scope of textual statements to be uncertain, analogical reasoning can easily narrow the scope of the Qur'an's general statements.[14] Furthermore, Abd-Allah argues that when Mālik himself engaged in *qiyās*, he did so primarily on the basis of established legal axioms, rather than particular legal rulings established by textual evidence. These axioms were derived through inductive reasoning from many individual instances of law. He claims that this remained the case for Mālikī law in practice, even though post-formative Mālikī jurists present the process in the same way that the other legal schools present it.[15]

1.   Comparing Prayer Leadership to Political Leadership

In this example, political leadership is the original case, and the ruling is that it is prohibited for women to hold political office. The ruling is transferred by analogy to prayer leadership. This argument is cited by two early Mālikī scholars, al-Māzirī (d. 536/1141)[16] and al-Rajrājī (d. before 680/1281)[17], who explicitly assert that they are engaging in *qiyās*. It reappears with a much later Mālikī scholar al-Nafrāwī (d. 1126/1714).[18]

---

of the effective cause is merely suspected, as opposed to *qiyās al-ʿillah* where the appropriateness for the ruling is obvious.

[12] Al-Ghazālī defines *qiyās al-shabah* as: "Bringing together the new case and the original case on the basis of a quality while admitting that the quality is not the ruling's effective cause." al-Ghazālī, *al-Mustaṣfā*, 2:142-3. He also states that it is a weaker form of evidence than *qiyās al-ʿillah*. See *al-Mustaṣfā*, 2:145.

[13] Refer to al-Qarāfī, *Sharḥ Tanqīḥ al-Fuṣūl*, 361.

[14] al-Qarāfī, *Sharḥ Tanqīḥ al-Fuṣūl*, 189.

[15] Umar Abd-Allah, "Malik's Concept," 124.

[16] Abū ʿAbd Allah Muḥammad b. ʿAlī b. ʿUmar al-Tamīmī al-Māzirī, *Sharḥ al-Talqīn*. edited by Muḥammad Mukhtār al-Salāmī (Tunis: Dār al-Gharb al-Islāmī, 2008), 2:670-1.

[17] Abū al-Ḥasan ʿAlī b. Saʿīd al-Rajrājī. *Manāhij al-Taḥṣīl wa Natāʾij Laṭāʾif al-Taʾwīl fī Sharḥ al-Mudawwanahwa Ḥall Mushkilātih*, edited by Abū al-Faḍl al-Dimyāṭī and Aḥmad b. ʿAlī (Casablanca: Markaz al-Turāth al-Thaqāfī al-ʿArabī, 2007), 1:298-300.

[18] al-Nafrāwī, Aḥmad b. Ghunaym b. Sālim. *al-Fawākih al-Dawānī ʿalā Risālah Abī Zayd al-Qayrawānī* (Beirut: al-Maktabah al-ʿAṣriyyah, 2005), 1:300.

Al-Rajrājī claims that the original ruling is established by consensus (*ijmāʿ*). He identifies the effective cause to be the woman's deficiency as a human being, making her undeserving of "a position of honour and a lofty station." He is therefore asserting that both political leadership and prayer leadership share in being lofty positions that require someone who is "complete in religion and essence." He cites the ḥadīth about women being "deficient in intellect and religion"[19] as proof for the effective cause, not as proof for the ruling itself, so he avoids the error of using the same text as evidence for the original and derived rulings.[20] Al-Māzirī seems to be doing the same thing, since he first rejects a positive comparison between a woman and a slave, because "the deficiency of being female is more certain and more severe," and then paraphrases the ḥadīth.

It is unclear how this deficiency is first applied as the effective cause to prohibit women from political office, in order to be shown to exist in prayer in a comparable manner. It does not help that the ḥadīth, used to establish the effective cause, is very specific about what the deficiencies are. Al-Rajrājī tries to resolve this problem by using the ḥadīth to argue for a woman's deficiency in some vague, general sense. Then he invokes the "principle that everyone who is characterized by deficiency and lowliness has no share in positions of high status". However, this makes it a *qiyās* on a general precept or axiom, and not on another legal ruling (which supports Abd-Allah's assertion that this is the way Maliki *qiyās* actually operates).

Otherwise, al-Rajrājī needs to show how matters as different as prayer and political leadership can be compared, so that the woman's deficiency to assume political authority can be transferred to prayer leadership where the responsibilities are quite different both in nature and scale. Indeed, the famed Mālikī legal theorist al-Qarāfī (d. 684/1285) flatly rejects the

---

[19] The full text is as follows: God's Messenger said: "O assembly of women! Give charity and seek forgiveness often, for I have seen that you form the majority of the denizens of Hell." A well-spoken and perceptive woman from among them asked: "Why, O Messenger of God, why are we the majority of the denizens of Hell?' He replied: "You curse frequently and are ungrateful to your husbands. And I have not seen from among those who are deficient in intellect and religion anyone so capable as you are of overwhelming a sensible man." She then asked: "O Messenger of God, what is the deficiency in intellect and religion?" He said, 'As for the deficiency in intellect, the testimony of two women equals the testimony of one man. This, then, is the deficiency in intellect. She spends many a night without offering prayers, and she abstains from fasts during Ramaḍān. This, then, is the deficiency in religion." In *Ṣaḥīḥ al-Bukhārī*, it is related from Abū Saʿīd al-Khudrī (304, 1462, 1951, and 2658). In *Ṣaḥīḥ Muslim*, it is narrated from ʿAbd Allāh b. ʿUmar (79) and Abū Hurayrah (80).
[20] The legal theorist al-Āmidī (d. 631/1233) writes: "The evidence indicating the ruling of the original case must not also indicate the ruling in the new case. Otherwise, there is no point in designating one of them as the original case and the other one as the new case, or the other way around." Abū al-Ḥasan ʿAlī b. Abī ʿAlī al-Āmidī, *al-Iḥkām fī Uṣūl al-Aḥkām*. Edited by Ibrāhīm al-ʿAjūz (Beirut: Dār al-Kutub al-ʿIlmiyyah, no date), 1:199.

possibility of *qiyās* between political leadership and prayer in his magnum opus on legal theory*, Nafā'is al-Uṣūl*, where he writes:[21]

> What does prayer have to do with political leadership? Indeed, there are heavy conditions imposed on political leadership that are not imposed on prayer leadership, and it is a matter of consensus (*ijmāʿ*) that *qiyās* is false whenever there are differences.

Nevertheless, centuries later al-Nafrāwī invites the comparison again. Writing in *al-Fawākih al-Dawānī*, he says: "This is the case even if men are absent, since leadership in prayer is a position of honour in religion and in the rites of the Muslims." Al-Nafrāwī goes further than al-Rajrājī, because he asserts that a woman is unworthy of the honour of religious leadership for a congregation of women where no other rationale, like temptation or the presence of someone "worthier", could be cited to divest her of such an honour. In al-Nafrāwī's argument, her unworthiness is not relative to that of a man, but an assessment of her absolute human value. This is the assumption enabling the *qiyās*.

2. Comparing Speaking in Prayer to Leading Prayer

The Shāfiʿī jurist al-Māwardī (d. 450/1058) presents this analogy in *al-Ḥāwī al-Kabīr*.[22] The original case is the prohibition of speaking for women who notice the imām making a mistake in prayer. They are supposed to clap instead of saying "Glory be to God" as men are told to do. The effective cause he identifies for the original ruling is the temptation women are presumed to cause with their voices. He argues that the woman is a shameful being, and the reason why clapping is prescribed for her, is to avoid her voice tempting men. The new ruling that he deduces from this analogy is to prohibit women from leading prayer.

This analogy presents a number of difficulties from a legal theory standpoint. The first of these regards the original case. In Shāfiʿī law, as al-Māwardī states elsewhere in *al-Ḥāwī al-Kabīr*, it is permissible for women to say "Glory be to God" instead of clapping, just like it is permissible for men to clap. It does not nullify their prayers and does not even require a prostration of forgetfulness.[23] It is just preferable for women

---

[21] Aḥmad b. Idrīs Shihāb al-Dīn al-Qarāfī, *Nafāʾis al-Uṣūl fī Sharḥ al-Maḥṣūl*, edited by Muḥammad ʿAbd al-Qādir ʿAṭā (Beirut: Dār al-Kutub al-ʿIlmiyyah, 2000), 3:441.

[22] Abū al-Ḥasan ʿAlī b. Muḥammad al-Māwardī, *al-Ḥāwī al-Kabīr*, edited by ʿAbd Allah Muḥammad Najīb ʿAwwāmah (Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, 2009), 2:309-10.

[23] al-Māwardī, *al-Ḥāwī al-Kabīr*, 2:164. He also says after enumerating the various ways in which a woman's prayer is different from a man's prayer: "If she violates these forms and follows what is for men, she is doing wrong, but her prayer is valid. As for what nullifies the

to clap instead. The logic behind this is given by al-Shīrāzī (d. 476/1083) in *al-Muhadhdhdab* where he explains that both acts are prescribed when the imām makes a mistake, so both fall under what is commanded in that circumstance.[24] Therefore, saying "Glory be to God" is not even disliked (*makrūh*) for a woman; it is merely less preferred than clapping. Since the original ruling is one of permissibility, *qiyās* cannot be used to derive a ruling of prohibition. *Qiyās* must extend the same ruling from the original case to the new case. However, al-Māwardī seems to be saying that identical rulings are operating in both cases when he asserts: "The same applies to following her in prayer."

Turning to the effective cause, al-Māwardī's identifies it as the woman being shameful in her entirety. This is problematic for a couple of reasons. First, it is not the Shāfiʿī position that a woman in her entirety, including her voice, is shameful. Elsewhere in *al-Ḥāwī al-Kabīr*, al-Māwardī defends the Shāfiʿī position that even the woman's face and hands are not shameful, and thus can be shown, both in prayer[25] and in the presence of men.[26] He clearly states that the woman's maximum shameful area (*al-ʿawrah al-kubrā*) is what must be concealed in prayer and in the presence of unrelated men, and this maximum area is the body apart from the hands and face.[27]

Moreover, the successful application of this juristic analogy would result in contradicting two other rulings in Shāfiʿī law. The first is that it is permissible for women to lead other women in prayer.[28] There is nothing in the *ḥadīth* to indicate that the ruling of clapping instead of speaking applies only to women praying in congregation with men. The ruling is general for all prayers, whether men are present or not.[29] Consequently, if speaking is prohibited for all prayers and this ruling is carried over to prayer leadership, it follows logically that it would be prohibited for women to lead women in prayers as well. It would be a formal error to assert that the original ruling is general for all prayers and then argue that since the effective cause is the woman's voice being shameful, the analogy only applies to women leading men in mixed congregations. This would violate

---

prayer or requires a prostration of forgetfulness, they are the same for men and women, with no difference between them in any of these matters." *al-Ḥāwī al-Kabīr*, 2:163.

[24] See al-Nawawī, Abū Zakariyyā Yaḥyā b. Sharaf. *al-Majmūʿ Sharḥ al-Muhadhdhab*, edited by ʿĀdil Aḥmad ʿAbd al-Mawjūd *et al.* Beirut: Dār al-Kutub al-ʿIlmiyyah, 2002, 5:130-2.

[25] al-Māwardī, *al-Ḥāwī al-Kabīr*, 2:167. See also ʿAbd al-Malik al-Juwaynī, *Nihāyat al-Maṭlab fī Dirāyat al-Madhhab*, edited by ʿAbd al-ʿAẓīm Maḥmūd al-Dīb (Jeddah: Dār al-Minhāj, 2007), 2:190.

[26] al-Māwardī, *al-Ḥāwī al-Kabīr*, 11:39. See also al-Juwaynī, *Nihāyat al-Maṭlab*, 12:31.

[27] al-Māwardī, *al-Ḥāwī al-Kabīr*, 2:170.

[28] al-Māwardī, *al-Ḥāwī al-Kabīr*, 2:333.

[29] Aḥmad b. Ḥamzah al-Ramlī, *Nihāyat al-Muḥtāj fī Sharḥ al-Minhāj*, edited by Muḥammad ʿAlī Bayḍūn (Beirut: Dār al-Kutub al-ʿIlmiyyah, 2003), 2:48.

a condition of a valid analogy, which is that the effective cause must result in the same ruling in both cases. Here the original ruling applies to all prayers, whether men are present or not, but the effective cause that is identified can only prohibit women from leading men in prayer.

Even if it were to be granted that the original ruling only prohibits a woman to say "Glory be to God" when men are present,[30] and does not apply to congregations of women, it would still contradict another ruling in Shāfiʿī law, which is that the woman imām's prayer is valid while the prayers of the men who follow her are invalid.[31] Since the prohibition of saying "Glory be to God" is directed at the women in the original ruling, it must be directed at the women in the new ruling and require their prayers to be invalid, with the prayers of the followers being invalidated only secondarily. This is an unavoidable consequence of this analogy. It cannot invalidate the prayers of the male followers but not invalidate the prayer of the woman leading them.

All of these problems explain why this *qiyās* is not taken up by other Shāfiʿī jurists. Interestingly, the crux of the argument is the shamefulness of women and the inevitable temptation they are expected to cause, even by just uttering the phrase "Glory be to God." This argument, which is formally defective, and which contradicts numerous rulings in Shāfiʿī law, could only appear compelling to those who already assume that the woman is a temptress by nature.

3.   Comparing Women to the Insane

The woman is compared to an insane person on the basis that neither can give the call to prayer. Consequently, since an insane person cannot lead the prayer, this ruling should apply to her as well. This *qiyās* is an analogy of resemblance (*qiyās al-shabah*) and it is first argued by Ibn Qudāmah (d. 620/1223) in *al-Mughnī*.[32] He is followed in this by all but one of the later Ḥanbalī works in the survey.

Ibn Qudāmah elaborates on the nature of the resemblance while discussing the call to prayer. He states that an insane person does not have the legal capacity to engage in acts of worship. He then says that a

---

[30] This opinion is, in fact, attributed to the Shāfiʿī scholar Badr al-Dīn al-Zarkashī (d. 794/1391) in *Nihāyat al-Muḥtāj* 2:48.

[31] Muḥammad b. Idrīs al-Shāfiʿī, *al-Umm*, edited by Ḥassān ʿAbd al-Mannān (Amman: Bayt al-Afkār al-Dawliyyah, no date), 118.

[32] ʿAbd Allāh b. Aḥmad b. Muḥammad Ibn Qudāmah al-Maqdisī, *al-Mughnī Sharḥ Mukhtaṣar al-Khiraqī*, edited by ʿAbd Allāh b. ʿAbd al-Muḥsin al-Turkī and ʿAbd al-Fattāḥ Muḥammad al-Ḥilū (Riyāḍh: Dār ʿĀlam al-Kutub, 1997), 3:32-4.

woman is not among those sanctioned (*laysat mimman yushraʿ lahu*) to give the call to prayer.[33] In this way she resembles an insane person with respect to the call for prayer. He does not give any reason at this point why the call to prayer is not sanctioned for women. There are, of course, many matters that are not sanctioned for the insane, including other aspects of worship, commercial dealings, being witnesses and contracting marriages. However, we do not find Ibn Qudāmah arguing that where a woman is also restricted in some of these matters, she is like an insane person so that other somewhat related rulings which are applied to an insane person can be applied to her as well. Why, then is he arguing this here?

The three later works that reiterate this *qiyās* in their discussions on prayer leadership provide little help to clarify this matter. When we turn to their discussions on giving the call to prayer, we find nothing resembling Ibn Qudāmah's discussion. Ibn Mufliḥ (d. 884/1479 AH) in *al-Mubdiʿ* gives reasons why a woman should not give the call to prayer, citing a ḥadīth to that effect and arguing that it entails her raising her voice, but he does not provide the comparison with the insane person or hint at any reason why her ruling of not giving the call for prayer should be compared to an insane person's.[34] Al-Bahūtī (d. 1051/1641) favours the view that the call for prayer is disliked for women if they do not raise their voices, and prohibited if they raise them in the presence of male non-relatives.[35] Al-Ruhaybānī (d. 1243/1827) also favours the ruling that it is disliked, but argues that this is because it is "the occupation of men, and therefore implies their imitating men."[36]

Despite their varying arguments and opinions on women calling to prayer, none of them brings up the idea advanced by Ibn Qudāmah that she resembles an insane person in not having the call to prayer sanctioned for her. Nevertheless, all three of them, while discussing prayer leadership, repeat Ibn Qudāmah's statement almost verbatim, that she should not lead prayer due to her resemblance to the insane man in this way. It seems that they are merely reiterating the *qiyās* argument of their predecessor without subscribing to the rationale behind it.

---

[33] Ibn Qudāmah, *al-Mughnī*, 3:68.

[34] Ibrāhīm b. Muḥammad b. Mufliḥ, *al-Mubdiʿ Sharḥ al-Muqniʿ*, edited by Muḥammad Ḥasan Muḥammad Ḥasan Ibrāhīm al-Shāfiʿī (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1997), 1:274.

[35] Manṣūr b. Yūnus al-Bahūtī, *Kashshāf al-Qināʿ ʿan Matn al-Iqnāʿ*, edited by Muḥammad ʿAdnān Yāsīn Darwīsh (Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, 1999), 1:322.

[36] Muṣṭafā b. Saʿd al-Suyūṭī al-Ruhaybānī, *Maṭālib Ūlī al-Nuhā fī Sharḥ Ghāyat al-Muntahā*, edited by Abū Muḥammad al-Aṣyūṭī (Beirut: Dār al-Kutub al-ʿIlmiyyah, 2009), 1:208.

It is interesting that al-Zarkashī (d. 772/1370) does not cite this *qiyās*,[37] although he is writing just a few years after Ibn Qudāmah. This might be due to his greater openness to the opinions of the earlier Ḥanbalī scholars who allowed women to lead men in certain voluntary prayers. Of course, accepting the *qiyās* of the woman on the insane man requires adopting Ibn Qudāmah's stance that a woman should never lead men under any circumstances. Indeed, Ibn Qudāmah introduces the *qiyās* specifically to achieve this purpose.

Yet, even for Ibn Qudāmah, this *qiyās* proves problematic. In a complete reversal, he rejects an almost identical analogy when discussing the question of women leading other women in prayer. He attributes to Mālik the argument that a woman cannot lead any prayer, because she cannot make the call for it. He then dismisses this argument by saying it is only disliked for women to make the call to prayer since it entails their raising their voices, and women are not meant to do that. He then brings another *qiyās* of resemblance as a counter-argument where he asserts that women actually resemble (sane) men because prayer is equally incumbent upon them, so likewise their all-female congregations are equally allowed. This is an effective way to refute a *qiyās* of resemblance, which depends on establishing a closer resemblance. Here, he is claiming that women resemble legally accountable men more than insane men with respect to prayer, consequently refuting the very *qiyās* he advocated only a few pages earlier in his book.

It is difficult to see how Ibn Qudāmah comes up with this strange argument. It is telling, however, how he can compare a woman with an insane person in a matter of religious devotion. Insanity is a severe deficiency that negates legal accountability.[38] This hints at a very negative view of women. Elsewhere in *al-Mughnī*, Ibn Qudāmah describes the four qualities necessary for "complete" legal capacity. A person must be "adult, sane, male, and free".[39] The opposite embodies a deficiency in legal capacity, to be juvenile, insane, female, and slave. The state of being female is grouped with the states of childhood, insanity, and being the property of others. It should be noted that this groups men with other privileged groups and women with other marginalised groups. The attitude that is explicitly stated in the context of legal capacity is implicit in this *qiyās* used to prohibit women from leading prayers.

---

[37] Muḥammad b. ʿAbd Allah al-Zarkashī. *Sharḥ al-Zarkashī ʿalā Mukhtaṣar al-Khiraqī*, edited by ʿAbd Allah b. ʿAbd al-Raḥmān al-Jibrīn (Riyadh: Maktabat al-ʿUbaykān, 1993), 2:95-6.

[38] Ibn Qudāmah, *al-Mughnī*, 2:50 and 7:263.

[39] Ibn Qudāmah, *al-Mughnī*, 14:12.

4. An Opposing Argument: Comparing Women to Slaves

This analogy is allegedly the argument of Abū Thawr (d. 240/854), an early jurist who was famous for permitting women to lead men in prayer.[40] Al-Māwardī describes the analogy to debunk it. The argument is as follows: The slave is more deficient than a woman, and since a slave can lead free men in prayer, a woman can do so as well. Al-Māwardī claims that Abū Thawr believed the slave to be more deficient because a slave can be killed in retribution for murdering a free woman whereas a free woman cannot be killed in retribution for murdering a slave. The Mālikī jurist, al-Māzirī, also identifies this *qiyās* as an argument for those who permit women to lead men in prayer.[41]

It would be easy for al-Māwardī to refute Abū Thawr's argument by pointing out, as he does elsewhere in *al-Ḥāwī al-Kabīr*, that the ruling of compensation for killing a slave legally resembles other cases of property destruction as well as a crime against a person, and since the loss is mainly financial, the murderer pays the slave's market value to the owner but does not pay blood money to the slave's next of kin.[42] By contrast, in the event of a free victim, the victim's next of kin has a choice between having the murderer's life in retribution or receiving blood money, since the surviving family members' right to justice is not mainly financial in nature. This makes the difference in entitlement to retribution independent of the question of deficiency, since it has to do with the legal affect the murder has on the surviving claimants. Therefore, it cannot be used to argue that the slave is more deficient than the woman.

This would be a strong refutation, since it shows that the original case is fundamentally different from the new case, which is one of the most effective ways to falsify an analogy. However, neither al-Māwardī nor al-Māzirī choose to argue along these lines. Instead, they take the comparatively weaker approach of suggesting ways in which a woman is more deficient than a slave. They give different reasons. Al-Māwardī says it is because the slave can become free whereas a woman will always be a woman, and also that a male slave does not cause temptation with his voice. Al-Māzirī says that the woman is more deficient than a slave because she is attributed with deficiency in intellect and religion while a male slave is not. Both of their suggestions work by categorically privileging maleness over being female, to the extent that slavery does not

---

[40] al-Māwardī, *al-Ḥāwī al-Kabīr*, 2:309-10.
[41] al-Māzirī, *Sharḥ al-Talqīn*, 2:670-1.
[42] al-Māwardī, *al-Ḥāwī al-Kabīr*, 16:95.

entail a comparable deficiency. This is how they resolve the tension between competing hierarchies: one of gender and one of class.

It is significant that they do not have to appeal to deficiency at all, since they could easily debunk Abū Thawr's argument by saying that a slave is property and the destruction of property is different than the need for justice felt by a free victim's kinsfolk, so Abū Thawr's comparison between women and slaves is inexact. However, they find it more compelling to come up with ways in which a woman is more deficient than a slave. Since they find this approach more convincing, they betray the underlying assumptions operating behind their legal reasoning.

Another thing to note is the subtle role that deficiency plays in the argument attributed to Abū Thawr. Even though Abū Thawr is trying to prove that a woman can lead men in prayers, the argument does not assert her completeness, but depends upon comparing her deficiency relative to that of a slave. This does not necessarily mean that Abū Thawr thought women were deficient, especially since we do not have the argument from him directly, but it does mean that deficiency was the issue of contention for why women could or could not lead men in prayer.

5.   Gender Bias

In all of the works surveyed, three instances of juristic analogy (*qiyās*) are cited as arguments to prohibit women from leading men in prayer. Only one argument from *qiyās* is cited consistently by the jurists of its school, being the Ḥanbalī *qiyās* of comparing women to the insane, introduced by Ibn Qudāmah in *al-Mughnī*. Nevertheless, it seems for the later scholars who take it up to be nothing more than a reiteration of Ibn Qudāmah's words, since they do not affirm the rationale he gives for it. As observed in the works surveyed, Ḥanbalī books have a higher tendency than works of other schools for repeating their predecessors' arguments verbatim. What is most telling in this case is how Ibn Qudāmah himself seems to dismiss this *qiyās* elsewhere in *al-Mughnī*.

The second is a comparison between women leading prayer and their saying, "Glory be to God," while praying in congregation behind an erring imām. This was suggested by the early Shāfiʿī jurist, al-Māwardī, but not mentioned by later jurists of that school, probably due to the problems inherent in its analogical method (like discrepancies in the original case and the effective cause) as well as the fact that it clashes with several other rulings in the Shāfiʿī school.

The third is suggested in two early Mālikī works and alluded to by one much later one, this being the *qiyās* attempted by al-Māzirī and al-Rajrājī to prohibit women from leading prayer based on their not being qualified for political leadership. However, the analogy only makes sense when understood in the context of the "principle that everyone who is characterized by deficiency and lowliness has no share in positions of high status," which is explicitly stated in this context by al-Rajrājī. This supports the observation made by Umar Abd-Allah that most cases of Mālikī *qiyās* are, in actual practice, based on general precepts instead of specific established rulings. It must be observed that the precept identified here relies on a negative value judgement about women.

A fourth instance of *qiyās* encountered in the surveyed texts supports women leading men in prayer. However, it does not represent the legal reasoning of any of the jurists in the survey but is merely brought up to debunk it. The two jurists who attempt to refute this analogy, which compares women to slaves, could easily have done so by pointing out that since slaves are property, the compensation for killing a slave is unrelated to the compensation for killing a free woman. However, they do not take advantage of this. Instead, they prefer to suggest ways in which women are more deficient than slaves.

All four instances of *qiyās* exhibit structural shortcomings and can only operate against the backdrop of presupposed negative attitudes about women and their perceived worth which contribute to the very structure of the jurists' arguments, including the woman as temptress, women's perceived deficiency, and the presence of gender hierarchies. This is true even for the *qiyās* which argues that women can lead men in prayer. Since the argument is that a slave's deficiency is "greater" than a woman's, it assumes the woman is deficient. It affirms a gender hierarchy and a class hierarchy but resolves the tension between the two in favour of the woman over the slave.

Conclusion

The methodology this paper showcases is a legal-hermeneutical analysis that identifies gender biases by how they function within legal reasoning. Complex legal arguments operate with assumptions that are indispensable for their cohesion, and when these are brought to the fore by a close reading, they provide a picture of the cultural context within which the jurists work and the set of influences that affect their judgements. Consequently, the legal texts are read with a fresh eye, not to critique the laws and their supporting evidence, but rather to draw from the texts the underlying beliefs and motivations of their authors. Also,

since the values and biases are drawn from the arguments in the texts for which they are functionally indispensable, it reduces the researcher's risk of falling into the error of anachronism, which happens when we project our own values on the texts of another culture and time.

This methodology has been applied in this paper to instances of juristic analogy (*qiyās*). It could be applied with equal success to any other source of law, like the use of Qur'anic verses, the citation of ḥadīth, or claims of consensus (*ijmāʿ*). It can likewise be applied to any legal ruling or set of rulings where the influence of a particular bias is suspected. In any case, a large survey of legal texts is required to provide a robust and representative sample of arguments. Also, an understanding of the thought processes, hermeneutical approaches, and legal mechanisms that the jurists purport to use is indispensable for this kind of analysis. In the case of Islamic Law, this is provided by works in the separate genre of legal theory (*usūl al-fiqh*). Though this discipline was developed after the initial codification of the laws, it preceded the corpus of written legal literature and determined how legal arguments were framed, presented, and understood.

Research of this kind is not normative. It does not seek to place a value judgement on the rulings, nor is it concerned with determining whether those rulings are "right" or "wrong." Likewise, in evaluating the methodological approaches employed by the jurists in their legal texts as well as those outlined in their works of juristic theory, the purpose in not to determine the inherent soundness or strength of those methods, but rather how those methods interacted with other influences to bring about their effects.

References

English

Abd-Allah, Umar. "Malik's Concept of ʿAmal in the Light of Maliki Legal Theory." PhD dissertation, University of Chicago, 1978.

Abou El Fadl, Khaled. *Speaking in God's Name: Islamic Law, Authority and Women*. Oxford: Oneworld Publications, 2001.

Bauer, Karen. "Debates on Women's Status as Judges and Witnesses in Post-Formative Islamic Law." *Journal of the American Oriental Society* 130, no. 1 (2010): 1-21.

Katz, Marion Holmes. *Women in the Mosque: A History of Legal Thought and Social Practice*. New York: Columbia University Press, 2014.

Shaikh, Sa`diyya. "In Search of al-Insān: Sufism, Islamic Law, and Gender." *Journal of the American Academy of Religion* 77, no. 4 (2009), 5.

Arabic

al-Bahūtī, Manṣūr b. Yūnus. *Kashshāf al-Qunnāʿ ʿan Matn al-Iqnāʿ*, edited by Muḥammad Adnān Yāsīn ʿ Darwīsh. Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, 1999.

al-Ghazālī, Abū Ḥāmid Muḥammad b. Muḥammad. *al-Mustaṣfā fī ʿIlm al-Uṣūl*, edited by Najwā Daww. Beirut: Dār īḥyāʾ al-Turāth al-ʿArabī, no date.

al-Juwaynī, ʿAbd al-Malik b. ʿAbd Allah b. Yūsuf. *Nihāyat al-Maṭlab fī Dirāyat al-Madhhab*, edited by ʿAbd al-ʿAẓīm Maḥmūd al-Dīb, Jeddah: Dār al-Minhāj, 2007.

al-Juwaynī, ʿAbd al-Malik b. *al-Waraqāt fī Uṣūl al-Fiqh*, published with Jalāl a-Dīn al-Maḥallī, Sharḥ al-Waraqāt. Beirut: al-Maktabah al-ʿAṣriyyah, 2002.

al-Māwardī, Abū al-Ḥasan ʿAlī b. Muḥammad b. Ḥabīb. *al-Ḥāwī al-Kabīr*, edited by ʿAbd Allah Muḥammad Najīb ʿAwwāmah. Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, 2009.

al-Māzirī, Abū ʿAbd Allah Muḥammad b. ʿAlī b. ʿUmar al-Tamīmī. *Sharḥ al-Talqīn*, edited by Muḥammad Mukhtār al-Salāmī. Tunis: Dār al-Gharb al-Islāmī, 2008.

al-Nafrāwī, Aḥmad b. Ghunaym b. Sālim. *al-Fawākih al-Dawānī ʿalā Risālah Abī Zayd al-Qayrawānī*. Beirut: al-Maktabah al-ʿAṣriyyah, 2005.

al-Nawawī, Abū Zakariyyā Yaḥyā b. Sharaf. *al-Majmūʿ Sharḥ al-Muhadhdhab*, edited by ʿĀdil Aḥmad ʿAbd al-Mawjūd, Majdī Surūr Bāsalūm, Aḥmad ʿIsā Ḥasan al-Maʿṣurāwī, Aḥmad Muḥammad ʿAbd al-ʿĀlī, Ḥusayn ʿAbd al-Raḥmān Aḥmad, Barawī ʿAlī Muḥammad Sayyid, Muḥammad Aḥmad ʿAbd Allah, and Ibrāhīm Muḥammad ʿAbd al-Bāqī. Beirut: Dār al-Kutub al-ʿIlmiyyah, 2002.

al-Qarāfī, Aḥmad b. Idrīs Shihāb al-Dīn. *al-Dhakhīrah*, edited by Muḥammad Ḥajjī. Tunis: Dār al-Gharb al-Islāmī, 2008.

al-Qarāfī, Aḥmad b. *Nafā'is al-Uṣūl fī Sharḥ al-Maḥṣūl*, edited by Muḥammad ʿAbd al-Qādir ʿAṭā. Beirut: Dār al-Kutub al-ʿIlmiyyah, 2000.

Ibn Qudāmah al-Maqdisī, ʿAbd Allah b. Aḥmad b. Muḥammad. *al-Mughnī Sharḥ Mukhtaṣar al-Khiraqī*, edited by ʿAbd Allah b. ʿAbd al-Muḥsin al-Turkī and ʿAbd al-Fattāḥ Muḥammad al-Ḥilū. Riyāḍh: Dār ʿĀlam al-Kutub, 1997.

Ibn Qudāmah al-Maqdisī, ʿAbd Allah b. *Rawḍat al-Nāẓir wa Jannat al-Munāẓir*, edited by Dr. ʿAbd al-Karīm al-Namlah. Riyadh: Maktabat al-Rushd, 2003.

Ibn Mufliḥ, Ibrāhīm b. Muḥammad. *al-Mubdiʿ Sharḥ al-Muqniʿ*, edited by Muḥammad Ḥasan Muḥammad Ḥasan Ibrāhīm al-Shāfiʿī. Beirut: Dār al-Kutub al-ʿIlmiyyah, 1997.

al-Rajrājī, Abū al-Ḥasan ʿAlī b. Saʿīd. *Manāhij al-Taḥsīl wa Natā'ij Laṭā'if al-Ta'wīl fī Sharḥ al-Mudawwanahwa Ḥall Mushkilātih*, edited by Abū al-Faḍl al-Dimyāṭī and Aḥmad b. ʿAlī. Casablanca: Markaz al-Turāth al-Thaqāfī al-ʿArabī, 2007.

al-Ramlī, Aḥmad b. Ḥamzah. *Nihāyat al-Muḥtāj fī Sharḥ al-Minhāj*, edited by Muḥammad ʿAlī Bayḍūn. Beirut: Dār al-Kutub al-ʿIlmiyyah, 2003.

al-Ruḥaybānī, Muṣṭafā b. Saʿd al-Suyūṭī. *Maṭālib Ūlī al-Nuhā fī Sharḥ Ghāyat al-Muntahā*, edited by Abū Muḥammad al-Aṣyūṭī. Beirut: Dār al-Kutub al-ʿIlmiyyah, 2009.

al-Sarakhsī, Abū Bakr Muḥāmmad b. Aḥmad b. Abī Sahl. *Uṣūl al-Sarakhsī*, edited by Dr. Rafiq al-ʿAjam. Beirut: Dār al-Maʿrifah, 1997.

al-Shāshī, Aḥmad b. Muḥammad. *Uṣūl al-Shāshī*, edited by ʿAbd Allah b. Muḥammad al-Khalīlī. Beirut: Dār al-Kutub al-ʿIlmiyyah, no date.

al-Zarkashī, Muḥammad b. ʿAbd Allah. *Sharḥ al-Zarkashī ʿalā Mukhtaṣar al-Khiraqī*, edited by ʿAbd Allah b. ʿAbd al-Raḥmān al-Jibrīn. Riyadh: Maktabat al-ʿUbaykān, 1993.

Arabic Legal Works Surveyed for the Study but Not Cited

(Ḥanafī Law)

al-ʿAynī, Maḥmūd b. Aḥmad Badr al-Dīn. *al-Bināyah Sharḥ al-Hidāyah*, edited by Ayman Ṣāliḥ Shaʿbān. Beirut: Dār al-Kutub al-ʿIlmiyyah, 2012.

al-Bābirtī, Muḥammad b. Muḥammad Akmal al-Dīn, *al-ʿInāyah Sharḥ al-Hidāyah*. Dār al-Fikr, no date.

al-Kāsānī, Abū Bakr b. Masʿūd. *Badāʾiʿ al-Ṣanāʾiʿ fī Tartīb al-Sharāʾiʿ*, edited by Muḥammad Adnān Yāsīn Darwīsh. Beirut: Muʾassasat al-Tārīkh alʿArabī, 2000.

al-Sarakhsī, Abū Bakr Muḥāmmad b. Aḥmad b. Abī Sahl. *al-Mabsūt*. Beirut: Dār al-Maʿrifah, no date.

al-Zaylaʿī, ʿUthmān b. ʿAlī. *Tabyīn al-Ḥaqāʾiq Sharḥ Kanz al-Daqāʾiq*, edited by Aḥmad ʿAzū ʿInāyah. Beirut: Dār al-Kkutub al-ʿIlmiyyah, 2000.

Ibn ʿĀbidīn, *Radd al-Muḥtār ʿalā al-Durr al-Mukhtār Sharḥ Tanwīr al-Abṣār*, edited by ʿĀdil Aḥmad ʿAbd al-Mawjūd and ʿAlī Muḥammad Muʿawwaḍ. Beirut: Dār al-Kutub al-ʿIlmiyyah, 1994.

Ibn al-Humām, Muḥammad b. ʿAbd al-Wāḥid. *Fatḥ al-Qadīr ʿalā al-Hidāyah Sharḥ Bidāyat al-Mubtadiʾ*, edited by ʿAbd al-Razzāq b. Ghālib al-Mahdī. Beirut: Dār al-Kutub al-ʿIlmiyyah, 2003.

Ibn Nujaym, Zayn al-Dīn b. Ibrāhīm b. Muḥammad. *al-Baḥr al-Rāʾiq Sharḥ Kanz al-Daqāʾiq*. Beirut: Dār al-Kutub al-ʿIlmiyyah, no date.

(Mālikī Law)

al-Dasūqī, Muḥāmmad b. Aḥmad b. ʿArafah. *Ḥāshiyat al-Dasūqī ʿalā al-Sharḥ al-Kabīr*. (Dār al-Fikr, no date)

al-Ḥaṭṭāb, Muḥammad b. Muḥammad. *Mawāhib al-Jalīl Sharḥ Mukhtaṣar al-Shaykh Khalīl*. ed. Muḥammad Sālim b. Muḥammad ʿAlī b. ʿAbd

al-Wadūd al-Mubārakī al-Shinqīṭī and al-Yadālī b. al-Ḥājj Aḥmad al-Yaʿqūbī al-Shinqīṭī. Nouakchott: Dār al-Riḍwān, 2010.

Ibn Qāsim, ʿAbd al-Rahmān. *al-Mudawwanah al-Kubrā*. Beirut: Dār al-Kutub al-ʿIlmiyyah, no date.

Ibn Rushd al-Ḥafīd, Abū al-Walīd Muḥammad b. Aḥmad b. Muḥammad. *Bidāyat al-Mujtahid wa Nihāyat al-Muqtaṣid*, edited by Haytham Khalīfah Tuʿaymī. Beirut: al-Maktabah al-ʿAṣriyyah, 2004.

Ibn Rushd al-Jadd, Muḥammad b. Aḥmad. *al-Bayān wa al-Taḥṣīl*, edited by Muḥammad Ḥajjī et al. Beirut: Dār al-Gharb al-Islāmī, 1988.

ʿUlaysh, Muḥammad b. Aḥmad. *Minaḥ al-Jalīl Sharḥ ʿalā Mukhtaṣar al-ʿAllāmah al-Khalīl*, edited by ʿAbd al-Jalīl ʿAbd al-Salām. Beirut; Dār al-Kutub al-ʿIlmiyyah, 2003.

(*Shāfiʿī Law*)

al-Anṣārī, Zakariyyā b. Muḥammad. *al-Waṣīṭ fī al-Madhhab*, edited by Aḥmad Muḥammad Ibrāhīm and Muḥammad Muḥammad Tāmir. Cairo: Dar al-Salām, 1997.

al-Haytamī, Ibn Ḥajar. *Tuḥfat al-Muḥtāj fī Sharḥ al-Minhāj*. Beirut: Dār Iḥyā' al-Turāth al-ʿArabī, no date.

al-Ḥiṣnī, Abū Bakr b. Muḥammad. *Kifāyat al-Akhyār fī Ḥall Ghāyat al-Ikhtiṣār*, edited by ʿAlī ʿAbd al-Ḥamīd Balṭajī and Muḥammad Wahbī Sulaymān. Damascus: Dār al-Khayr, 1994.

al-Rāfiʿī, Abū al-Qāsim ʿAbd al-Karīm b. Muḥammad. *al-ʿAzīz Sharḥ al-Wajīz*, edited by ʿAlī Muḥammad Muʿawwaḍ and ʿĀdil Aḥmad ʿAbd al-Mawjud. Beirut: Dār al-Kutub al-ʿIlmiyyah, 1997.

al-Shirbīnī, Muḥammad b. al-Khaṭib. *Mughnī al-Muḥtāj fī Sharḥ al-Minhāj*, edited by Muḥammad Khalīl ʿAytānī. Beirut: Dār al-Maʿrifah, 1997.

Gender studies and biblical interpretation: (How) Does theory matter?[1]

Jeremy Punt[2]

Abstract

Investigations of gender in biblical texts have increased over the last decade or two, also on the African continent. However, the deployment of theoretical and methodological approaches among biblical scholars often still betray conventional alignments, invoking identity-political stances and popularised notions of gender. Biblical studies can benefit much from cross-disciplinary theoretical work on gender, especially from the ancient Hellenistic and Roman contexts, as well as gender critical appropriation informed by modern sociological and anthropological work. Accountable gender theory and related responsible methodologies engender responsible engagements with the complexities involved in gender-critical biblical studies. The argument that gender theory matter in biblical interpretation is briefly demonstrated with reference to 1 Timothy 2:8-15.

Keywords: gender theory; feminism; Greek and Roman world; masculinity; patriarchy; 1 Timothy 2:8-15

1.   Introduction

Gender is neither the same as, nor a cypher for woman, or for that matter, femininity or feminism. The tendency to portray gender in biblical studies as primarily and (eventually) only about women is a truncation of gender and detrimental to biblical gender studies. Gender studies is inevitably about women and includes feminist criticism and women's studies, but it also covers masculinity studies and makes theoretical space for lesbian and gay studies, and its recent disruptive development, queer theory.[3] As much as gender means more than woman, then, gender studies goes beyond women's studies.[4] Bible and gender studies are about making

---

[1] Edited version of a paper read at a Religion, Gender and Sexuality in Africa Conference, UKZN, Pietermaritzburg, 21-25 May 2018.

[2] Jeremy Punt is Professor of New Testament in the Theology Faculty at Stellenbosch University, South Africa, and works on hermeneutics and critical theory in NT interpretation past and present, with a focus on the Pauline letters.

[3] Take as example, SD. Moore, *God's Beauty Parlor and Other Queer Spaces in and Around the Bible* (Stanford: Stanford University Press 2001), 12-3.

[4] On queer theory, see e.g. J. Punt, "Queer theory, Postcolonial theory, and biblical interpretation. A preliminary exploration of some intersections," in *Bible Trouble: Queer*

sense of the diverse facets of the landscape of gender(ed) discourse and biblical texts,[5] and investigates the construction of gender as social category, including also sexuality and the full spectrum of gendered and sexual(ised) human life. All too aware of the male preferential stance in ancient materials as much as in modern scholarship, this work is done without giving preferential perspectivity to any assumed or constructed sex and gender. It acknowledges the intricate, complex, and messy gendered and sexualised interconnectivities among people.[6] Gender studies of the Bible focus on these discourses through which people and human life are described to make sense of sex and gender in their complex intersections with biblical texts and contexts, and their interpretive histories.[7]

Among biblical scholars, however, conventional alignments, identity-political stances, and popularised gender notions negatively impact theoretical rigour.[8] At the same time, much can be gained from cross-

---

Reading at the Boundaries of Biblical Scholarship, edited by TJ. Hornsby and K. Stone, S*emeia Studies*, vol 67 (Atlanta: SBL, 2011): 321-41. Graybill, in *Are We Not Men? Unstable Masculinity in the Hebrew Prophets* (New York: Oxford University Press, 2016), 13, explains the tension that often exists between especially queer and feminist approaches: "Feminist scholarship is sometimes suspicious of the emphasis on masculinity and male sexuality that tends to dominate queer reading; lesbian-informed approaches offer a possible alternative. A queer approach, meanwhile, may find the feminist methods insufficiently attuned to sexuality, or overly bound up in heterosexual relations between men and women."

[5] Women studies, feminist work and womanist inquiry have come to stay, and deserve more attention *and* mainstreaming (not male-streaming, see Fiorenza E. Schüssler "Critical Feminist Studies in Religion," in *Critical Research on Religion* 1 no. 1 [2013]: 43-50), without which scholarly inquiry will be poorer. However, the under-theorisation of gender studies can lead to its uncritical reduction to change agents' cultivation projects, an urge for political action widespread among feminist theorists (see also below) – as sorely as change agents are needed in various areas of gender work, and regardless of whether they can be "cultivated" or not!

[6] Gender studies increasingly also includes sexuality – an element which has in biblical studies often stayed out, with little attention to LGBTQIA*-inquiry and queer theory, to name some growing theoretical interfaces. The transition from feminist studies to gender studies, which has already occurred in literary studies, is only slowly taking place in biblical studies – see SD. Moore and JC. Anderson, eds. *New Testament Masculinities*. Semeia Studies vol. 45 (Atlanta: SBL, 2003): 5.

[7] Feminist biblical studies have earned its place in postmodern academia in the hard way, but its narrow concern with almost exclusively women's issues, women in the text and in history, and as readers, and its often constrained attention to masculinities, lesbian and gay studies, and queer theory, contributed to the development of gender studies.

[8] See the excellent introduction in BB. Archer and J. Lloyd, *Sex and Gender*. 2nd ed. (Cambridge: Cambridge University Press, 2002), 1-5, for some prevailing and persistent common-sense beliefs or conventional perceptions and notions regarding gender, widespread in the modern world. See also MS. Kimmel *The Gendered Society*. 4th ed. (New

disciplinary theoretical work on gender, the ancient Hellenistic and Roman contexts, and from critical, theoretical, often intersectional appropriations informed by modern sociological and anthropological work. Using gender studies as umbrella term[9] and not gender criticism as singular approach, my argument is that accountable gender theory and related work will engender more responsible and accountable engagements with texts and the complexities involved in gender-critical biblical studies.

2.   Theory, beyond (not without) feminist biblical criticism

The developmental trajectory[10] of gender studies shows the change from an initial focus on women in the sixties, to the realisation of the need for theory since the 1970s, and which, also to avoid ghettoization, probed further both in theory and focus of study. When gender studies emerged from these precursors in the 1980s, women recovery projects made room for differences between women and greater theoretical finesse.[11] Gender studies now came to include work on the history of sexuality and on masculinities.[12] Criticism that these shifts led to a loss of political thrust fails to convince.[13] The late twentieth century's moves in feminist theory and gender studies beyond social history and "recovery of woman" projects showed the need and appropriateness for a different approach to

York and Oxford: Oxford University Press, 2011), 1-138, for a wide-ranging overview of explanations of gender, including a few common-sense notions.

[9] See D. Guest, *Beyond feminist biblical studies* (Sheffield: Sheffield Phoenix, 2012), 41.

[10] AR. Sharrock, Re(ge)ndering gender(ed) studies. *Gender & History* 9, no. 3 (1997): 604.

[11] In women's studies in religion, ancient literature served as social history resources on the lives of real women as lived history. In gender studies in religion ancient literature, literary texts serve as resources for cultural and intellectual history and the emerging ideologies. No wedge should be driven in between the two, though, since discourses about women originate in concrete social, economic, and political contexts in (or similar to those in) which women lived and lives. Not only does the realisation that gender is "a means of representing ideas about social order and social organisation" dismantle a monolithic essence, "to study the meaning of the rhetoric pertaining to women – in addition to raising up women as agents and victims – but it also enlarges our historical perspective" (Priscilla Pope-Levison, and John R. Levison, eds. *Sex, Gender, and Christianity* [Eugene: Cascade, 2012]: 23).

[12] "While studies of sexualities are nothing new to feminists, it is the amount of space given for analysing the constructions of a diverse range of sexualities in varying contexts, often through the analytical lens provided by queer theory that gives Gender Studies a quite different atmosphere" (Guest, "*Beyond feminist biblical studies*," 9).

[13] In fact, as some scholars argue, with gender studies the scope of political sentiment has simply widened beyond a restrictive focus, so as to also include others and other issues (e.g. Caroline Vander Stichele, "Is Doña Quixote Fighting Windmills? Gendering New Testament Studies in the Netherlands: In Memory of Esther de Boer [1959-2010]". *Lectio difficilior* 1 [2013]: 6).

gender.[14] The focus has therefore shifted to the rhetorical construction of men and women, femininity and masculinity, gender in texts and discourse, and the social forces at work in this regard; and while work on gender still dominates, sexuality increasingly receives attention.

The urge to explain human behaviour is seen in social, behavioural, natural, and biological scientists' attempts to come to terms with gender, resulting in an abundance of theories of gender.[15] Theoretical tension between gender and sex is palpable and sustains untenable binaries,[16] such as seeing sex as physiological, only secondarily impacted socially in the social construction of gender.[17] However, contemporary thinking about bodies in the sense of physical selves and their representation increasingly emphasise the link between bodies, sex and gender, and social power. Foucault, Scarry, and others have exposed the embeddedness of bodies in politics and power, hidden away by moral pretentiousness.[18] Sex and gender as social constructs and the performativity of gender[19] have reconceptualised human agency "in a manner that deeply challenged long-held and often intensely defended

---

[14] This is not quite the same as "womanufacture" (Sharrock, "Re(ge)ndering gender(ed) studies"), a metaphor for the construction of femininity in literary texts. "Women are 'perceived'. We speak often not just of 'women,' but of 'images,' 'representations,' 'reflections of women' (AR. Sharrock *"*Womanufacture," *Journal of Roman Studies* 81 [1991]: 36).

[15] See Kimmel, "*The Gendered Society*".

[16] "The discussion of gender difference often assumes that differences are based on some biological realities that sort physical creatures into their appropriate categories. Thus, we assume that because there are two biological sexes (male and female), there must only be two genders (men and women)" (Kimmel, "*The Gendered Society*," 74).

[17] See for example the following explanation, which not only separates gender from sex, but also the meaning of sex from sex (as if the latter exists without the former): "A person's sex is indeed determined by biology, genetics and neurology. However, the meaning of sexuality and sexual role functions is embedded in engendered constructions as socially and culturally created systems of meaning" (DJ. Louw, "From Phenomenology to Ontology in the Gender Debate. "Feminine" without "Femininity" beyond "Feminism"," in *Ragbag Theologies. Essays in Honour of Denise M Ackermann, a Feminist Theologian of Praxis*, edited by M. Pillay, S. Nadar, and C. le Bruyns, 95-111 [Stellenbosch: SUNPress, 2009], 98). The binary is confirmed later, "The core of the gender debate is about the meaning of our being human as either male or female" (Louw, "From Phenomenology to Ontology in the Gender Debate," 101).

[18] WR. LaFleur, "Body," *Critical Terms for Religious Studies*, edited by MC. Taylor, 36-54. (Chicago: University of Chicago Press, 1998), 45.

[19] "Hence, as a strategy of survival within compulsory systems, gender is a performance with clearly punitive consequences" and "Gender ought not to be construed as a stable identity or locus of agency from which various acts follow; rather, gender is an identity tenuously constituted in time, instituted in an exterior space through a *stylized repetition of acts*" (Judith Butler, *Gender Trouble. Feminism and the Subversion of Identity* (Thinking Gender, vol. 2. New York: Routledge, 1990), 139-40.

convictions about the source of 'autonomous' human actions."[20] A materialist understanding of gender privileges its discursive nature as socially constructed and thus fluid and given to different understandings, temporally and spatially, across cultures.[21] Contrary to essentialist understandings, gender as discursive construct is not primarily identity or role but rather process, continuously and contextually produced amidst multiple, intersecting social discourses – in short, gender is performativity.[22] Gender is informed by discourses, which also normalise gender as they "carry with them the norms of behaviour, standards of what count as desirable, undesirable, proper and improper."[23]

The view that feminist studies is the mother of gender studies is fitting, but mother-daughter relationships can be complex, contentious, and antagonistic.[24] While the historical accuracy that feminist work only addressed women's experience, is contested, and the theoretical validity that masculinity studies "will complete the portrait of gender, only half

---

[20] E. Barvosa-Carter, "Strange Tempest: Agency, Poststructuralism, and the Shape of Feminist Politics to Come." In *Butler Matters. Judith Butler's Impact on Feminist and Queer Studies*, edited by S. Breen and WJ. Blumenfeld, 175-89 (Hampshire: Ashgate, 2005), 175; S. Jeffreys, "Return to Gender: Post-Modernism and Lesbian and gay Theory." In *Radically Speaking: Feminism Reclaimed*, edited by D. Bell and R. Klein, 359-74 (London: Zed Books, 1996); Punt, "Queer theory."

[21] Materialist or structuralist theories reference the structural makeup of the social world (including concrete social relations in the work place, the home, and sexuality) for their influence on the construction of gender identities, and for resulting power dynamics. Discursive or post-structuralist theories relate gender to discourse, and the construction of women and men with the respective spectrums of meaning and power, highlighting the attention given to language and discourse more generally. See R. Alsop, A. Fitzsimons and K. Lennon *Theorizing gender: An introduction* (Cambridge: Polity, 2002), 65.

[22] "There is no gender identity behind the expressions of gender; that identity is performatively constituted by the very 'expressions' that are said to be its results" (J. Butler, *Gender trouble: Feminism and the subversion of identity* [New York: Routledge, 2007], 34).

[23] Alsop, Fitzsimons and Lennon, "*Theorizing gender,*" 82. Language is the means by which human beings think, reason, create meaning, and communicate, as people know and cognitive psychologists and cognitive linguists have emphasised (Charles A. Wanamaker. "Metaphor and morality: Examples of Paul's moral thinking in 1 Corinthians 1-5." *Neotestamentica* 39 [2005], 409-33 [504]). Language plays a double role, in the sense that it reflects worldview while simultaneously also generating it.

[24] Guest, "*Beyond feminist biblical studies,*" 9. For addressing the three concerns that often arise when feminist and gender critical work are juxtaposed, "The potential dilution/taming of feminism; the erasure of women; and the loss of autonomy for Women's Studies", see Guest, "*Beyond feminist biblical studies,*" 31-41.

drawn" in feminist work,[25] disputed,[26] it has not always been inclusive of masculinities and sexual identities.[27] Aligning itself with much of feminist inquiry, gender studies intentionally broaden the scope of investigation, critiquing the norms that elicit, maintain, and oversee notions of sex and gender across the spectrum and heteronormativity's imposition. It investigates sex and gender as constructions (not natural attributes) and their intersectionalities, also with race and class and other aspects of human life – not necessarily with a feminist stance.[28] Alongside feminist work's political enterprise,[29] gender critics consider the implications of hermeneutical strategies, and embrace political visions in the critique of scriptural texts and also regarding intersex and transgender persons.[30] Gender studies neither assume nor align with identity politics; in fact, it

---

[25] V. Robinson, "Heterosexuality and Masculinity: Theorising Male Power or the Male Wounded Psyche?" in *Theorising Heterosexuality: Telling it Straight*, edited by D. Richardson, 109-24 (Buckingham: Open University Press, 1996), 111.

[26] Some feminist biblical scholarship has indeed gone beyond gynocentric concerns. For Mary Rose D'Angelo, "(Re)presentations of Women in the Gospels: John and Mark," in *Women & Christian Origins,* edited by RS. Kraemer and MR. D'Angelo, 129-49 (New York, Oxford: Oxford University Press, 1999), 129 feminist investigation of the Gospels engaged a variety of concerns about "whether the gospel writers view women positively or negatively, whether their messages are inclusive or exclusive, whether they challenge or accommodate established gender roles, which gospel is the most or least inclusive, the most or least patriarchal, and even (since these works are all actually anonymous) whether a woman could have been the author of one or more of them." See M. Deem, "The Scandalous Fall of Feminism and the First Black President," in *A Companion to Cultural Studies*, edited by T. Miller, 407-29. (Malden: Blackwell, 2001), 407-29, on the defence of feminism from cultural studies stance, and its representational power.

[27] Guest, "*Beyond feminist biblical studies*," 11.

[28] A. Cranny-Francis, AW. Waring, P. Stavropoulos and J. Kirkby. *Gender Studies: Terms and Debates* (Basingstoke: Palgrave Macmillan, 2003), 82. "[T]he more profound question – whether the shift to gender criticism is camouflaging the abandonment of a stigmatized and overtly political 'F-word,' in favour of more neutral, 'respectable' and sweeter-sounding 'G-spot' – deserves detailed examination" (Guest, "*Beyond feminist biblical studies*," 4).

[29] "Critical feminist studies in religion seek to articulate theoretical analytics not in terms of gender and feminine identity but in socio-political terms. They understand wo/men as socio-political subject-citizens who are producing cultural knowledges and religious discourses in situations of domination and alienation" (Fiorenza Schüssler, "Critical Feminist Studies in Religion," 43).

[30] Guest, "*Beyond feminist biblical studies*," 25-9. "Gender criticism can certainly highlight how gendered and sexed categories are produced and reinforced, how sexualities are produced and regularized, but the contemporary effects of such work need to made clear" (Guest, "*Beyond feminist biblical studies*," 29). See also E. Chitando and S. Chirongoma, eds. *Redemptive Masculinities. Men, HIV and Religion*. Ecumenical HIV and AIDS Initiative in Africa (Geneva: WCC, 2012), on redemptive masculinities.

"problematises and destabilises identity-based politics based on a concept such as 'women.'"[31]

Identity politics are socio-politically attractive,[32] but tend to propose simplistic answers to complex problems, and to reinvent social and intellectual power by assuming underdog-positions to the extent of celebrating victimhood. Identity politics' undiscerning use of "any old personal details" grants "automatic validity" to some-one's perspective, or for our argument here, a reader's interpretation.[33] As Nancy Fraser[34] pointed out, identity politics were used at times as a derogatory term for feminism, anti-racism, and anti-heterosexism.[35] While I want to both affirm feminism and resist racism and heterosexism, identity politics in gender work remain unhelpful and dangerous for a number of reasons.[36] It is

---

[31] Vander Stichele, "Is Doña Quixote Fighting Windmills?" 5.

[32] "The laden phrase 'identity politics' has come to signify a wide range of political activity and theorizing founded in the shared experiences of injustice of members of certain social groups. Rather than organizing solely around belief systems, programmatic manifestos, or party affiliation, identity political formations typically aim to secure the political freedom of a specific constituency marginalized within its larger context. Members of that constituency assert or reclaim ways of understanding their distinctiveness that challenge dominant oppressive characterizations, with the goal of greater self-determination" (Anon. Identity Politics. Stanford Encyclopedia of Philosophy, 2012. http://plato.stanford.edu/entries/identity-politics/,1.

[33] Sharrock, "Re(ge)ndering gender(ed) studies," 610.

[34] N. Fraser, "Heterosexism, Misrecognition, and Capitalism. A response to Judith Butler," *Social Text* 52/53, 15 (3 and 4) (1997): 279-89.

[35] The advantages of being white and male, how infracted and complexly constituted these may be at times and variously constructed in different geospatial locations, remains palpable and real, and should not be ignored or forgotten. J. Clifford, "Taking Identity Politics Seriously: The Contradictory, Stony Ground..." in *Without Guarantees: Essays in Honour of Stuart Hall*, edited by P. Gilroy, L. Grossberg and A. McRobbie, 94-112. (London: Verso, 2000), points out that "opposition to the special claims of racial or ethnic minorities often masks another, unmarked 'identity politics,' an actively sustained historical positioning and possessive investment in Whiteness," 97; see J. Punt, "(Southern) African Postcolonial Biblical Interpretation: A White African Perspective," *Journal of Early Christian History* 8, no. 1 (2018).

[36] The feminist turn to identity politics slotted in with a rapidly expanding neoliberalism intend on repressing recollections of social equality (N. Fraser, "How feminism became capitalism's handmaiden – and how to reclaim it," *The Guardian.com*, October 14, 2013. https://www.theguardian.com/commentisfree/2013/oct/14/feminism-capitalist-handmaiden-neoliberal). Unwilling to give up on people's struggles for recognition or their struggles for economic justice, N. Fraser, "Rethinking Recognition," *New Left Review* 3 (2000): 119 proposes to do away with identity politics in favour of a status model of class: "By understanding recognition as a question of status, and by examining its relation to economic class, one can take steps to mitigate, if not fully solve, the displacement of struggles for redistribution; and by avoiding the identity model, one can begin to diminish, if not fully dispel, the dangerous tendency to reify collective identities."

epistemologically suspect, since gender, like race, is socially constructed, defined, and determined. It is *heuristically* restrictive, since seeing gender as biologically or otherwise set in stone, does not allow for its investigation as a category in itself. It is *methodologically* predetermined, since essentialised gender sets up predefined results, invoking categories of oppressor and victim among others. It is *ethically* dismantling in its ambiguous claiming and disclaiming of agency and legitimacy in intention, process, and outcome. In the end, identity politics is a habituating and therefore regulating discourse,[37] which can become introspectively restricted, narcissist,[38] and given to moral absolutism.[39] Resisting identity politics does not mean to ignore the interpreter's social location or the situatedness of reading; as Stendahl reminds us, "Our vision is often more obstructed by what we think we know than by our lack of knowledge".[40]

Eschewing identity politics does not mean the disavowal of social location, but the latter amounts to more than occupying space, as it acknowledges the geo-political and the body political nature of knowledge. Invoking social location is no panacea for responsible, accountable, and engaged hermeneutics. As much as "being socially located in Africa does not necessarily imply that one is epistemically producing knowledge from the

---

[37] C. Suthrell, "*Unzipping Gender. Sex, Cross-Dressing and Culture*," Dress, Body, Culture (Oxford and New York: Berg, 2004), 2 states: "The knot of cultural notions which constitute and inform any one culture's concepts of sex, gender and sexuality are unusually difficult to unravel, partly because they are so seldom questioned, so integrated into societal structures, so taken for granted that it is almost impossible to uncover them without recourse to another means."

[38] As Michaels contend, maybe the essentialism of identity politics lies not so much in claiming a certain identity, but rather in the activism that follows the claim. "The pluralist gesture toward tolerance (not 'better' but 'better for us') requires an essentialist assertion of identity; instead of who we are being constituted by what we do, what we do is justified by who we are. In cultural pluralism, culture does not make up identity, it reflects it" (WB. Michaels, "Race into Culture: A Critical Genealogy of Cultural Identity," *Critical Inquiry* 18, no. 4 [1992]: 683).

[39] Caution about the exclusionary tendencies of identity politics is sounded by Guest, "*Beyond feminist biblical studies*," 152: "In existing biblical and theological studies there is, arguably, an assumption that one has to 'be,' in some way gay or lesbian in order to write from that vantage point."

[40] K. Stendahl, *Paul among Jews and Gentiles, and Other Essays* (Philadelphia: Fortress, 1967), 7. The urge to escape identity politics at times is perceived by insiders as betraying race, gender, or culture; however, identity politics may constitute the ultimate betrayal, with its radicalising of a segment of identity, its privileged(-ing) hermeneutics and exclusionary politics, all of which presupposes and maintains essentialism. See T. Penner and DC. Lopez. *De-Introducing the New Testament. Texts, Worlds, Methods, Stories*. (Chicester: Wiley Blackwell, 2015), 226.

subaltern side of the colonial matrix of power,"[41] holding or claiming gender or sexual disempowerment does not amount to the cultivation of change, or necessarily questioning configurations of power, which remains the challenge also in biblical hermeneutics. Resisting the consuming and regulating lure of identity politics does not imply shutting out social location in academic inquiry, but rather its reactivation along other lines.[42] The gendered social location of interpretation in South Africa requires room also for subjectivities and, what others would call, their body politics.[43] The move away from identity to subjectivity, implies detachment from biological, national, cultural, or other essentialisms, that marks "a critical theoretical departure from previous definitions of identity" and refocuses attention on "the complex, intersecting ways in which people are embedded within multiple, conflicted discourses, practices, and institutions,"[44] and this is where gender studies comes into the picture in biblical hermeneutics.

---

[41] H. Ramantswana, "Decolonizing Biblical Hermeneutics in the (South) African Context," *Acta Theologica* Supplement 24: 178-203 (197).

[42] The plea of EH. Oleksy, ed. *Intimate Citizenships. Gender, Sexualities, Politics* (New York and London: Routledge, 2009), 5-6, for "the revision of identity and subjectivity theories in order to liberate them from the normative constraints of traditional and humanistic thought" is timely and helpful.

[43] For WD. Mignolo, "Delinking. The Rhetoric of Modernity, the Logic of Coloniality and the Grammar of De-Coloniality," *Cultural Studies* 21, no. 2 (2007): 449-514, "the body-politics of knowledge includes the re-inscription per Fanon for example, of the history inscribed in the black body in a cosmology dominated by the white body beneath the theo- and ego-politics of knowledge". See also H. Ramantswana, "Decolonizing Biblical Hermeneutics," warning that presence or even awareness of social location provides no guarantee regarding the nature of scholarship produced. S. Tamale, "Researching and Theorizing Sexualities in Africa," in *African Sexualities. A Reader*, edited by S. Tamale, 11-26 (Cape Town: Fahamu, 2011), 11-20, calls for theorisation of sex and gender within the African context.

[44] Oleksy, "*Intimate Citizenships*," 1. Cultural studies, however, may offer an alternative to bland detachment or partisan activism when it, in concert with gender studies, holds that gender is neither a natural nor fixed identification category, deriving from biology. Gender, rather, is a script, role, or set of regulatory practices crafted socio-culturally for maintaining hegemonic patterns among material bodies. The investigation of gender often reveals the hidden histories of those who fall outside society's norms and practices. A focus on gender concerns informed by cultural studies is wary of identity politics, so that while appreciative of the gains and importance of feminist work, a broader and non-binary optic may fit better with the constructed nature or performativity of gender. See J. Punt, "A cultural turn in New Testament studies?" *HTS Teologiese Studies/Theological Studies* 72 no. 4 (2016): 7 pages.

3.   Gendered biblical studies' engaging complexities: 1 Timothy 2:8-15

When romanticised musings about women pose as gender studies, the critical theoretical edge is lost and gender parochialised.[45] Even the long-standing feminist focus on women's roles as both victims and liberation agents in texts, can create the impression that texts with no reference to women are irrelevant to the feminist search for justice, *and* neglect gender constructions' permeating social presence.[46] Key to gender studies is its undertaking of and commitment to an inclusive, broader, and critical approach,[47] which stresses intersectionality and warns against the anachronistic imposition of modern values and concerns.[48] A gender studies approach to 1 Timothy 2:8-15, deemed offensive by modern readers and by women in particular, begins by recognising how the text prescribes personal and public behaviour to Jesus followers and concludes that women, conditionally (depending on their or their children's behaviour),[49] will earn salvation through childbirth.[50] Feminist criticism

---

[45] For some criticism levelled in the past against gender studies, see Guest, "*Beyond feminist biblical studies*," 3-4. Some scholars caution against spreading the gender net too wide, to include too much under the gender studies umbrella, in which case gendered or gender-sensitive studies may be a better terms (see Sharrock, "Re[ge]ndering gender[ed] studies," 605).

[46] M. Dube, "Rahab Says Hello to Judith: A Decolonizing Feminist Reading," in *Toward a New Heaven and a New Earth: Essays in Honor of Elisabeth Schüssler Fiorenza*, edited by Fernando F. Segovia, 54-72 (Maryknoll: Orbis, 2003), 60.

[47] Guest, "*Beyond feminist biblical studies*," 3. Setting out on gender studies in biblical texts, K. Stone, "Gender Criticism. The Un-Manning of Abimelech," in *Judges & Method. New Approaches in Biblical Studies,* edited by GE. Yee, 183-210. 2nd ed. (Minneapolis: Fortress, 2007), 192 (see also Vander Stichele, "Is Doña Quixote Fighting Windmills?" 5-6) offers a range of helpful agenda-setting questions. For gender critical approach to a Pauline letter, see J. Punt, "Power and liminality, sex and gender, and Gal 3:28. A postcolonial, queer reading of an influential text," *Neotestamentica* 44, no. 1 (2010): 140-66, on Gal 3:28 read from a queer theory perspective.

[48] Gender studies "is theoretically rich; organically related to feminism but strongly informed also by queer theory, postcolonial theory and critical theory pertaining to 'race' and class. It is also shaped by its interest in themes such as knowledge, power, body, gender, sexuality" (Guest, "*Beyond feminist biblical studies*," 8). These "studies in sexuality split off from a feminism whose primary focus was on gender" (Guest, "*Beyond feminist biblical studies*," 4).

[49] The verb μείνωσιν (they remain) is plural and could refer either to γυναῖκες (used in 2:9, 10) even though the verb in the first part of 2:15 is singular (σωθήσεται, she shall be saved), or to the children born. See e.g. W. Lock, *A Critical and Exegetical Commentary on the Pastoral Epistles* (Edinburgh: T&T Clark, 1978), 33.

[50] If what is today known as 1 Tim 3:1, πιστὸς ὁ λόγος (this word or claim is true), is part of the same passage, it will amount to an apostolic appeal, adding urgency and authority to the offensive claims.

would point out various concerns, noticing the portrayal of women in the text and its possible malevolent impact on contemporary women.[51] Men who simply need to pray everywhere (2:8), seemingly without specific prescriptions regarding dress, conduct, or hierarchical considerations, stand in stark contrast to women whose personal demeanour and public behaviour are prescribed (2:9-15). Women are defined primarily through attachment to men and reproductive capacity, and derivatively (Adam created before Eve, 2:13), except for negative descriptions (Eve was deceived, not Adam, 2:14). The final verse apparently makes women's biological-reproductive role determinative for their socio-religious status (2:15). The passage is framed by patriarchal power and entrench female submissiveness in line with reigning cultural norms.[52] Gender studies largely affirm such feminist readings, but also enquires about the construction of gender roles of women and men, and related aims and purposes, looking at the bigger, complex gender picture and norms sustaining and policing sex, gender, and heteronormativity in texts.[53]

3.1   Ancient contexts and texts, and their challenges

Both literary and socio-historical investigations of ancient understandings of sex and gender are key to interpreting biblical texts. Identity politics-driven valorisations of women in the ancient Mediterranean are anachronistic, one-sided, irresponsible readings which do not sit well with the prevailing New Testament context, and do not engage the links between ancient gender-related perceptions of the social order and stability of communities and society at large. Since the most important organising principle for the ancient Mediterranean context, in everyday life and metaphorically, was gender,[54] recognising its role and functioning is vital for making sense of gender patterns and contingent social beliefs, systems and processes in the Bible.[55] Such a social organisational role for gender is immediately evident in 1 Timothy, and in 2:8-15 in particular.

---

[51] Guest, "*Beyond feminist biblical studies*," 26.

[52] J. Dewey, "1 Timothy," in *Women's Bible commentary*, edited by CA. Newsom and S. Ringe, 444-49. Expanded ed. (Louisville: Westminster, 1998), 446-7.

[53] See Guest, "*Beyond feminist biblical studies*," 26.

[54] Lin Foxhall, "Pandora Unbound: A Feminist Critique of Foucault's History of Sexuality," in *Dislocating Masculinity: Comparative Ethnographies*, edited by A. Cornwall and N. Lindisfarne, 133-145 (London: Routledge, 1994), 144.

[55] Even in this regard, intersections have to be honoured; with regard to age which is often neglected, R. Laurence, "Children and the Urban Environment. Agency in Pompeii," in *Children and Everyday Life in the Roman and Late Antique World*, edited by C. Laes and V. Vuolanto, 27-42 (London and New York: Routledge, 2017), 28, reminds, "Age rather than gender was the dominant structure for the medicalisation of children prior to puberty."

The letter's author, or Pastor, issues instructions to ἄνδρες (men, 2:8) and γυναῖκες (women [wives], 2:9), while the conjunction ὡσαύτως (likewise, 2:9) demonstrates not only the links between the instructions but also the conceptual space defined by gender.[56] Other parts of this pastoral letter are equally determined by gender(ed) considerations, at times explicit such as the instructions given to the widows (5:1-16) or cautioning against the propagation of asceticism promoted through old wives' tales (4:1-7a); and when read with the silencing of women (2:11-12), the gendered nature of instructions regarding a quiet life (2:1-5) and the qualifications for bishops and deacons (3:1-16) becomes clear.

Gender's social importance is indisputable even if its deployment and social function is more complex and less formulaic than often portrayed. Τεκνογονία (childbirth, 2:15) points to the importance of households for social stability and marriage for securing the legitimacy of men's offspring, more than to heterosexuality. Ancient society did not distinguish human sexuality according to a homosexual-heterosexual dividing line, but social status and gendered activity and passivity were key.[57] Sexually, free-born males commonly asserted masculinity through (sexual) activity, by penetration. This was in contrast to others being soft and therefore susceptible to penetration, those lower down the social ladder regardless of their sex: women and slaves, as well as so-called effeminate males, eunuchs, barbarians, captives, and so forth.[58] In a recent study serving as

---

[56] For the Pastor, the community he addresses is heteronormatively and patriarchally defined, even if his awareness of men having sex with each other is evident (1 Tim 1:10). The stereotypical slander so common in ancient times is probably best illustrated in the so-called vice list of 1 Tim 1:9-10; on the one hand its stereotypical nature illuminates social patterns, but its slanderous purpose, on the other hand, mitigates against its use for gaining clarity on the gendered nature of the categories invoked. Like the NT and Bible generally, the male voice that operated within a regime of truth is privileged in 1 Tim 2, in public oratorical and teaching performance as well as in public prayer, unconstrained by any predisposition towards deception. See also MB. Kartzow, "*Gossip and Gender. Othering of Speech in the Pastoral Epistles,*" BZNW vol. 164 (New York: De Gruyter, 2009), for how the Pastor stereotypes gossip as feminine speech, and then uses this stereotype to depict his opponents.

[57] Instructions regarding women's silence (ἐν ἡσυχίᾳ, 2:11), submission (ἐν πάσῃ ὑποταγῇ, 2:11, repeated in 2:12), and the role of childbirth (διὰ τῆς τεκνογονίας, 2:15) in 1 Tim 2, but elsewhere in the letter on controlling widows especially when it comes to their sexuality (5:6, 11-2, 14), and treatment of slaves (6:1-2) secured the active, dominant role of men in the community receiving the letter.

[58] "The reduction of sexual relations to the act of penetration enables sex to become a simple yet effective instrument for expressing hierarchical relations" (SD. Moore, "Que(e)rying Paul: Preliminary questions," in *Auguries: The Jubilee volume of the Sheffield Department of Biblical Studies*, edited by DJA. Clines and SD. Moore, 250-274. JSOTSS 269 [Sheffield: Sheffield Academic Press, 1998], 271).

an alternative to the binary conception of gender in classical Athens, Gilhuly explains the relationships between the three roles of prostitute, wife, and ritual performer in Athenian literature. This feminine matrix of sex and gender formed a symbolic continuum that served as and provided a framework for assessing both masculine and feminine civic behaviour.[59] Complex ancient sex and gender configurations require understanding for how various and even opposing strategies cooperated to articulate different facets of the human subject. Classical sex and gender systems cannot be reduced to the recital of some important socio-cultural markers such as antiquity's preference for a one-sex model of humanity, or the impact of an elaborate honour and shame worldview,[60] or the like. The link between gender and social status in the first-century world rendered "class-infused views of masculinity," and relegated femininity and women along with other non-dominant groups as subsidiaries to free men.

3.2   Confronting entrenched patriarchy

Regarding the instructions issued to women, the Pastor is adamant (οὐκ ἐπιτρέπω, I do not permit, 2:12) if respectful. He recalls the (second) Genesis creation account to establish Adam's sequential priority and Eve's compromised integrity, to justify preferred gendered social arrangements. Levels of attention to the narrative and dispensational allocations aside, the Pastor's concern is with women *and* men. His adroit hermeneutical skills, however, do not tell the full story, such as how in the story of betrayal Adam blamed Eve, and God (who gave Eve to him, Gen 3:12) for his own disobedience. In Genesis the woman gets the blame for her pain during childbirth, dependency upon man and male domination, and humankind's toil, suffering and dying (Gen 3:16-19). Such sentiments

---

[59] K. Gilhuly, *The Feminine Matrix of Sex and Gender in Classical Athens* (Cambridge: Cambridge University Press, 2009), challenges the binary imposed on women and men in the ancient context, and shows how many classical texts from Athens rather than using women to prop up men, in fact destabilises both. She notes that instead of "woman serv[ing] as the irrational, unstable, multiple Other that renders the masculine self whole, my analysis demands that we understand the incongruities in representations of the feminine as a sign of the incoherence of the masculine self" (Gilhuly, "*The Feminine Matrix*," 6). Still longer ago, DD. Gilmore, "Introduction: The Shame of Dishonor," in *Honor and shame and the unity of the Mediterranean*, edited by DD. Gilmore, 1-21. A special publication of the American Anthropological Association, vol. 22 (Washington: American Anthropological Association, 1987), 11, has noted, "Sexual shame is not only the arbiter of chaste femininity, but also, when lost, the negation of masculine identity."

[60] Caution is advised, since the "classic honor/shame model has been reified and that this has led to circularity and reductionism in some literature" (Gilmore, "*The Shame of Dishonor*," 6).

linger in 1 Timothy 2, where women's blame moralise misogyny and secure patriarchy[61] as natural and not disordered points of view.[62]

Patriarchy was the social map for charting family and social relationships, but impacted also upon the broader social context.[63] Daily social realities impinged upon ideological frameworks, subverting the image of stark patriarchy as full portrayal of family life in New Testament times.[64] The New Testament's multi-facetted patriarchy gets obscured, due to the reluctance to admit the texts' (commendation of) hegemonic constructions, and due also their compromised nature; but patriarchal family structures did not necessarily exclude familial affection or intimacy.

> "Excluding intimacy and tenderness from the construction of the patriarchal family not only misrepresents the evidence from Roman, Jewish, and Greek antiquity, but also disguises the realities of patriarchal relations in the present: it is precisely from the bonds of intimacy, affection, and tenderness that patriarchal and even abusive family relations get their power."[65]

Only in its most perverse forms and isolated instances, patriarchy entailed distance, lack of affection, and unkindness – making it easy to denounce. The trouble with patriarchy was (and is), rather, its benevolent public face

---

[61] Meyers questions the appropriateness of patriarchy as description for ancient Israel, claiming that the validity and appropriateness of this concept to designate both families and society have been challenged in several disciplines including classical scholarship, by using sources other than legal texts; in research on the Hebrew Bible and ancient Israel, also by using multiple sources; and in the work of third-wave feminists, both social theorists and feminist archaeologists. See CL. Meyers, "Was Ancient Israel a Patriarchal Society?" *JBL* 133, no. 1 (2014): 8-27.

[62] The woman-man gender system applied in the NT is embedded in the ideology of hierarchy and dualism. See Cynthia B Kittredge, "Scriptural Criticism and Feminist Interpretation of Romans," in *Gender, Tradition and Romans: Shared Ground, Uncertain Borders*, edited by C. Grenholm and D. Patte, 259-70 (Romans through History and Cultures Series; London: T&T Clark, 2005), 266. A woman, according to Thomas Aquinas, is a *vir occasionatus*, a defective or mutilated man. The sentiment expressed by Aristotle is used to explain why Eve was created second and from a crooked bone: she was made to fall.

[63] "The ideal of the patriarchal household is crucial to these letters' understanding of salvation" (AR. Solevåg, "*Birthing Salvation. Gender and Class in Early Christian Childbearing Discourse,*" Biblical Interpretation Series, vol. 121 [Leiden: Brill, 2013], 134).

[64] P. Garnsey and R. Saller, *The Roman Empire. Economy, Society and Culture* (London: Duckworth, 1987), 126.

[65] MR. D'Angelo, "Early Christian Sexual Politics and Roman Imperial Family Values: Rereading Christ and Culture," in *The Papers of the Henry Luce III Fellows in Theology*, vol. 6, edited by CI. Wilkins, 23-48 (Pittsburgh: Association of Theological Schools, 2003), 28.

and the sincerity with which it conducts itself.[66] The reach of gendered systems added to their complexity, informing also the organisation of households and economic activity, then as much as now.[67] The ancient gendered context was not only uneven but also complex.

3.3   Ambivalent presence of women

If, as Sharrock[68] holds, "A 'women's voice' is a constantly shifting process of renegotiation," the identity-political urge to essentialise "woman" is unhelpful. The ambivalence of women is often a valorised ambivalence rendering even their presence tainted by a discriminatory socio-hierarchical ethos. In 1 Timothy, the Pastor spent more time constructing the woman's than the man's role. Regardless of historical veracity, literal accuracy, the interpretation of the creation sequence, and Eve's deception or ostensible seduction (ἐξαπατηθεῖσα)[69] in Genesis, the interpretations construe a patriarchal context (2:13-14). Women, however, are not written out of history or the community altogether, with the Pastor insisting that women may be taught albeit in quietness and "every submission" (2:11), and as long as they do not teach or have authority over men (2:12). In all of this, the presence of women remains tangible and precarious.[70] And where did salvation through birth leave women who opted out of the

---

[66] Elsewhere, the creation of a legal environment promoting the groundwork for domesticity, namely marital life, was explained as part of the Empire's patriarchal concern to regulate domestic life. See J. Punt, "Engaging Empire with the body: Rethinking Pauline celibacy," *JECH* 6, no. 3 (2016b): 43-66.

[67] Amidst current neoliberalism, cultural or identity-based claims and economic claims have become disconnected and academic branding entrenched, with the result that feminism has been "resignified," enabling "a critique of patriarchy and androcentrism *without* a critique of the capitalist social order in which patriarchy and androcentrism are embedded" (Penner and Lopez, "*De-Introducing the New Testament*," 180). See also above, Fraser's warning many years ago not to separate injustices of distribution and injustices of recognition, and not to derogate either of the two: "The point is to conceptualize two equally primary, serious, and real kinds of harm that any morally defensible social order must eradicate" (Fraser, "Heterosexism, Misrecognition, and Capitalism," 280. As S. Jackson, "Heterosexuality and Feminist Theory," in *Theorising Heterosexuality: Telling it Straight*, edited by D. Richardson, 21-38 (Buckingham: Open University Press, 1996), 36, argues, "Heterosexuality itself is not merely a sexual institution: it is founded as much on men's access to women's unpaid work as on their sexual access to our bodies".

[68] Sharrock, "Re(ge)ndering gender(ed) studies," 610.

[69] In Jewish tradition, much has been spent on whether Eve was deceived or seduced by the serpent, and the gendered and even sexual implications involved.

[70] With its interest in how textual components relate to gender and sex and how these feature in the interconnecting roles of ideology and rhetoric, gender studies foregrounds women as both subjects and objects even if not exclusively focussing on them (Vander Stichele, "Is Doña Quixote Fighting Windmills?" 5-6).

patriarchal context through celibacy and disavowing marriage?[71] Among Jesus followers, celibacy provided a kind of freedom, especially for women, and its devaluation in modern times does not mean that the puzzle of arousal has been solved.[72] Although the Pastor devalues Eve's role in the creation narrative to blame for the Fall, she maintains presence and agency. Yet, childbirth as women's route to salvation is deeply ambivalent. The function of ancient marriage was to produce legitimate children,[73] to ensure the continuation of the family or group. However, in the reigning patriarchal culture, the failure to produce offspring was necessarily seen as due to the infertility of the woman. The failure to bear children even constituted grounds for divorce.[74]

The ambivalence of gendered social arrangements and their evaluation are also apparent in modern discourses. In orthodox Judaism, young women describe their participation in gendered rules and requirements not as an imposition, but as allowing them to "be in touch with their own bodies, in control of their own sexuality, and in a position to value the so-called feminine virtues of nurturance, mutuality, family and motherhood."[75] Ambivalence is heightened through misrecognition of intersectionalities and insistence on the assumed naturalness of autonomous selves, spontaneously desiring liberal freedom. Using Butler's gender critical work, Saba Mahmood argues that "analytical explorations should not be reduced to the requirements of political judgment."[76] Both constitute

---

[71] The meaning of σωθήσεται...διὰ τῆς τεκνογονίας (she will be saved through childbirth, 2:15) is disputed, and suggestions range from salvation in a theological sense to reinforcing household norms on wayward widows to surviving childbirth.

[72] The emphasis on bearing children in 1 Tim 2 and the later promotion of marriage and sexual activity, if this is an appropriate understanding of the virulent opposition in 1 Tim 4:1-5 to celibacy and general asceticism, stands in direct opposition to Paul's personal preference for and promotion of celibacy in 1 Cor 7.

[73] While Paul with his eschatological expectation (cf. 1 Cor 7:26) shows little interest for fertility or procreation in the sense of the continuation of the race, in 1 Cor 7 he clearly gave no evidence that he thought the goal of sex to be procreation; marriage was not so much for regulating as for eschewing desire altogether (DB. Martin, *The Corinthian Body* [New Haven and London: Yale University Press, 1995], 214).

[74] Whereas in the Greek and Roman society of the first century CE both husband and wife could terminate the marriage, in Jewish law this was the husband's prerogative.

[75] Kaufman in Kimmel, "*The Gendered Society*," 232.

[76] S. Mahmood, "Agency, Performativity, and the Feminist Subject," in *Pieties and Gender*, edited by L. Sjørup and HR. Christensen, 13-45. International Studies in Religion and Society. Vol. 9 (Leiden and Boston: Brill, 2009), 41. Mahmood supports Butler's criticism of an emancipatory model of agency (agency "not simply as a synonym for resistance to social norms but as a modality of action," Mahmood, "Agency, Performativity, and the Feminist Subject," 34), and in her work on Islamic Renewal in Cairo, Egypt attempt to understand

modalities of engagement, and while there is an analytical and political need to take note of each other, they should not be collapsed into one another. So, women's presence, roles, and values are not lessened by ambivalence, even if their analysis prove more complex.

3.4   Ignoring the construction of masculinity: Reverse exnomination

Gender studies' move beyond women recovery projects is not simply a matter of adding men to the mix.[77] Exploring sociocultural contexts and sex and gender's political use, masculinity studies have become a crucial aspect of gender-critical analysis.[78] Its two greatest achievements of recent years are probably the removal of the marker of "gender" from women (alone), and the critical scrutiny it directs at men and masculinities as socially constructed and scripted categories.[79] Such work exposes the illusion and consequences of gender neutrality brought about by the invisibility of masculinity, and shows that the gender standards portrayed as the norm are anything but gender-neutral.[80] As Sharrock[81] notes, as long as women says gender, men remains the prototype. Critical attention to masculinity avoids re-establishing manhood as norm, a return to

---

(rather than condone) norms such as humility, submissiveness, passivity, and docility, as characteristic for the Egyptian movement.

[77] Guest, "*Beyond feminist biblical studies*," 19. When gender studies become the aggregate of women's and men's studies, it "reduces both women's studies and the supposedly symmetrical men's studies to static denominations of subject matter and reduces any understanding of relations between gender to something equally static and additive" (EK. Sedgwick, "Gender Criticism: What Isn't Gender," in *Redrawing the Boundaries: The Transformation of English and American Literary Studies*, edited by S. Greenblatt and G. Gunn, 271-302 [New York: Modern Language Association, 1992], 272).

[78] Caroline Vander Stichele and T. Penner. *Contextualizing gender in early Christian discourse: thinking beyond Thecla* (London and New York: T & T Clark, 2009), 25. The study of men was not excluded previously, but "the analysis of masculinities within feminist biblical scholarship has been undertaken in the service of a prioritized focus upon women, and this is *not* on a par with the critical study of masculinities that is such an important element within gender criticism" (Guest, "*Beyond feminist biblical studies*," 26).

[79] Guest, "*Beyond feminist biblical studies*," 125. As Peter-Ben Smit, *Masculinity Studies and Biblical Studies: Intersectional and Intercultural*. Brill Research Perspectives in Biblical Interpretation (Leiden: Brill, 2017), 4, argues, "Studies that explore this field seek to redress a situation in which, on the one hand, masculinity, men, and their role and construction are taken for granted, while, on the other hand, women are treated as 'special cases' that need to be approached through the lens of gender studies and gender-sensitive exegesis."

[80] Kimmel, "*The Gendered Society*," 8.
[81] Sharrock, "Re(ge)ndering gender(ed) studies," 604.

androcentrism or re-inscription of patriarchy.[82] Cranny-Francis[83] holds that "[t]he contribution of men's studies to contemporary gender studies encompasses both the deconstruction of specific kinds of gendering (for example men in contemporary heterosexual societies) as well as a reconsideration of gender itself as locus of power." Masculinity can be a system of domination, enacted by and on diverse, male and female persons in society.[84] Like femininities, "masculinities are ever-changing cultural projects that fluctuate in response to variables...influenced by class distinctions, sexual orientations, religious precepts, racial views, and/or economics."[85]

The Pastor's instructions are predominantly directed at women but with implications for men, serving masculinity construction. The absence of social instructions regulating men's lives, given only instructions about prayer and a brief caution to avoid anger and arguing (χωρὶς ὀργῆς καὶ διαλογισμοῦ, 2:8), emphasises patriarchally secured positions *and* the Pastor's tacit acknowledgement thereof. However, in at least two ways, men are implicated in the instructions issued to women. Women instructed to maintain proper decorum in dress and conduct impacted on male lives, too, since male honour depended on "their" women.[86] The Pastor's take on female salvation gave renewed value not only to birthing but further significance and power to the male agency of impregnation. At a time when a man most often was accorded full responsibility for conception, male power over reproduction remained as vulnerable as ever, with securing male control over women's productive rights becoming more pronounced. The Pastor's instructions to women, then, served vital

---

[82] Graybill, "*Are We Not Men?*," 12, holds, "The very act of turning the scrutinizing gaze onto the bodies of men is a feminist act, insofar as it challenges the neutrality of the masculine."

[83] Cranny-Francis, "*Gender Studies*," 82.

[84] Vander Stichele and Penner, "*Contextualizing gender in early Christian discourse*," 25. "Objections that this new field of studies [gender studies] puts men and men's interests predictably back into centre focus risk missing the point that it does so in a way that presents men and masculinity as problematized categories" (Guest, "*Beyond feminist biblical studies*," 10), a "self-conscious problematization of masculinity" (Guest, "*Beyond feminist biblical studies*," 11). I. Zsolnay, "Introduction," in *Being a Man. Negotiating Ancient Constructs of Masculinity*, edited by I. Zsolnay, 1-11. Studies in the History of the Ancient Near East (New York and London: Routledge, 2017), 2, says, "in the patriarchal system, analogous to the monarchical one (to which the system gives rise), masculinities are constantly in a state of flux, negotiation, and outright war".

[85] Zsolnay, "Studies in the History of the Ancient Near East," 3.

[86] "Sexual shame is not only the arbiter of chaste femininity, but also, when lost, the negation of masculine identity. When a man is shamed through an erotic defeat or an equivalent social submission he is symbolically emasculated: his physical integrity is dissolved and he succumbs to the ever-present danger of sexual reversal, of feminization" (Gilmore, "*The Shame of Dishonor*," 11).

masculinity construction purposes that would impact men's lives in many ways.[87]

3.5   Engaging corporeality or bodiliness in ancient texts

Antiquity's widespread "one-sex" model determined its understanding of gender and sex.[88] The human body existed as a hierarchy of characteristics – male and female – shared by men and women to different degrees. While the two genders were often understood as one sex, with comparable but reversed anatomy, female bodies were deemed inferior to male bodies as symbolised by their internal, inverted form of the male genitals.[89] In the later two-sex model, the material body as primary location for the men-women distinction, usurped the position previously occupied by gender.[90] A corporeal epistemology moving away from and *beyond* essentialist notions, shifts the focus to recognise the body as construction that exists linguistically, along with other bodies: the body "is not a 'being,' but a variable boundary, a surface whose permeability is politically regulated."[91] The body, then, is in a reciprocal relationship with society. On the one hand, the body exists in terms of the discursive practices of society with its "context of situation"[92] as the non-negotiable networks of meaning, and so assuming the status of being "factual" or "objective." The discursive practices represent but also inform such perception, with their power associated with generated impression of objectivity. On the other

---

[87] As Guest, "*Beyond feminist biblical studies*," 20, insists, dealing with masculinity in gender studies starts by unhinging the connection between the terms "masculinity" and "men," and attending as integral to such work also to transgender, intersex and other voices, and investigating also women, femininity, and female masculinity.

[88] Helen King, *The One-Sex Body on Trial: The Classical and Early Modern Evidence. The History of Medicine in Context* (Burlington: Ashgate, 2013), criticises the (popularity of the) one-sex model, whose use can be reductive and override the complex understanding of the reproductive system and gender identity in the classical and early modern periods. She holds that the one-sex model did not dominate any specific historical era, that a two-sex model was present even when a one-sex model prevailed, and that the one-sex body was not replaced by a two-sex one at a specific moment in the eighteenth century. King based her conclusions on medical and non-medical sources from the fifth century BCE to the nineteenth century.

[89] Avoiding simplistic equations, the ancient gendered, corporeal perceptions were translated into the spatialisation of gender as much as the construction of gendered space.

[90] In view of the contribution of modern linguistics, it is not only a new anthropology that is called for, but also a new understanding, a new epistemology of corporeality, of thinking about the body.

[91] Butler, J. "*Gender Trouble*," 137.

[92] A term borrowed from social anthropology and used by P. Burke, *Philosophy of Literary Form*, 2nd ed. (Baton Rouge: Louisiana State University Press, 1967), 111.

hand, the body assimilates society's discursive practices in an ongoing, dynamic way, embedding these in the body's development. The culture of society is gradually inscribed on and into the body, to the degree that such culture and associated practices are considered both natural and objective.[93]

A notion such as "strategic essentialism" may be deemed useful for rendering tangible political categories, but fails to break with the baggage typical of essentialism, where "women" is believed to be not only a substantial, categorical entity or materialist reality, but is also accorded primacy in contrast to men, to the LBGTQI community, and to all those unwilling to even participate in such groupings. In this regard, Povinelli's distinction between corporeality and carnality may be more useful and less fraught with danger.[94] Corporeality refers to how socially dominant forms of power discursively format and reformat materiality, to the extent of creating distinct categories such as human, nonhuman, person, nonperson, body, and sex, while carnality is the discourse's material displays which are neither discursive nor pre-discursive.[95]

4.   Conclusion: Gender studies and / in the New Testament

Feminism is not the big bad wolf of gender fairy tales, and without it, gender studies in its various manifestations are inconceivable. However, gender as proxy for women both devalues the study of gender and distracts from women's studies.[96] Gender studies make space for feminism, masculinity, LBGTQIA* and queer studies, interested in the

---

[93] For the contemporary reassessment and renewed appreciation of bodiliness but also related fall-out (bodyism and healthism, phallic consumerism and the like), see Louw, "From Phenomenology to Ontology," 106-8.

[94] E. Povinelli, *Economies of Abandonment. Social Belonging and Endurance in Late Liberalism* (Durham and London: Duke University Press, 2011), 108, argued: "I have distinguished carnality and corporeality as an order of substance (carnality) that is excreted from the organization of substance (corporeality) but not equivalent to it."

[95] KT. DiFruscia, "Shapes of freedom: A conversation with Elizabeth A Povinelli," 2015. http://www.e-flux.com/journal/shapes-of-freedom-a-conversation-with-elizabeth-a-povinelli/. Povinelli's work engages the materiality of late-liberal forms of power and corporeality in post-essentialist thought. She moves beyond the critique of metaphysics of substance, no longer striving to find and describe substances in their pre-discursive authenticity but rather trying to understand how and for what and whose purposes such substances are produced.

[96] The same applies to feminism when it is captured to exclusively serve women's concerns. Fortunately, more contemporary, third wave feminism is intensely concerned with both men and women, lesbian and gay people, and at times even with transgendered and intersexed persons, even if women are still privileged.

construction of sexed categories as much as the "interstitial places where gender blending, reversals and transformations take place."[97] Theory-poor biblical gender studies in a field which as a rule resists deep-seated change paradoxically encourages conventional alignments, identity-political stances and popularised notions of gender. Theory, although no magic wand resolving the complexities of gender and sex in New Testament studies, helpfully points in the right direction, in at least four ways: *one*, that humans live gendered lives as gendered people in a gendered society, meaning that "we do actually live on the same planet"[98] with different sex and gender performativities. *Two*, it is difficult to overrate the impact of gender and sex on people and societies during New Testament times and the next two centuries. Harper[99] goes so far as arguing, "The gradual transformation of the Roman world from polytheistic to Christian marks one of the most sweeping ideological changes of premodern history. At the centre of it all was sex." *Three*, New Testament documents are wedged into first- and second-centuries' movements and changes related to sex and gender, reflecting historical moves and upsets. Gender-conventional (read, heteronormative) use of the Bible should not be allowed to snub its narratives which deconstruct and disrupt, challenge and contest such appeals in exciting, energising, and refreshing ways.[100] *Four*, the role of discourse in constructing gender identity and power relations becomes particularly acute when biblical texts and their use are considered. Biblical narratives are implicated in societal discourses – implicit or explicit, written or oral – as they not only inform individual and communal identities but are based on individual and communal performances – past and present.[101]

References

Alsop, R, A. Fitzsimons and K. Lennon *Theorizing gender: An introduction.* Cambridge: Polity, 2002.

---

[97] Guest, "*Beyond feminist biblical studies*," 19.

[98] Kimmel, "*The Gendered Society*," 138.

[99] K. Harper, *From Shame to Sin: The Christian Transformation of Sexual Morality in Late Antiquity*. Revealing Antiquity, vol. 20 (Cambridge, Massachusetts: Harvard University Press, 2013).

[100] Guest, "*Beyond feminist biblical studies*," 23.

[101] As Guest, "*Beyond feminist biblical studies*," 29, points out, when it comes to gender and sex (also), "the Bible is one of those regulating discourses, a cultural artefact of considerable significance and influence."

Anon. Identity Politics. Stanford Encyclopedia of Philosophy, 2012. http://plato.stanford.edu/entries/identity-politics/ (Accessed 26 February 2013).

Archer, BB. and J. Lloyd. *Sex and Gender*. 2nd ed. Cambridge: Cambridge University Press, 2002.

Barvosa-Carter, E. "Strange Tempest: Agency, Poststructuralism, and the Shape of Feminist Politics to Come." In *Butler Matters. Judith Butler's Impact on Feminist and Queer Studies*, edited by S. Breen and WJ. Blumenfeld, 175-89. Hampshire: Ashgate, 2005.

Burke, P. *Philosophy of Literary Form*, 2nd ed. Baton Rouge: Louisiana State University Press, 1967.

Butler, J. *Gender Trouble. Feminism and the Subversion of Identity*. Thinking Gender, vol. 2. New York: Routledge, 1990.

Butler, J. "Merely Cultural." *Social Text* 52/53, 15, no 3 and 4 (1997): 265-77.

Butler, J. *Gender trouble: Feminism and the subversion of identity*. New York: Routledge, 2007.

Chitando, E. and S. Chirongoma, eds. *Redemptive Masculinities. Men, HIV and Religion*. Ecumenical HIV and AIDS Initiative in Africa. Geneva: WCC, 2012.

Clifford, J. Taking Identity Politics Seriously: The Contradictory, Stony Ground... In *Without Guarantees: Essays in Honour of Stuart Hall*, edited by P. Gilroy, L. Grossberg and A. McRobbie, 94-112. London: Verso, 2000.

Cranny-Francis, A., AW. Waring, P. Stavropoulos and J. Kirkby. *Gender Studies: Terms and Debates* Basingstoke: Palgrave Macmillan, 2003.

D'Angelo, MR. (Re)presentations of Women in the Gospels: John and Mark. In *Women & Christian Origins,* edited by RS. Kraemer and MR. D'Angelo, 129-49. New York, Oxford: Oxford University Press, 1999.

D'Angelo, MR. Early Christian Sexual Politics and Roman Imperial Family Values: Rereading Christ and Culture. In *The Papers of the Henry Luce III Fellows in Theology*, vol. 6, edited by CI. Wilkins, 23-48. Pittsburgh: Association of Theological Schools, 2003.

Deem, M. The Scandalous Fall of Feminism and the "First Black President." In *A Companion to Cultural Studies*, edited by T. Miller, 407-29. Malden: Blackwell, 2001.

Dewey, J. 1 Timothy. In *Women's Bible commentary*, edited by CA. Newsom and S. Ringe, 444-49*.* Expanded ed. Louisville: Westminster, 1998.

DiFruscia, KT. Shapes of freedom: A conversation with Elizabeth A Povinelli, 2015. http://www.e-flux.com/journal/shapes-of-freedom-a-conversation-with-elizabeth-a-povinelli/ (Accessed 27 August 2015).

Dube, M. Rahab Says Hello to Judith: A Decolonizing Feminist Reading. In *Toward a New Heaven and a New Earth: Essays in Honor of Elisabeth Schüssler Fiorenza*, edited by Fernando F. Segovia, 54-72. Maryknoll: Orbis, 2003.

Foxhall, Lin. "Pandora Unbound: A Feminist Critique of Foucault's History of Sexuality," in *Dislocating Masculinity: Comparative Ethnographies*, edited by A. Cornwall and N. Lindisfarne, 133-145. London: Routledge, 1994.

Fraser, N. Heterosexism, Misrecognition, and Capitalism. A response to Judith Butler. *Social Text* 52/53, 15 (3 and 4) (1997): 279-89.

Fraser, N. Rethinking Recognition. *New Left Review* 3 (2000): 107-120.

Fraser, N. How feminism became capitalism's handmaiden – and how to reclaim it. *The Guardian.com*, October 14, 2013. https://www.theguardian.com/commentisfree/2013/oct/14/feminism-capitalist-handmaiden-neoliberal (Accessed 27 August 2015).

Garnsey, P. and R. Saller. *The Roman Empire. Economy, Society and Culture*. London: Duckworth, 1987.

Gilhuly, K. *The Feminine Matrix of Sex and Gender in Classical Athens*. Cambridge: Cambridge University Press, 2009.

Gilmore, DD. Introduction: The Shame of Dishonor. In *Honor and shame and the unity of the Mediterranean*, edited by DD. Gilmore, 1-21. A special publication of the American Anthropological Association, vol. 22. Washington: American Anthropological Association, 1987.

Glancy, JA. Protocols of masculinity in the Pastoral Epistles. In *New Testament Masculinities*, edited by SD. Moore and JC. Anderson, 235-64. Semeia Studies. Atlanta: SBL, 2003.

Graybill, R. *Are We Not Men? Unstable Masculinity in the Hebrew Prophets*. New York: Oxford University Press, 2016.

Guest, D. *Beyond feminist biblical studies*. Sheffield: Sheffield Phoenix, 2012.

Harper, K. *From Shame to Sin: The Christian Transformation of Sexual Morality in Late Antiquity*. Revealing Antiquity, vol. 20. Cambridge, Massachusetts: Harvard University Press, 2013.

Jackson, S. Heterosexuality and Feminist Theory. In *Theorising Heterosexuality: Telling it Straight*, edited by D. Richardson, 21-38. Buckingham: Open University Press, 1996.

Jeffreys, S. "Return to Gender: Post-Modernism and Lesbian and gay Theory." In *Radically Speaking: Feminism Reclaimed*, edited by D. Bell and R. Klein, 359-74. London: Zed Books, 1996.

Kartzow, MB. *Gossip and Gender. Othering of Speech in the Pastoral Epistles*. BZNW vol. 164. New York: De Gruyter, 2009.

Kimmel, MS. *The Gendered Society*. 4th ed. New York and Oxford: Oxford University Press, 2011.

King, H. *The One-Sex Body on Trial: The Classical and Early Modern Evidence. The History of Medicine in Context*. Burlington: Ashgate, 2013.

Kittredge, Cynthia B. "Scriptural Criticism and Feminist Interpretation of Romans." In *Gender, Tradition and Romans: Shared Ground, Uncertain Borders*, edited by C. Grenholm and D. Patte, 259-70. Romans through History and Cultures Series; London: T&T Clark, 2005.

LaFleur, WR. Body. In *Critical Terms for Religious Studies*, edited by MC. Taylor, 36-54. Chicago: University of Chicago Press, 1998.

Laurence, R. Children and the Urban Environment. Agency in Pompeii. In *Children and Everyday Life in the Roman and Late Antique World*, edited by C. Laes and V. Vuolanto, 27-42. London and New York: Routledge, 2017.

Lock, W. *A Critical and Exegetical Commentary on the Pastoral Epistles*. Edinburgh: T&T Clark, 1978.

Louw, DJ. From Phenomenology to Ontology in the Gender Debate. "Feminine" without "Femininity" beyond "Feminism." In *Ragbag Theologies. Essays in Honour of Denise M Ackermann, a Feminist Theologian of Praxis*, edited by M. Pillay, S. Nadar, and C. le Bruyns, 95-111. Stellenbosch: SUNPress, 2009.

Mahmood, S. Agency, Performativity, and the Feminist Subject. In *Pieties and Gender*, edited by L. Sjørup and HR. Christensen, 13-45. International Studies in Religion and Society. Vol. 9. Leiden and Boston: Brill, 2009.

Martin, DB. *The Corinthian Body*. New Haven and London: Yale University Press, 1995.

Meyers, CL. Was Ancient Israel a Patriarchal Society? *JBL* 133, no. 1 (2014): 8-27.

Michaels, WB. Race into Culture: A Critical Genealogy of Cultural Identity. *Critical Inquiry* 18, no. 4 (1992): 655-85.

Mignolo, WD. Delinking. The Rhetoric of Modernity, the Logic of Coloniality and the Grammar of De-Coloniality. *Cultural Studies* 21, no. 2 (2007): 449-514.

Moore, SD. Que(e)rying Paul: Preliminary questions. In *Auguries: The Jubilee volume of the Sheffield Department of Biblical Studies*, edited by DJA. Clines and SD. Moore, 250-274. JSOTSS 269. Sheffield: Sheffield Academic Press, 1998.

Moore, SD. *God's Beauty Parlor and Other Queer Spaces in and Around the Bible*. Stanford: Stanford University Press, 2001.

Moore, SD. and JC. Anderson, eds. *New Testament Masculinities*. Semeia 45. Atlanta: SBL, 2003.

Oleksy, EH. ed. *Intimate Citizenships. Gender, Sexualities, Politics*. New York and London: Routledge, 2009.

Penner, T. and DC. Lopez. *De-Introducing the New Testament. Texts, Worlds, Methods, Stories*. Chicester: Wiley Blackwell, 2015.

Pope-Levison, Priscilla and John R. Levison, eds. *Sex, Gender, and Christianity*. Eugene: Cascade, 2012.

Povinelli, E. *Economies of Abandonment. Social Belonging and Endurance in Late Liberalism*. Durham and London: Duke University Press, 2011.

Punt, J. Power and liminality, sex and gender, and Gal 3:28. A postcolonial, queer reading of an influential text. *Neotestamentica* 44, no 1 (2010): 140-66.

Punt, J. Queer theory, Postcolonial theory, and biblical interpretation. A preliminary exploration of some intersections. In *Bible Trouble: Queer Reading at the Boundaries of Biblical Scholarship*, edited by TJ. Hornsby and K. Stone, 321-41. S*emeia Studies*, vol 67. Atlanta: SBL, 2011.

Punt, J. A cultural turn in New Testament studies? *HTS Teologiese Studies/Theological Studies* 72(4), 7 pages, a3213, 2016a. http://dx.doi.org/10.4102/hts.v72i4.3213

Punt, J. Engaging Empire with the body: Rethinking Pauline celibacy. *JECH* 6, no. 3 (2016b): 43-66.

Punt, J. (Con)figuring gender in Bible translation: Cultural, translational and gender critical intersections. In *Postcoloniality, Translation and the Bible in Africa*, edited by MW. Dube and R. Wafula, 129-55. Eugene: Pickwick, 2017.

Punt, J. (Southern) African Postcolonial Biblical Interpretation: A White African Perspective, *Journal of Early Christian History* 8, no 1 (2018.). DOI: 10.1080/2222582X.2017.1389616

Ramantswana, H. "Decolonizing Biblical Hermeneutics in the (South) African Context." *Acta Theologica* Supplement 24: 178-203.

Robinson, V. Heterosexuality and Masculinity: Theorising Male Power or the Male Wounded Psyche? In *Theorising Heterosexuality: Telling it Straight*, edited by D. Richardson, 109-24. Buckingham: Open University Press, 1996.

Schüssler Fiorenza, E. Critical Feminist Studies in Religion. *Critical Research on Religion* 1 no. 1 (2013): 43-50.

Sedgwick, EK. Gender Criticism: What Isn't Gender. In *Redrawing the Boundaries: The Transformation of English and American Literary Studies*, edited by S. Greenblatt and G. Gunn, 271-302. New York: Modern Language Association, 1992.

Sharrock, AR. Womanufacture. *Journal of Roman Studies* 81 (1991): 36-49.

Sharrock, AR. Re(ge)ndering gender(ed) studies. *Gender & History* 9, no. 3 (1997): 603-14.

Solevåg, AR. *Birthing Salvation. Gender and Class in Early Christian Childbearing Discourse*. Biblical Interpretation Series, vol. 121. Leiden: Brill, 2013.

Stendahl, K. *Paul among Jews and Gentiles, and Other Essays*. Philadelphia: Fortress, 1967.

Stone, K. Gender Criticism. The Un-Manning of Abimelech. In *Judges & Method. New Approaches in Biblical Studies,* edited by GE. Yee, 183-210. 2nd ed. Minneapolis: Fortress, 2007.

Suthrell, C. *Unzipping Gender. Sex, Cross-Dressing and Culture*. Dress, Body, Culture. Oxford and New York: Berg, 2004.

Smit, PB. *Masculinity Studies and Biblical Studies: Intersectional and Intercultural*. Brill Research Perspectives in Biblical Interpretation. Leiden: Brill, 2017.

Tamale, S. Researching and Theorizing Sexualities in Africa. In *African Sexualities. A Reader*, edited by S. Tamale, 11-26. Cape Town: Fahamu (Pambazuka), 2011.

Vander Stichele, Caroline and T. Penner. *Contextualizing gender in early Christian discourse: thinking beyond Thecla*. London and New York: T & T Clark, 2009.

Vander Stichele, Caroline. Is Doña Quixote Fighting Windmills? Gendering New Testament Studies in the Netherlands: In Memory of Esther de Boer (1959-2010). *Lectio difficilior* 1 (2013): 1-19.

Wanamaker, Charles A. "Metaphor and morality: Examples of Paul's moral thinking in 1 Corinthians 1-5." *Neotestamentica* 39 (2005), 409-33.

Zsolnay, I. Introduction. In *Being a Man. Negotiating Ancient Constructs of Masculinity*, edited by I. Zsolnay, 1-11. Studies in the History of the Ancient Near East. New York and London: Routledge, 2017.

Pilgrims of Belonging: Family, Gang, and Religious Script(ure)s to Live By

Jan-Louise Lewin[1] and Javier Perez[2]

Abstract

Understanding gang culture through a conceptual lens that views (ex-)gang members as "pilgrims," invites us into a world where men are invested in a continuous quest for sanctified sources of belongingness. We witness men undertaking lone journeys between institutions of family, gangs, and religion in search of this need, relying on hallowed rituals, scripts, and symbolic structures to find and salvage this meaningfulness. This explorative study attempts to unpack the meanings of 'coloured' masculine identity by focusing on the intersections of gender, race, place, and religion in the process of "becoming" and "being" a man during and after incarceration. The research question asks, what meaning(s) do 'coloured' men derive from their belonging to street and prison gangs? Furthermore, how does gang and prison culture as sites of belonging influence the process of identity formation? This in-depth qualitative study explores the life history narratives of six 'coloured' men from the Cape Flats, who are between the ages of 21 and 35 years. It employs feminist theoretical frameworks broadly modelled on the theory of Intersectionality, Feminist Standpoint Theory, and Critical Men's Studies. The narrative analysis revealed that family was a central theme in the life histories of the men. Family bonds were constructed around moments of contradiction, crisis, and trauma in the gang space, which ultimately transformed into an epiphany of religious conversion. Instrumental in this process of meaning-making was that the brotherhood that gangs provided replaced family units in times when families of origin were in states of precarity. The aim of this study is to refute dominant, negative representations of 'coloured' masculinity as only absent, aggressive, criminal, and/or violent. An investigation of 'coloured' masculinity is compounded by the multiple and problematic ways that 'colouredness' is perceived as synonymous with gangsterism and thus critical to understanding the gendered and racialised experiences of incarceration and reintegration, particularly in the South African context.

Keywords: gangs; prison; conversion; masculinity; coloured identity

---

[1] Jan-Louise Lewin is an Assistant Lecturer in the Gender Studies Department at the University of Cape Town (UCT). Her research specialises in prison masculinities, prison sex culture, street and prison gangs, and coloured identity politics. She holds a Master's degree in gender studies (cum laude). Her Honours thesis, "The Making of Men on the Cape Flats: Exploring the Meanings and Gendered Experiences of Criminalized 'coloured' Masculinities pre/post-Incarceration" (2013, unpublished) has informed the discussion within this article. Email: jan.lewin@uct.ac.za.

[2] Javier Perez is a PhD candidate in the Sociology Department at the University of Cape Town. In 2013, he attained his Bachelors of Arts degree in Political Science from Swarthmore College. Email: przjav001@myuct.ac.za.

Introduction

The role of religion is an important site of inquiry for better understanding both gang involvement and desistence. Indeed, criminal justice systems are inherently informed and mediated by societies' religious beliefs,[3] as evidenced by correlations between, on the one hand, fundamentalism and correctional punitiveness and, on the other hand, Judeo-Christian values of personal transformation and correctional rehabilitation.[4] Ritual behaviour – a central characteristic of religious life – helps construct the moral coordinate points delineating "right" and "wrong," engendering society's ethical standards.[5] Maruna argues that while public spectacles of punishment (e.g. the drama of courtrooms, elaborated de-individualizing imprisonment processes, etc.) are highly ritualised; however, reintegration processes are rendered private matters.[6] In contrast to this lack of general public concern for ritualising the reintegration experience, a growing body of literature is exploring how and why former gang members are increasingly (and successfully) using religious conversion as a pathway to exiting gang life.[7]

'coloured'[8] communities are rife with both gangsterism and highly disproportionate incarceration rates.[9] Several historical experiences

[3] Kelly Gillespie. "Moralizing Security: 'Corrections' and the Post-Apartheid Prison." *Race/Ethnicity: Multidisciplinary Global Contexts* 2:1 (2008), 69-87.

[4] Brandon K. Applegate, Francis T. Cullen, Bonnie S. Fisher, and Thomas vander Ven. "Forgiveness and Fundamentalism: Reconsidering the Relationship Between Correctional Attitudes and Religion." *Criminology* 38, no. 3 (2010), 719-51.

[5] Maruna, Shadd. "Reentry as a rite of passage." *Punishment and Society* (2010), 1-26.

[6] Maruna, "Reentry as a rite of passage."

[7] Jon Wolseth. "Safety and Sanctuary: Pentecostalism and Youth Gang Violence in Honduras." *Latin American Perspectives* 35: 4 (2008), 96-111; Bronwynne Anderson. "I'm not so into gangs anymore. I've started going to church now:" Coloured boys resisting gangster masculinity." *Agenda* 23:80 (2009), 55-67; Robert Brenneman. *Homies and Hermanos: God and Gangs in Central America.* Oxford: Oxford University Press (2012); Robert Brenneman. "Wrestling the Devil: Conversion and Exit from Central American Gangs." *Latin American Research Review* 49 (2014), 112-28; Edward Orozco Flores. *God's Gangs: Barrio Ministry, Masculinity, and Gang Recovery.* New York: New York University Press (2014); Edward Orozco Flores. "Grow Your Hair Out:" Chicano Gang Masculinity and Embodiment in Recovery." *Social Problems* 63 (2016), 590-604.

[8] The term 'coloured' is generally understood as South Africans of "mixed race" descent. For a full definition of the 'coloured' racial classification, see Erasmus, Z. *Coloured by History, Shaped by Place: New Perspectives on Coloured Identities in Cape Town* (2001) and Adhikari, M. *Burdened by Race: Coloured Identities in southern Africa* (2009). We use 'coloured' here in lowercase and with apostrophes to highlight the authors' dissention of this term and furthermore to contextualise and problematise it as bound in sociohistorical, political and defamatory practice.

[9] Don Pinnock. *The Brotherhoods: Streets Gangs and State Control in Cape Town.* Cape Town: David Philip Publisher (1984); Ted Leggett. "Still Marginal: Crime in the coloured community." *South African Crime Quarterly* 7 (2004), 21-6; Andre Standing. *Organised*

helped to create a context from which gangs flourished by providing young people with alternative support systems and sources of belonging, namely: apartheid-era forced removals;[10] mass urban migration by the rural labouring class;[11] discursive "processes of disposability;"[12] and the state's white paternalistic use of social workers and draconian reformatories to "save" the youth from "broken families."[13] The production of the Cape Flats rearranged "right" and "wrong" in a way that further constructed 'coloured' stereotypes along discourses of moral shortcomings; here, gangs provide a certain stability and security undelivered by the state.[14]

Adhikari explains that the complications of race drive 'coloured' men to create a hybridised masculinity, which is informed by their racial ambiguity.[15] This ambiguity has largely been informed historically by South African society's failure to recognise and understand the complex position 'coloured' men find themselves in. Trotter, writing on race in District Six, postulates that a subculture in the form of gangs were created where 'coloured' men were able to resist societal impositions and inferiorities placed on them – a worthlessness on the basis of their racial classification.[16] Furthermore, this subculture became the norm, the place of belonging and security. It becomes the identity to which 'coloured' men can ascribe to, that is uniquely theirs.[17] It is the new and reconstructed "hegemonic masculinity" that has been created by 'coloured' men, for

---

Crime: A Study from the Cape Flats. Pretoria: Institute for Security Studies (2006); Steffen Jensen. *Gangs, Politics & Dignitiy in Cape Town.* Johannesburg: Wits University Press (2008).

[10] Pinnock, "*The Brotherhoods.*"

[11] Jensen, "*Gangs, Politics & Dignity.*"

[12] Gabeba Baderoon. "Surplus, excess, dirt: slavery and the production of disposability in South Africa." *Social Dynamics* (2018), 1-16.

[13] Standing, "*Organised Crime,*" 9.

[14] Jensen, "*Gangs, Politics & Dignity.*"

[15] Mohamed Adhikari. *Burdened by Race: Coloured identities in southern Africa.* Cape Town: University of Cape Town Press (2009).

[16] Henry Trotter. "Trauma and memory: the impact of apartheid-era forced removals on coloured identity in Cape Town." In *Burdened by Race: Coloured identities in southern Africa*, edited by M. Adhikari, 49-78. Cape Town: UCT Press (2009).

[17] As a cautionary note, we problematise the stereotypical view that 'colouredness' is synonymous with gangsterism (Jensen, "*Gangs, Politics & Dignity.*"). In order to acknowledge the heterogeneity of 'coloured' identity, this paper attempts to build off the work of key theorists on 'coloured' identity (see Erasmus, "Coloured by history;" Salo, "Negotiating gender and personhood;" Adhikari, "*Burdened by Race*"), whilst also acknowledging the lived reality of gang culture. As this study, furthermore, is based on the qualitative methodology using a small sample, it is not reflective of the general population. Generalisability to 'colouredness' in South Africa is not the objective of this study; rather, we aim to shed insight into an experience that resonates within wide sectors of the 'coloured' community.

'coloured' men.[18] Gang culture holds high currency in terms of symbolic and structural value, as the benefits of belonging cater to both material and social needs.[19] In some working-class communities on the Cape Flats, entering gangs is practically inevitable for many young men.[20] Exiting is less likely. Yet, as this paper will argue, one practical avenue to leaving gang life in the Cape Flats is through the church.

Religious conversions have played a unique role within the cultural and historical experiences of the 'coloured' community and traditions of survival. In the Cape Colony, where constructions of selfhood were explicitly framed by Christian notions of family rights, one form of slave resistance was Islamic conversion, used as a "freedom index" to reinforce alternative affirmations of their humanity.[21] Another example occurs during the post-emancipation years, when mission stations attracted newly freed men by providing them with small plots of land if they met missionaries' standards of Christian life.[22] In her study of the Kat River Settlement, Scully reveals that an underlying function of the mission was facilitating a new bodily discipline of masculinity among the emancipated: the mission "conceptualized being a *fully free person as opposed to a slave* in the language of selfhood and citizenship…[here, the freedmen] resorted to a Christian discourse of 'manhood'…[as] active masculine citizenship" through fatherhood.[23] This is insightful as we explore the ways in which 'coloured' ex-gangsters invoke Christian embodiment and respectability to distinguish themselves from their previous lives as gangsters.

The following section will first review literature on the mythic, symbolic, and ritual nature of gangs, as a way of understanding the relationship and overlaps they share with religion. Following, we will outline the existing research on faith-based gang disengagement that has grown in recent years. The next section will elaborate on the feminist methodology undertaken in this study. We then finish with a discussion of the findings.

---

[18] Adhikari, "Sons of Ham;" Trotter, "Trauma and Memory."

[19] Elaine Salo. "Negotiating gender and personhood in the new South Africa: Adolescent women and gangsters in Manenberg township on the Cape Flats." *European Journal of Cultural Studies* 6, no. 3 (2015), 345-65.

[20] Jensen, "*Gangs, Politics & Dignity*."

[21] Pumla Gqola. *What is slavery to me? Postcolonial/Slave Memory in Post-Apartheid South Africa.* Johannesburg: Wits University Press (2010), 152-6.

[22] Pamela Scully. *Liberating the Family? Gender and British Slave Emancipation in the Rural Western Cape, South Africa, 1823-1853.* Cape Town: David Philip Publishers (1997).

[23] Pamela Scully. "Masculinity, Citizenship, and the Production of Knowledge in the Postemancipation Cape Colony, 1834-1844." In *Gender and Slave Emancipation in the Atlantic World*, by Pamela Scully and Diana Paton, 37-55. Durham: Duke University Press (2005), 38-39 (emphasis added).

Literature Review

According to Chidester, anything can undergo processes of "sacralization" through rituals and interpretive labour that invest sacred meaning(s) onto them.[24] Such is the case with street gangs that have been imbued with a sense of sacredness within the working-class 'coloured' communities. Citing the Manenberg-based Americans gang and their use of ceremonial practices constructed through allusion to the titular superpower, Chidester highlights how the gang appropriated and reinterpreted global symbols to generate "distinctive myths and rituals that invested [their respective] urban space with religious significance" and, in effect, "operate[s] like [a] religious organization."[25] Perhaps no street gang comes close to the definitive sanctity that is claimed by prison gangs, which are even more saturated in these processes of sacralisation.[26] In his ethnographic study of an ex-Numbers gang member, Steinberg details how the gangs' lore offered an empowering language, a "grand narrative" of South Africa that placed marginalised men at its centre, highlighting how "[p]rison Generals walked out of jail [into the communities as] *demigods.*"[27]

The Number gangs are deeply fuelled by mythic narrative, animated by ritualised initiations and practices, cloaked in imagined ceremonial regalia, and structured by symbolic regiments and routines. As a result, the members of these gangs, insofar as they are able to recite the Numbers' folklore in the holy language of "sabela,"[28] become consecrated: as embodiments of the stories, "they emerge from their tales *transmogrified*, *haloed* by the magic dust" of the mythology.[29] These sacralised elements of the gangs have also become a central plank in the gendered experiences of young 'coloured' men. Initiation rituals, in particular, coincide with their coming of age, a liminal phase wherein initiation serves as a rite of passage into manhood.[30] In his study of the rites of passage that 'coloured' boys undergo while awaiting trial, Cooper finds that constructing a positive gang masculine identity hinged on performing public displays of fearlessness, bravery, honour and, most importantly,

---

[24] David Chidester. *Wild Religion: Tracking the Sacred in South Africa.* Berkeley: University of California Press (2012), 43.

[25] Chidester, "*Wild Religion*," 44-5.

[26] Jonny Steinberg. *The Number: One man's search for identity in the Cape underworld and prison gangs.* Jeppestown: Jonathan Ball Publishers (2005).

[27] Steinberg, "*The Number*," 283 (emphasis added).

[28] Heather Parker-Lewis. *God's Gangsters? The Number Gangs in South African Prisons.* Cape Town: Ihilihili Press (2006).

[29] Steinberg, "*The Number*," 70 (emphasis added).

[30] Don Pinnock. *Gangs, Rituals, and Rites of Passage.* Cape Town: African Sun Press (1997).

violence: i.e. proving their masculinity to be "*gevaarlik*" (dangerous).[31] For Rodgers, this kind of social practice by gang members has a "quasi-talismanic" quality, whereby those who died living dangerously were reverentially seen as sanctified sacrifices.[32] It is thus a combination of the gendered and sacralised meanings hallowed into the gangs through ritual, symbols, coded language, and mythic storytelling that imbue gang membership with a unique reverence, not unlike that observed in church membership.

Given their relation to sacred objects and narratives as noted above, and the resources they exclusively offer to their communities,[33] gangs seem to fulfill Chidester's definition of religion: "a category of human activity that comprises not only beliefs and practices, whether in relation to transcendent forces, sacred objects, or ultimate concerns, but also resources and strategies…within an urban political economy of the sacred."[34] As a (quasi-)religious entity, it follows that membership in a gang is naturally taken seriously; in some cases, as a matter of life and death. Prison gangs and churches have been known to "talk the same language" and use similar modes of rules, deference to leadership, and daily rituals – a similarity that facilitates mutual familiarity between gang and church to the benefit of converts whose "signals of disengagement" via the church are, consequently, "not only sent, but received" on terms the gang can comprehend.[35] Furthermore, in his study of ex-gangsters in Central America who left through Evangelical-Pentecostal conversions, Brenneman shows how the gangs respect religion and converts, but view the gang and church as "equally serious endeavours" that should never mix; doing so undermines the seriousness of both and is punishable by death.[36] Johnson and Densley also show how ex-gang members in Rio de Janeiro-based prisons must "demonstrate the sincerity of their disengagement" through "hard-to-fake sign[s] of commitment" that go

---

[31] Adam Cooper. "Gevaarlike transitions: Negotiating hegemonic masculinity and rites of passage amongst coloured boys awaiting trial on the Cape Flats." *Psychology in Society* 37 (2009), 1-17.

[32] Dennis Rodgers. "The Moral Economy of Murder: Violence, Death, and Social Order in Nicaragua." In *Violence at the Urban Margins,* edited by Javier Auyero, Philippe Bourgois and Nancy Scheper-Hughes, 21-40. Oxford: Oxford University Press (2015), 28.

[33] Jensen, "*Gangs, Politics & Dignity*."

[34] Chidester, "*Wild Religion*," 44.

[35] Andrew Johnson and James Densley. "Rio's New Social Order: How Religion Signals Disengagement from Prison Gangs." *Qualitative Sociology* 41 (2018): 243-62, 259.

[36] Brenneman, "*Homies and Hermanos*," 156-9.

beyond the verbal "redemption scripts" toward perceptible external signals of actions.[37]

Conversion by ex-gangsters can be highly performative and embodied, but not exclusively in the instrumental sense of proving authenticity to their former gangs (although this concern for the external gaze is important and will be discussed below). In his ethnographic study of two Los Angeles-based ministry organisations – Homeboy Industries (Jesuit non-profit) and Victory Outreach (Evangelical-Pentecostal church) – Flores argues that faith-based masculine negotiations can reorient gang identities for ex-members from self-destructive masculinities to nurturing ones.[38] This resonates with Anderson's study on 'coloured' men's transitions out of gangs in Durban, where religious affiliation allowed the young men to construct alternative masculinities contingent on a religious framework that allowed for a sense of respectability and for negotiating alternate ways of exiting gangsterism.[39] Flores further shows how these ministries focus on bodily practices as a foundation to shifting moral characters in two ways: reshaping the "malleable facets of men's embodiment" (e.g. tattoo removals, dress code, etc.) and "redirecting [the] rigid facets of embodiment" (e.g. getting high on Jesus, being soldiers for Christ, etc.).[40] Flores demonstrates that the effectiveness of this approach, *vis-à-vis* successful gang exiting, lies within the emphasis on habitual, active embodied displays and practices, as opposed to "being passively legitimated as 'family men' or 'men of God.'"[41] However, it is worth underscoring some limitations to the model: they implicitly advocate for a "reformed" masculinity that is based on traditional hegemonic Eurocentric patriarchy (i.e. household breadwinner); the programmes shame and stigmatise "active gang embodiment,"[42] a practice which is itself integral to larger racialised policing;[43] and, lastly, the programmes' focus on the

---

[37] Johnson and Densley, "Rio's New Social Order," 243-7.

[38] Flores, *God's Gangs*; Flores, "Grow Your Hair Out."

[39] Anderson, "I'm not so into gangs anymore."

[40] Flores, "Grow your hair out," 591. While these findings are noteworthy, due to the limited scope of this paper, the data and findings in this study were not able to yield answers on the specificities surrounding daily rituals, facets of embodiment, or the particularities regarding prison and/or public conversion. Rather, as we will note below, participants speak more generally of how their changes in conduct were surveilled by their ex-gangs and by the community. Future research will allow for a deeper exploration of these particularities.

[41] Flores, "Grow your hair out," 590.

[42] Flores, "Grow your hair out," 597-8.

[43] Victor Rios. *Punished: Policing the Lives of Black and Latino Boys.* New York: New York University Press (2011).

body involves disciplinary technologies akin to the white paternalism characteristic of modernism.

O'Neill problematises Pentecostal conversion as conforming to the neoliberal framework of an individual agency that can transcend oppressive forces purely through "confessional logic" and "technologies of self-governance."[44] He further warns against this "spatialization of security" that locates security "uniquely privately" within an "ever-insecure…*inner* world of self," disconcerned with the macrosocial structures of violence.[45] Brenneman argues contrastingly that the belief that Evangelism reinforces neoliberal structures underestimates its "offering [of] embodied, emotion-laden practices…allowing for the social repair of communities torn apart by violence."[46] Perhaps Brenneman's is a limited understanding of the relationship between community healing and social justice, while perhaps O'Neill does underestimate the lived experience of safety from real violence that is, as Wolseth puts it, provided by the dual sanctuaries of the physical "House of God" and the metaphorical "Path of God."[47] Surely, "the [church's] discourse of self-transformation, emotional rituals useful for reforming the gang disposition, and social networks" can help individuals stay safe and secure legal employment.[48] Nevertheless, even these benefits are contingent on several factors outside the scope of the church which, if absent, is likely to result in failed conversions, including strong family ties, post-exit sources of validation, assumed adult responsibilities, and (to some extent) job security.[49]

Conversion involves a "process of acquiring a specific religious language" located within an "inner speech" through the following phases: first, alienation from the previous voices; then, a liminal state of confusion and speechlessness; and, lastly, beginning to hear a new voice.[50] This process is likely premised by anger and/or disillusionment when a gang identity

---

[44] Kevin Lewis O'Neill. "The Reckless Will: Prison Chaplaincy and the Problem of Mara Salvatrucha." *Public Culture* 22: 1 (2010), 67-88, 70.

[45] O'Neill, "The Reckless Will," 82.

[46] Brenneman, "Wrestling the Devil," 126.

[47] Wolseth, "Safety and Sanctuary," 108.

[48] Brenneman, "Wrestling the Devil," 126.

[49] Scott H. Decker, David C. Pyrooz, and Richard K. Moule Jr. "Disengagement from Gangs as Role Transitions." *Journal of Research on Adolescence* (2013), 1-16; "Success" rates aside, the question of whether we can reconcile the benefits experienced by individual converts with the broader need for systemic change to alleviate historic injustices is outside the scope of this paper.

[50] Susan F. Harding. "Convicted by the Holy Spirit: The rhetoric of fundamental baptist conversion." *American Ethnologist* (1987) 167-81, 169-70.

fails to fulfil more inflated identity standards, particularly surrounding safety, family, and economic prosperity.[51] This anger is seldom apparent because conversion tends to be narrated by the convert through a specific "redemption script:" (1) establish an inherent goodness of the "inner self;" (2) construct a narrative wherein this inner self was "ensnared" in an external cycle of deviance; and (3) an outside force helps to "empower" the individual to "make good."[52] This points back to O'Neill's argument that the conversion paradigm seems to rely on a never-ending quest inward, for an apparently inner realm that harbours an essentialist "normalcy."[53]

Luckily, Meiners and Sanabria provide an illuminating study. Highly intentional in their objectives of teaching critical thinking with a group of formerly incarcerated women and men, Meiners and Sanabria notably go against general trends of writing and other intervention programmes that centre the confessional and redemptive.[54] Nevertheless, they found participants sticking to a "redemption genre" (e.g. "*I was born, committed evil, served time, saw the errors of my ways (found God), and I am now on the true path*").[55] Their interpretation is, however, insightful: building on Doris Sommer's readings of writers of colour, they argue that the participants' seemingly "redemptive" style perhaps uses more intricate narrative strategies "to destabilize the interpretive process, to leave the desired audience less sure about their ability to know, to empathize, to understand this Other," whereby the writers are negotiating with the Western ways of knowing which readers are bound to rely on, such as "empathy, universalizing experiences, [and] apolitical readings."[56] Thus, while the particular personal narratives and thought processes that are conducive within Christian conversion spaces and processes undoubtedly reflect the conceit of neoliberal philosophy, a close analysis with ex-gang converts' narratives nevertheless offers deep insight into the meanings that men attach to gangs.

---

[51] Bryan F. Bubolz and Pete Simi. "Disillusionment and Change: A Cognitive-Emotional Theory of Gang Exit." *Deviant Behavior* 36 (2015), 330-45.

[52] Shadd Maruna. *Making Good: How Ex-Convicts Reform and Rebuild Their Lives.* Washington, D.C.: American Psychological Association (2001), 147-68.

[53] O'Neill, "The Reckless Will."

[54] Erica Meiners and Roberto Sanabria. 2004. "On Lies, Secrets, and Other Resistant Autobiographic Practices: Writing Trauma out of the Prison Industrial Complex." *JAC* 24:3, Special Issue, Part 2: Trauma and Rhetoric (2004), 635-52.

[55] Meiners and Sanabria, "On Lies, Secrets and Other Resistant Autobiographic Practices," 635.

[56] Meiners and Sanabria, "On Lies, Secrets and Other Resistant Autobiographic Practices," 645.

Research Design and Methods

The qualitative design of this study centred on grounded theory, where the emphasis was on the interpretive, bottom-up approach.[57] This method seeks to explore experiences, ideas, thoughts, and emotions.[58] In this research design, data collection and data analysis were interconnected and operated in a dialectical process ensuring that research questions were open to constant (re)interpretation and reframing throughout the research process. This design was achieved by means of semi-structured interviewing in the form of individual, one-on-one interviews. Questions were not rigidly structured and thus ensured a measure of flexibility in the interview process. The life-story narrative method allowed participants to take ownership of the interview space. As this research study was based on the qualitative method and consisted of a small sample population, the concern was more with individual personal narratives and is not reflective of the general population.

The study was conducted in collaboration with NICRO and a Non-Governmental Organisation based in the Cape Town metropole (undisclosed for reasons of anonymity), as part of a post-release reintegration programme. Sampling was drawn from this group as a convenience sample population. Participants were all 'coloured' men between the ages of 21 and 35 years. Participants must have resided on the Cape Flats at some stage in their life, have belonged to gangs and have been previously incarcerated. NICRO is a well-established non-profit organization founded in 1910. They run a number of prison-based programmes with offenders, and aftercare diversion, non-custodial and reintegration programmes with previous offenders.

Research Questions

The research questions in this study derived from the need to understand the personal and lived experiences of 'coloured' men. As such, the central research question and subsequent specific research questions focused on addressing the racialised and gendered experiences of day-to-day life in the specific context of the Cape Flats. Questions relating to issues of identity politics, politics of respectability, codes of honour, the meaning of family, and community were posed to participants. The importance of asking these questions derives from the need to understand the lived

---

[57] Keith Punch. *Introduction to social research: quantitative and qualitative approaches. 2nd ed.* London: Sage Publications (2005); Sharlene Nagy Hesse-Biber. *Handbook of Feminist Research: Theory and Praxis.* Thousand Oaks: Sage Publications (2007); David Silverman. *Doing Qualitative Research.* Fourth ed. London: SAGE Publications (2013).

[58] Silverman, "*Doing Qualitative Research.*"

realities of these men, and more importantly from their own perspectives. By gaining an understanding of childhood experiences all the way through to experiences of "becoming" and "being" men in spaces such as gangs and in prison – this is referred to as the life history narrative approach – questions were mere tools used to uncover significant and meaningful patterns in the life narrative.[59] Speaking to men about their experiences and the meanings they attach to their masculine identity is critical in understanding the issues they deal with on a daily basis, particularly the experiences of men who occupy marginal positions within a racialised gendered hierarchical system.

Feminist Methodological Framework

The aim of this study is to engage with masculinity in the here and now, on the ground, and at a grassroots level. To study masculinity as a feminist researcher adds a dimension of complexity. From the onset this is a study about power relations, as its primary analysis; studying the relationships between men, as a secondary analysis; exchanges between the feminist researcher and the male participants. Presser argues that the inclusion and writing of the feminist researcher into the text is what critical feminist research and feminist theorising entails.[60] Merriam argues that feminist research draws heavily from critical theory, where critical qualitative analysis is not only applied to the individual(s) being studied but in doing so, addresses structural effects of politics and social relations that shape daily lived realities.[61] Through the telling of their stories in their way and in their voice, is an attempt to explore how so-called "problem identities," specifically criminalised, gendered, and racialised identities exist on the margins of academia and society. The politicised issues such as race, class, geographic location, and socioeconomic status that this study undertook to investigate were encapsulated on the basis of lived experiences and personal reflections, all of which evoke memories that are highly personalised, emotive, and sensitive. Added to this is the gendered power dynamics between researcher and participants, where a female researcher working with (criminalised) men can present a number of potential challenges relating to race, class, and social status in the research relationship.[62] However uncomfortable these exchanges may

---

[59] Heather Fraser. "Doing narrative research: analysing personal stories line by line." *Qualitative Social Work* 3:2 (2004), 179-201.

[60] Lois Presser. "Negotiating power and narrative in research: implications for feminist methodology." *Journal of Women in Culture and Society* 30:4 (2005), 2067-90.

[61] Sharan B. Merriam. *Qualitative research in practice: examples for discussion and analysis.* San Francisco: Jossey-Bass (2002).

[62] Presser, "Negotiating power and narrative in research."

have been initially, having recognised and negotiated the power dynamics within the research context added to an understanding of the complexities of investigating masculinities within a feminist theoretical framework. It has the potential to advance feminist epistemology and the production of knowledge from an "outsider" (female) perspective.[63]

This research study makes use of two feminist theoretical paradigms. The first is critical men's studies (CMS), building on the work of Raewyn Connell.[64] This work pays close attention to the concept of "hegemonic masculinity," which is a way of theorising gendered relations of power among men.[65] The second theoretical framework draws on Patricia Hill Collins' work on standpoint theory, specifically that of intersectionality theory.[66] Standpoint epistemology involves the viewpoint of the individual being studied by looking at their location within a geographic, social context.[67] Furthermore, it is useful from a feminist perspective as it challenges the feminist researcher to "engage with institutions of hegemonic masculinity."[68] In effect, standpoint theory is the study of power relations operating within institutions and structures of power.[69] Using standpoint theory alongside intersectionality theory, which recognizes the multifaceted identities of an individual such as their race, class, gender, and geographic location, these two theories are able to uncover the individual and social forces that shape and inform the masculinities under investigation.

Data Analysis

This study makes use of the narrative analysis approach, which focuses on the conceptual form that the life story takes. The purpose of the life history narrative approach is to make sense of how men contextualise

[63] Merriam, *Qualitative Research in* Practice; Presser, "Negotiating power and narrative in research." Collins (2009) argues that a researcher is "connected knower" (277-83) – epistemology is built on personal experience of both participant's and researcher's personal experiences.

[64] Raewyn W. Connell. *Masculinities.* Cambridge, UK: Polity Press (1995).

[65] Connell, *Masculinities*; Tony Coles. "Negotiating the field of masculinity: the production and reproduction of multiple dominant masculinities." *Men and Masculinities* 12:1 (2009), 30-44.

[66] Patricia Hill Collins. *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment.* 2nd ed. New York: Routledge (2009).

[67] Collins, "*Black Feminist Thought.*"

[68] Annica Kronsell. "Gendered practices in institutions of hegemonic masculinity." *International Feminist Journal of Politics* 7:2 (2005), 280-98, 281.

[69] Kronsell, "Gendered practices in institutions of hegemonic masculinity." Ange-Marie Hancock. "When multiplication doesn't equal quick addition: examining intersectionality as a research paradigm." *Perspectives on Politics* 5:1 (2007) 63-79.

their lives and position themselves in relation to gender, race, and place within specific cultural and social institutions, such as the family, the community, gangs, and prison. The aim is to uncover meaningful patterns that exist within the narratives, whilst simultaneously considering and questioning the significance of the narration. Narratives are closely scrutinised to understand why the story is being narrated in a specific way and why it is meaningful to the storyteller by chronologically mapping the life stories into a coherent form. The individual life histories were subjected to the narrative analysis method and involved the use of two analytical conceptual structures: first, Polkinghorne's chronological organisation and second, Bruner's functional approach.[70] The chronological structure is a tool of analytical inquiry that allows the researcher to map significant life events in an order that has a clear beginning, middle, and end.[71] The functional approach focuses on the context in which the narrative occurs and the ways in which the narrator makes sense of his world.[72] Both conceptual structures emphasise the importance of "meaning-making" in the narrative of the participant where the central focus rests on analysing themes in the data, which happen to take the form of stories/narratives.[73] A narrative analysis focuses on interpretation and close examination of meanings attached to the stories being told and provides an analytical toolkit to help the researcher make sense of the data.[74]

Findings

To arrange coherent stories, we started by coding the narratives into two broad narrative structures. The first code encompassed the entirety of the life story and is thus referred to as the life history narrative. The second code, the micro-narrative, was divided into two sub-sections: crisis narratives and conversion narratives. The crisis narratives were based on traumatic events prior to conversion. The conversion narratives focused on the religious conversion as men prepared for re-entry into their communities after incarceration.

---

[70] Donald E. Polkinghorne. "Narrative and self-concept." *Journal of Narrative and Life History* 1:2-3 (1991), 135-53; Jerome Bruner. "The narrative construction of reality." *Critical Inquiry* 18:1 (1991), 1-21.

[71] Polkinghorne, "Narrative and self-concept."

[72] Bruner, "The narrative construction of reality."

[73] Polkinghorne, "Narrative and self-concept;" Bruner, "The narrative construction of reality;" Fraser, "Doing narrative research."

[74] Fraser, "Doing narrative research."

Crisis Narratives

This discussion revolved around moments of crisis. These were significant life events related to gang and prison life: (1) the "trigger event" in the teenage years that marked the entry into the gangs; (2) the "trauma event" that marked the exit from the gangs. This narrative highlights the entry into gangs as a coming of age, a rite of passage, and a belonging to a brotherhood that caters to family connections during the process of "becoming a man." Here, gangs present a mystical world, one that simultaneously provides affirmation through the camaraderie of brotherhood, family, and unity that was missing in the family of origin.

> *Luke*: For me being a gangster that really stood out for me…(J: And the relationships that you formed there?)…uhhh the brotherhood, the unity, they showing me that they there for me even though I know they making me too [closed/ blind to reality] you know…because it really it stood out for me. I often…I didn't got that…that love from my family, from my mother…she was always doing her own thing. She was on drugs and so on for a lot of years and so on. I had to always, when I was younger I had to go to my friends seeking for that brotherly love, seeking for a hug, seeking for that kind of stuff. I had to go through a lot. I saw a lot. I grew up with a lot of pain as well.*

> *Anthony*: Yes because we were always together, me and the gang members, my friends. And uhm, when we were together it was like this is what I always wanted man. It was like we talked about stuff that brothers talk about, like if I need something I can ask them […] So I would say yes, the gang members fulfilled that space, that father figure or the brother figure, everything, they filled that space.*

Through increased gang involvement and acquiring elevated statuses, they gained a deeper insight, often marked by the metaphor of "seeing" or being blinded to the reality of the gang. This "seeing" coincided with the initial breakdown of the gang family bond. Becoming more embroiled in its activities initiated the crisis moment.

> *Eric*: That time they say "you're a wise one." That's how they come, then they tell themselves but they don't tell you. Then they say, "I can't close [pull the wool over his eyes/deceive] this guy because he is a bit wise… his eyes are open, he knows what he knows."*

As the violent reality of gang culture slowly started to sink in, there was a critical traumatic moment that started the process of self-interrogation, often revolving around their abandonment by gang members before or during prison.

> *Walter*: Yes, it is a family because uhmm how can I say… it is a family because they enjoy everything together (pause). Look if I can just be honest… If I can just elaborate a bit…if we look at the 26 gangs. Look in…in your house you have laws…there are laws placed in a home and your work, your chores that you must do. Now it's the same in the gangsterism (J: Is this like street gangs?) Street gangs and prison gangs. Look, prison gangs are more disciplined than the gangs outside. Look, outside gangs they just do as they want, but understand in the prison there is always orders there. They eat together, they always sit…they are always together understand? That is why I say it's like a family. It is how a family…that is how a family is, but that is not…that is after all closing [deceiving] stuff man. I could never see it, understand? They always said that…my friend always told me, "my brother we go…I will die for you," but if I fight with that one or they are chasing us then they aren't with me, understand? They are never there, if perhaps I get hurt as well, they are never there. If I go to prison they are never there for me.*

What makes this period more traumatic is their attempt to balance constant drug relapses during periods of rehabilitation. Consequently, the repeated backsliding was further exacerbated by other traumatic events in their lives: death of friends, alienation from family members, and being left destitute. Participants talk about being "down and out," with extreme drug addiction and being caught up in the gang or prison world. The decision to leave the gang slowly starts sinking in, and so a lot of the narrative is concerned with is decision-making and choices.

> *Luke*: I lost a lot of friends as well. I mean friends that were a part of churches. I really think a lot about a other friend of mine. His name was Bobby*. I always told him, "Bobby see here, if I see you with the boys, if I see you with my brothers I'm going to chase you away, I don't want to see you becoming a gangster." And just a week before he died I come out of the house and see this is Bobby standing here. Now there is a spot there by us, yes we put them there…"right you see for the cops you see for the enemies." And I see this is Bobby here. I tell myself huh uh this is not gonna work out for this guy, and I'm a kinda guy like this…the Lord he has given me a…how can I say…He has given me a gift…like I can see a vision, it's almost like I can see things happening or its gonna happen…now I mean really. I could have seen that guy is gonna die and so on, but I never knew it's gonna be so early. My heart really goes out for that guy you know, and just a week after that, they shot him dead.*

> *Eric*: I came right already. And this thing of coming right is that you must always…I never knew…last year I was also with the Lord. I left prison converted, I was converted in prison. I was on trial, then I came out. And how the gangsters fall is because of a woman…not always but most of the time it is women and nice times […] That was the time I lost my*

conversion so I jumped right back into the game. So I went to prison again on trial for about two months.

Conversion Narratives

Making the decision to leave the gang is difficult; however, exiting for religious reasons is often cited as the only legitimately recognised way to leave the gangs. The narrative is punctuated by anecdotes of "finding God," "through God's grace and mercy" or "being with Christ." This progression leads to the conversion narrative.

> ***Walter*:** You're almost like…if we look at uhh Pinnochio was controlled with ropes. Now that's how it goes in gangsterism, you become controlled. They say and you must just do so. So it is in gangsterism. **(J: Hmm so how does one break those ropes?).** To change your life is to give your heart to the Lord. **(J: is that the only way that would be accepted?).** Yes, that is the only way they would accept, so that they can see. You must be able to show them, "I no longer want to be in that." But now…look if you are not going to leave that and you still live your life that you want to live…they have dirty thoughts then they'll shoot you dead or hurt your family, understand? **(J: Why is that?).** It is almost like a commitment…it's something that you commit to…for life. Look in the camp [slang for gang], there in the gang business in jail they say uhh, "we will cut and divide your strength in the whole camp if you no longer want to be like us…then we will fetch it with blood," which means you will die for it you understand? So you must make a change in your life to show them.*

> ***Eric*:** Gangsters are like that…one thing about a gangster is even when you're talking to them, they must be able to see the thing as you're telling it to them. You must be able to paint a picture for them. So they want to see it. They will say to you, no your words are not evidence, but if they can see it…now how will they see if I'm converted if they don't see me with those people **(J: okay)**. If they want to see…what do they want to see?*

A dominant feature in the conversion narrative is a ruminative outlook that is adopted. Discussions of positive self-image and self-worth are contingent on the legitimacy and respectability claimed through the church. In this sense the church and the conversion that comes with it offers salvation and prevents any possible retribution from the gangs.

> ***Jack*:** So I handed myself over to the Lord and so I said…so I asked myself, "Am I now really converted?" But I asked myself, "do you know what you did?" […] He came and opened my eyes. He came and showed me the path […] because in Matthew 6 verse 22 it says, "the light of the body is your temple inside"…this is the temple of mine see? My light burnt all the while, but it is just the devil that took over man…he's a liar*

in everything that he does. If he leaves you then he just leaves you with death.

Eric*: *That's mostly how they [gang members] got me, when I came right. Then I will prove to them, no it's not like that because I know what they're capable of. I can be straightforward and say sometimes I am terrified because I know these are murderers. They can kill me and that time you're thinking, "I wasn't with the Lord the way I am with the Lord now." I now have a better understanding of God and stuff. Even now, even when I go to court they still give me looks and so, or they still say stuff, but I tell them straight, "I don't worry about what you're going to say." Because I proved to them many times that I am not with those people and not with these people. And I stand by my thing, they can say what they want to about me, they can't trick me and that anymore.*

In problematising the conversion narratives, we consider the added possibility of the conversion process as a point of "self-preservation." If religion is seen as the only way out of the gang, it may be a moralising way to preserve a sense of self or a way of protecting oneself from the wrath of the gangs. Coinciding with questions of "who am I now?" reinstatement of the family of origin becomes central again.

Ben*: *I am just thankful to the Lord that he restored me again, because everyone in my family forgave me.*

Walter*: *Look, sometimes they think you are just looking for an exit, understand? You probably just want to do things your own way, understand? I am not just saying it's the conversion that you have to do, but today's guys don't see it like that. They just see "ohhh you want to go. You are going that way now so you don't want to be with us…wait we must make a plan with you now because you know too much stuff that happens." Now if you're going to work with the community, now they are scared you are going to talk with the community about what happens there, understand? Now they will concoct a plan to hurt you.*

A discussion of the future comprised a minor part of our interaction during the interview period. Once again, the conversion was framed in dynamics of the family because there is no longer the family connection that the gangs previously catered to. The significance of what it means to be a "family man" is a huge concern and weighs heavily as this sits alongside the reintegration into the family and community, which was often seen as an extension of the family in the context of the Cape Flats.

Walter*: *They respect me…not because they see me come with this closing-off [deceiving/deceitful]. I'm not just there to get that out…to seek that gap. I show them that no I am that person that I present myself to be. I am, understand? Like even yesterday as well, I went to casual*

> [work] and I met a friend who was with me in prison and he's like to me, "Hosh! My brother [slang, gangster greeting], what do you have to say?" I look at him (pause) and I say to him, "No, I no longer speak the language [prison language – sabela] man, I am converted," and in that same moment he asked my apologies and he respects me. That made me feel good again. I can walk with my head in the air. I don't have to look behind my back. I don't have to say to my little brother, "Hey walk with me, look with me and you just have to be my back," huh uh…I walk like a free man.

The main finding is the recurring theme of family. Gangs, both in street and prison act as family units. They impart family values in a space where families of origin are or were in a state of precarity; thus, the meanings that the men make in shaping their identity are rooted in the family; whether it is the family they belonged to, that they have lost, that they have created or the ones they are trying to find. Interestingly, the connection that the initial feeling of displacement from the family of origin was the reason cited for entering the gang. Coming full circle, the alienation from the family of origin is also a reason for leaving the gang.

> **Walter***: Through the grace of the Lord for this five months I made that choice that I have a family, so I am going to make that choice, not to tell them. I want to surprise them that I can do something on my own you understand? And I said to my little brother…my little brother and I are very close. We did things together and I said to him, "Hey Jack* I'm going man…to straighten my life" and he said to me, "[big] brother I am going with you to straighten my life as well"…and that's where we are now.

Discussion

Family Ties: Breakable Bonds of Belonging

The narratives revealed that gang membership was valued as a place of family love and unity, particularly at vulnerable times when they needed the support of the family structure. Boys grow up in close proximity to one another and come to see older gang members as role models and this form of hegemonic masculinity as the norm. Alternate masculinities such as educated men, religious men, and working-class men are too few and marginal for this type of masculinity to be seen as respectable. We see the centrality of gender relations of brotherhood where the world of men is sacrosanct, secret, and worth protecting.

They speak of moments of clarity where the "true" meaning of family dawns, once a traumatic event takes place. Gangs are thus an intermediary zone where the meaning of family is explored and refined. Once this zone reaches an impasse, a realisation of family come to

fruition. Men work through their anxieties of the mother and father relationships in the gang in order to make sense of their place and belonging in the broader social world. Women play an insignificant role in the discourse directly related to the gang identity. Women are seen as additive in the gang world of men.

Gangs and Religion as Codes of Honour and Authority

Gangs are where masculinities are made and, being a 'coloured' man from the Cape Flats, the meaning of race is closely tied to gender. The question of race was important because it set out to interrogate and problematise the general perception of the synonymy of gangsterism to 'colouredness.' The economic, emotional, physical, and social needs that belong to a gang caters to give credence and upholds it as fundamentally cultural. Viewing gangs as essentially cultural, it is understandable that men see it as worth defending. Gangs share much in common with religion, particularly the devotion to the prison Number doctrine and its strict religious-like fundamentalism. The scriptures and code of laws ("wette") are akin to the Ten Commandments and its rigid structure of power and authority. One is indoctrinated and initiated into a new way of life, much in the same way that one is baptised and taught biblical scripture. Religion and the conversion feed into this cycle. On the one hand, it is unfortunate that religious conversion is one of the few ways to legitimately leave the gang; on the other hand, at least, there is a "way out." Alternative masculine identity allows men to reimagine a 'coloured' masculinity free of the reductive criminalised trope, while forging of a new sense of self beyond the confines of gang culture (albeit within the confines of another).

Communi(ties) as Protectors and Prosecutors

Looking at the beginning phase as the "pathways to crime" addresses young boys' limited choice to be anything other than a gangster. The peripheral communities on the Cape Flats characterise a double marginalisation. The men often speak about feelings of alienation and displacement, like they never truly belong, that they are social pariahs. Living as a 'coloured' man on the margins of the Cape Flats means survival, and there is very little time for introspection and to consciously contemplate the realities of gender and race when one embodies a marginalised reality. The gang embodies that survival, security, and a group cultural identity that acts as a buffer against a broader social hierarchy based on race. However, this survival strategy is also alternately supported by the religious conversion in the replacement and absence of gangs when men decide to leave. The support structures of the gang, religion, the family, and the community are relied upon structures of

support for these men located on the margins. Communities represent a binary, in so doing the bonds of community life are breakable, unstable and insecure.

Recommendations for Further Research

While this study adds to the growing literature on faith-based gang exit, we wish to highlight a gap that remains unaddressed and worth serious investigation. Existing studies primarily explore Christian-based conversions. Absent, however, is the possible role of indigenous religious systems. Deloria has shown that an important distinction between Western religions and indigenous spiritualities is that the former emphasises notions of progress and linear chronological histories (i.e. Christian history "unfolds" with "a divine plan for humanity") while indigenous religions privilege the spatial (e.g. spiritual relations to land and sacred sites).[75] One is concerned with the philosophical problem of *time*, while the other with the philosophical problem of *space*.[76] This is not to say that any religion has more worth than another, nor to devalue Western religions. Rather, we point to Deloria's distinction as a possible point of departure for future researchers to inquire into the possible benefits and relevance of interventions based on non-Western indigenous knowledge systems and spiritualities.[77] Of course, this is no easy task, for indigenous spiritual systems are highly heterogenous, and many communities have been violently uprooted historically. It also is not meant to promote essentialist identity politics nor to deny the ways in which various aspects or elements of indigenous worldviews were survived within Western frames during processes of creolisation. The challenge here speaks to a gap among researchers and practitioners, a lack of work that centres non-Western religious interventions with ex-gang members.

Conclusion

The purpose of this study was an exploration of the gendered experiences of 'coloured' men as they negotiate and construct their masculine identity in the high-risk, criminal, and violent context of the Cape Flats. This study aims at refuting dominant, negative and stereotypical representations of 'coloured' masculinity that has been written into academic and social discourse, whereas positive attributes of this masculinity has either been absent, ignored, or silenced in the literature. The objective therefore in

---

[75] Vine Deloria. *God is Red: A Native View of Religion.* Golden, Colorado: Falcrum Publishing (2003), 68-9.

[76] Deloria, "*God is Red*," 61-2.

[77] Deloria, "*God is Red*."

collecting and analysing data was to ensure that it contributes to a greater body of knowledge on 'coloured' identity, experiences, and culture.

The value of this study is that it addresses a gap in the study of 'coloured' masculinity. The lack of sufficient empirical and theoretical research on 'coloured' masculinity and personal experiences of 'coloured' men in the South African context means a continued reliance on evidence and thinking developed in the North, far removed from the realities of South Africa. The relevance and value of the research study proposed here is that it would serve to identify the complexities and particularities of gendered, racialised, and criminalised masculinities in the context of high-risk communities where poverty and social supports are lacking.

Acknowledgements

References

Adhikari, Mohamed. *Burdened by Race: Coloured identities in southern Africa.* Cape Town: University of Cape Town Press, 2009.

Anderson, Bronwynne. "I'm not so into gangs anymore. I've started going to church now:" Coloured boys resisting gangster masculinity." *Agenda* 23, no. 80 (2009): 55-67.

Applegate, Brandon K., Francis T. Cullen, Bonnie S. Fisher and Thomas Vander Ven. "Forgiveness and Fundamentalism: Reconsidering the Relationship Between Correctional Attitudes and Religion." *Criminology* 38, no. 3 (2000): 719-51.

Baderoon, Gabeba. "Surplus, excess, dirt: slavery and the production of disposability in South Africa." *Social Dynamics* 1-16 (2018).

Brenneman, Robert. *Homies and Hermanos: God and Gangs in Central America.* Oxford: Oxford University Press, 2012.

Brenneman, Robert. "Wrestling the Devil: Conversion and Exit from Central American Gangs." *Latin American Research Review* 49 (2014): 112-28.

Bruner, Jerome. "The narrative construction of reality." *Critical Inquiry* Vol. 18, no. 1 (1991): 1-21.

Bubolz, Bryan F. and Pete Simi. "Disillusionment and Change: A Cognitive-Emotional Theory of Gang Exit." *Deviant Behavior* 36 (2015): 330-45.

Chidester, David. *Wild Religion: Tracking the Sacred in South Africa.* Berkeley: University of California Press, 2012.

Coles, Tony. "Negotiating the field of masculinity: the production and reproduction of multiple dominant masculinities." *Men and Masculinities* 12, no. 1 (2009): 30-44.

Collins, Patricia Hill. *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment.* 2nd ed. New York: Routledge, 2009.

Connell, RW. *Masculinities.* Cambridge, UK: Polity Press, 1995.

Cooper, Adam. "Gevaarlike transitions: Negotiating hegemonic masculinity and rites of passage amongst coloured boys awaiting trial on the Cape Flats." *Psychology in Society* 37 (2009): 1-17.

Decker, Scott H., David C. Pyrooz, and Richard K. Moule Jr. "Disengagement From Gangs as Role Transitions." *Journal of Research on Adolescence* (2013): 1-16.

Deloria, Vine. *God is Red: A Native View of Religion.* Golden, Colorado: Falcrum Publishing, 2003.

Erasmus, Zimitri. *Coloured by History, Shaped by Place: New Perspectives on Coloured Identities in Cape Town.* Cape Town: Kwela Books, 2001.

Flores, Edward Orozco. 2016. "Grow Your Hair Out: Chicano Gang Masculinity and Embodiment in Recovery." *Social Problems* 63 (2001): 590-604.

Flores, Edward Orozco. *God's Gangs: Barrio Ministry, Masculinity, and Gang Recovery.* New York: New York University Press, 2014.

Fraser, Heather. "Doing narrative research: analysing personal stories line by line." *Qualitative Social Work* 3, no. 2 (2004): 179-201.

Gillespie, Kelly. "Moralizing Security: 'Corrections' and the Post-Apartheid Prison." *Race/Ethnicity: Multidisciplinary Global Contexts* 2, no. 1 (2008): 69-87.

Gqola, Pumla. *What is slavery to me? Postcolonial/Slave Memory in Post-Apartheid South Africa.* Johannesburg: Wits University Press, 2010.

Hancock, Ange-Marie. "When multiplication doesn't equal quick addition: examining intersectionality as a research paradigm." *Perspectives on Politics* 5, no. 1 (2007): 63-79.

Harding, Susan F. "Convicted by the holy spirit: The rhetoric of fundamental baptist conversion." *American Ethnologist* (1987): 167-81.

Hesse-Biber, Sharlene Nagy. *Handbook of Feminist Research: Theory and Praxis.* Thousand Oaks: Sage Publications, 2007.

Jensen, Steffen. *Gangs, Politics & Dignitiy in Cape Town.* Johannesburg: Wits University Press, 2008.

Johnson, Andrew and James Densley. "Rio's New Social Order: How Religion Signals Disengagement from Prison Gangs." *Qualitative Sociology* 41 (2018): 243-62.

Kronsell, Annica. "Gendered practices in institutions of hegemonic masculinity." *International Feminist Journal of Politics* 7, no. 2 (2005): 280-98.

Leggett, Ted. "Still Marginal: Crime in the coloured community." *South African Crime Quarterly* no. 7 (2004): 21-6.

Maruna, Shadd. *Making Good: How Ex-Convicts Reform and Rebuild Their Lives.* Washington, D.C.: American Psychological Association, 2001.

Maruna, Shadd. "Reentry as a rite of passage." *Punishment and Society* (2010): 1-26.

Meiners, Erica and Roberto Sanabria. "On Lies, Secrets, and Other Resistant Autobiographic Practices: Writing Trauma out of the Prison Industrial Complex." *JAC* 24, no. 3, Special Issue, Part 2: Trauma and Rhetoric (2004): 635-52.

Merriam, Sharan B. *Qualitative research in practice: examples for discussion and analysis.* San Francisco: Jossey-Bass, 2002.

O'Neill, Kevin Lewis. "The Reckless Will: Prison Chaplaincy and the Problem of Mara Salvatrucha." *Public Culture* 22, no. 1 (2010): 67-88.

Parker-Lewis, Heather. *God's Gangsters? The Number Gangs in South African Prisons.* Cape Town: Ihilihili Press, 2006.

Pinnock, Don. *Gangs, Rituals, and Rites of Passage.* Cape Town: African Sun Press, 1997.

Pinnock, Don. *The Brotherhoods: Streets Gangs and State Control in Cape Town.* Cape Town: David Philip Publisher, 1984.

Polkinghorne, Donald E. "Narrative and self-concept." *Journal of Narrative and Life History* 1, no. 2-3 (1991): 135-53.

Presser, Lois. "Negotiating power and narrative in research: implications for feminist methodology." *Journal of Women in Culture and Society* 30, no. 4 (2005): 2067-90.

Punch, Keith. *Introduction to social research: quantitative and qualitative approaches. 2nd ed.* London: Sage Publications, 2005.

Rodgers, Dennis. "The Moral Economy of Murder: Violence, Death, and Social Order in Nicaragua." In *Violence at the Urban Margins,* edited by Javier Auyero, Philippe Bourgois and Nancy Scheper-Hughes, 21-40. Oxford: Oxford University Press, 2015.

Rios, Victor. *Punished: Policing the Lives of Black and Latino Boys.* New York: New York University Press, 2011.

Salo, Elaine. "Negotiating gender and personhood in the new South Africa: Adolescent women and gangsters in Manenberg township on the Cape Flats." *European Journal of Cultural Studies* 6, no. 3 (2015): 345-65.

Scully, Pamela. *Liberating the Family? Gender and British Slave Emancipation in the Rural Western Cape, South Africa, 1823-1853.* Cape Town: David Philip Publishers, 1997.

Scully, Pamela. "Masculinity, Citizenship, and the Production of Knowledge in the Postemancipation Cape Colony, 1834-1844." In *Gender and Slave Emancipation in the Atlantic World*, edited by Pamela Scully and Diana Paton, 37-55. Durham: Duke University Press, 2005.

Silverman, David. *Doing Qualitative Research (Fourth Ed.).* London: SAGE Publications, 2013.

Standing, Andre. *Organised Crime: A Study From the Cape Flats.* Pretoria: Institute for Security Studies, 2006.

Steinberg, Jonny. *The Number: One man's search for identity in the Cape underworld and prison gangs.* Jeppestown: Jonathan Ball Publishers, 2005.

Trotter, Henry. "Trauma and memory: the impact of apartheid-era forced removals on coloured identity in Cape Town." In *Burdened by Race: Coloured identities in southern Africa*, edited by Mohamed Adhikari, 49-78. Cape Town: UCT Press, 2009.

Wolseth, Jon. "Safety and Sanctuary: Pentecostalism and Youth Gang Violence in Honduras." *Latin American Perspectives* 35, no. 4 (2008): 96-111.

Islam between Margins: Reassessing Gender and Sexuality in Islam

Nadeem Mahomed[1] and Sa'diyya Shaikh[2]

Abstract

This article aims to explicate the tensions on issues of gender and sexuality that arise at the intersection of lived reality and the inherited Islamic tradition, primarily regarding but not limited to Islamic law. We do three things in this paper: we first explore the notion of an in-between space that serves as a conduit between an inherited religious tradition and the plethora of lived realities of being Muslim. Second, we provide examples of how Islam as a religious identity and faith and the prescriptions set out in Islamic law operate through this in-between space. Third, based on the above, we conclude that the pedagogy of Islam, gender, and sexuality stands to be enriched if this in-between experiential space is acknowledged as an epistemological portal to Islam.

Keywords: Muslim ethics, gender, sexuality, sexual diversity, Islamic feminism, Islamic law, Sufism

This article aims to expand the epistemological category of experience and lived realities of Muslims as constitutive of Islam and Muslim ethics.[3] Such an exploration is critical in light of an increasing sense of the incommensurability between dominant clerical and textual articulations of the inherited tradition on the one hand, and the real lives of everyday Muslims, on the other. More precisely, the central question it seeks to answer is how Islam is produced, constructed, and assembled by Muslims in relation to their experience of gender and sexuality. Both the Qur'an, as the word of the divine transcendent made material through rhetoric and the Hadith, as the corpus of narrations that provide details of the life, sentiments, and instructions of the Prophet Muhammad and the nascent community of believers, are in the contemporary period, increasingly viewed through the regulatory framework engendered by Islamic law. These discourses often, but not entirely or consistently, centre narrow

[1] Nadeem Mahomed is a lawyer and a Postdoctoral Fellow in the Department of Religious Studies at the University of Cape Town.

[2] Sa'diyya Shaikh is Associate Professor in the study of Religion, and Head of Department of Religious Studies at the University of Cape Town.

[3] For a detailed theoretical discussion on experience, epistemology and gender in Muslim tradition, see Sa'diyya Shaikh, "Feminism, Epistemology and Experience: Critically (En)gendering the Study of Islam." *Journal for Islamic Studies* 33 (2013): 14-47.

ways of reading religious scriptural texts (the Qur'an and Hadith)[4] and/or the legal tradition as foundational and adequate in explaining or justifying a particular point of view. Islam and being Muslim – a historical and civilizational fact and a phenomenological as well as a socio-historical experience of identity – is reduced to a necessary alignment with particular readings of scripture, Islamic law, or dominant notions of the inherited tradition in some substantial ways. Such a perspective is ultimately limiting in understanding and appreciating the relationship between the lived realities of Muslims, the complexity of Muslim societies, and how the law is constructed, negotiated, and subverted (a point made in varying ways by some Muslim feminist and queer scholars). It is not our aim to furnish a comprehensive exposition of Islamic law or provide a final solution to the problem, but rather to attempt to state the terms of the problem as clearly and explicitly as we can.

We first explore the notion of a phenomenological embodied in-between space that serves as a conduit between an inherited religious tradition (primarily focusing on Islamic law)[5] and the lived reality or experience of being Muslim. After outlining the terrain of this theoretical process, we proceed to provide examples of how Islam operates in this in-between space as a religious identity and faith in tandem with the prescriptions set out in Islamic law. The range of examples in this section demonstrates the forms of complex negotiation and messiness of Muslim existentiality and the inherited Islamic tradition. Finally, based on the above, we conclude that the pedagogy of Islam, gender, and sexuality stands to be enriched if this in-between space is explicitly recognised and confidently embraced

---

[4] The Qur'an and Hadith, for the vast majority of Muslims and within the orthodox Islamic intellectual tradition, hold important places as foundational scriptural sources. The Qur'an is considered by Muslims as the literal word of God that was revealed to the Prophet Muhammad over the period of his prophetic mission. These revelations are recited as part of worship, and scholars have interpreted its words for generations with a view to give meaning to Muslim belief and life. The words of the Qur'an also have other uses in Muslim societies where they are invoked for blessings, form part of Islamic aesthetics and also used as talismans in some instances. The Hadith is a collection of reports that were compiled after the death of the Prophet Muhammad that contain information concerning the speech and acts of the Prophet Muhammad and the occurrences that transpired during and around the Prophet Muhammad. While the authenticity of the Qur'an is generally considered divine and beyond dispute, the corpus of Hadith literature is subject to more scrutiny in respect of which reports are considered authentic and which reports are sufficient to be used as a basis for legal rulings. In the Islamic legal tradition, the Qur'an and Hadith are deemed both essential and foundational as sources of law.

[5] Our argument can potentially be extended to other aspects of the Islamic intellectual tradition, all of which are interested or involved in the ethical or the way of appropriate ethical comportment. However, in this paper, for purposes of convenience and brevity we limit ourselves for the most part to Islamic law and religious scripture insofar as it is used to forge a regulatory and/or ethical framework to make our argument.

as an epistemological ground for understanding Islam. One of the aims of this exercise is to demonstrate that understanding the scope and import of the Islamic governing framework in relation to Muslim lives can only be achieved through an investigation that gives prominence to the way in which Muslims receive, follow, adapt, construct, subvert, and reconstitute the inherited Islamic tradition – scripture, law, theology, and aesthetics – in relation to each other as Muslims.

Life and Law: Never the Twain Shall Meet?

Shahab Ahmed's masterful, if controversial, account of what constitutes Islam and Islamic identity contests the view that Islamic law comprises the essence or the central feature of what it means to be Islamic or Islam. Ahmed provides an expansive historical archive of alternative expressions of Islam or being Muslim that historically stood in contradiction to the tenets of Islamic law, yet were not considered to be outside the bounds of Islam.[6] On the contrary, he has provided compelling evidence for the claim that historically, the law was but one amidst a number of hermeneutical trajectories of Muslim ethical meaning-making and truth-making. In effect, Ahmed's consternation is that for Orientalists and modern Muslims, ethics or the "rational procedure by which we determine what individual human beings 'ought' – or what is 'right' for them – to do, or to seek to realise by voluntary action,"[7] "*is* law – and is not philosophy, Sufism, or poetic and narrative fiction."[8] This centralisation of Islamic law as the quintessential kernel of Islam, as Ahmed has pointed out, is not a new phenomenon. Both Orientalists and modern Muslims including Islamists venture that genuine Islam is manifested through its legal orthodoxy.[9] A problematic consequence in this regard is that for many people the primary, if not

---

[6] Shahab Ahmad, *What is Islam? The Importance of Being Islamic*. Princeton: Princeton University Press (2016), 117-29.

[7] Henry Sidgwick, *The Methods of Ethics*. London: Macmillan (1967), 1.

[8] Ahmad, "*What is Islam*," 126.

[9] Ahmed, "*What is Islam*," 125, notes this ascendancy of the law is in no small part the consequence of modernity where the nation state has been established as a legally comprised entity, rendering law "the leitmotif of the modern human condition in a manner and degree unprecedented in any prior period of history." The combined effort of colonial and Muslim elites in codifying Islamic law particularly in respect of personal status, such as family law, was exceptional in Islamic history. This has rendered the intersection of Islamic law and issues pertaining to gender and sexuality – as components of personal and family law – particularly sensitive to the discourse on Islam, modernity, and traditionalism. See Dietrich Jung, *Orientalists, Islamists and the Global Sphere: A Genealogy of the Modern Essentialist Image of Islam*. Sheffield: Equinox (2011); Scott Kugle, "Framed, Blamed and Renamed: The Recasting of Islamic Jurisprudence in Colonial South Asia," *Modern Asian Studies* 35 no. 2 (2001): 257-313; and Allan Christelow, *Muslim Law Courts and the French Colonial State in Algeria*. Princeton: Princeton University Press (1985).

exclusive, site for legitimate discussion or attempts at imagining a different future, or thinking of Islam historically *vis-à-vis* gender and sexuality must cut through the normative Islamic tradition which often focuses disproportionately on scriptural sources and/or Islamic law.[10] These sentiments assume that Islamic law – and its invocation of scriptural sources – originate from a foundation of rightful authority, or in other words that the law represents the closest index of God's instruction for human life even if the participants to this discussion do not agree on the precise details of that instruction. This is not the issue for us in this article. At this juncture we will forego that the imperatives of the law play a crucial role in regulating the lives of Muslims in some way or another. The more important concern for us is to examine the boundaries and limits of Islamic law's authority, or to phrase it differently as a question: where does the coercive nature of the law or any normative systematised Islamic ethical framework – as represented by the historical community of elite male jurists – begin fusing or melting away into the lives of Muslims who negotiate Muslimness and Islam in less systematic and more creative ways?

---

[10] "Even if such [Qur'anic] readings do not succeed in affecting radical change in Muslim societies, it is safe to say that no meaningful change can occur in these societies that does not derive its legitimacy from the Qur'an's teachings, a lesson secular Muslims are everywhere having to learn to their own detriment" (Asma Barlas, *Believing Women' in Islam: Unreading Patriarchal Interpretations of the Qur'an*. Austin, TX: University of Texas Press [2002], 3). See also Deniz Kandiyoti, "Islam, Modernity and the Politics of Gender," in Islam and Modernity: Key Issues and Debates edited by Muhammad Khalid Masud (Edinburg: Edinburg University Press, 2009), 93. Some feminist scholars may not directly deal with Islamic law. However, their rich and important engagement with scriptural sources such as the Qur'an and Hadith is undertaken in a way that has direct legal and public implications and deliberately so. For example, offering interpretations that reject and undermine patriarchal notions of male ownership and control has a clear impact on personal status in matters relating to both social relations and the representation of religious authority – marriage, mental capacity, bodily integrity and safety, inheritance, equal opportunity, female leadership, etc. All of these issues pertain directly to reforming or influencing a normative public regulatory framework and are not simply concerned with the private, apolitical practice of Islam. Many feminist scholars intentionally participate in public venues in the form of memberships to groups or to engage in activism for legal reform or social change. It is also mistaken to view Islamic law as only having this overt public regulatory function which governs the external (*forum externum*). Islamic law also has a dimension which is focused on the personal moral and ethical domain or the sphere of conscience. In large part, one reading of the law is that it is a project that has as its aim the regulation of human behaviour in accordance with God's instruction so as to discipline the human subject and to refine and purify her/his conscience or moral sensibility (*forum internum*) (Baber Johansen, *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh*. Leiden: Brill, [1999], 36). This is also an aim of Muslim and queer feminists to the extent that gender discrimination and discrimination on the basis of sexual orientation is an affront to any legitimate and divinely sanctioned moral sensibility.

In some ways the reach of Islamic law is seen to be pervasive. All actions are to be adjudicated by the *ulama*[11] in terms of Islamic law as permissible, prohibited, recommended, or reprehensible with scriptural and/or legal support. However, Sherman Jackson argues for a limit to the jurisdiction of Islamic law by carving out a space he terms the "Islamic secular." The Islamic secular is the realm where the sources of Islamic law are either silent or cannot be extended to provide a ruling on what ought to be the right way of dealing with particular things such as monetary or medical policies, immigration, and other such matters. In these instances, rule-making and ethics "transcend questions of permissible and impermissible"[12] and any conclusions are based on empirical information from which *ulama*, insofar as they are unqualified to pronounce on such matters, are barred from making a pronouncement on. Jackson's formulation of the Islamic secular is possibly common sense for some. However, Jackson's argument is provincial in construing the edges of Islamic law as existing *only* on the borders of what he terms the Islamic secular. Indeed, we suggest that in fact the edges of the law are also intertwined with the very people for whom the law is supposedly serving or controlling (depending on how you view the situation). The limit of the law or legal invocations of the Qur'an or the Hadith or Islamicate customary practices is at the threshold of the individual who makes a determination on how to engage with that inherited tradition and whether or not to extend its authority into her/his life. The individual's capacity to make such determinations is also clearly shaped by and is responsive to the complexities of his/her social and political location. In most contemporary contexts, Islamic law cannot practically, categorically, and comprehensively pronounce and enforce the commission or omission of acts. It is usually the state apparatus or the bonds of a socially constituted community that extend the authority of the inherited tradition in its own way towards the individuals who constitute the citizenry of that state or the members of that community. In turn, the individuals themselves elect to abide by, subvert, or ignore any part of the inherited tradition for reasons that may not be immediately coherent.

A central issue is the dynamic interrelationships between the individual and the social at the level of ethics and law as these are mediated within specific contexts. The law is a corpus of juridical opinions extended through time as both a discursive tradition and an inherited tradition of

---

[11] The term *ulama* literally means scholars or learned ones. Technically it is a term that is used to refer to a class of Muslim clerics who act as representatives of, or at least part of, the Islamic intellectual tradition, and who claim or are granted the authority to transmit and interpret the tradition.

[12] Sherman Jackson, "The Islamic Secular," *The American Journal of Islamic Social Sciences* 34, no. 2 (Spring 2017): 20.

Muslim aspiration accessed through the experience of the Muslim subject individually via its social environment. Incisively illuminating the intimate relationship between sociality and individuality, the German sociologist, Norbert Elias, states that "each individual person, different as he or she may be from all others, has a specific make-up that he or she shares with other members of his or her society. This make-up, the social habitus of individuals, forms, as it were, the soil from which the personal characteristics grow, through which an individual differs from other members of their society."[13] The dynamics of a social habitus as suggested by Elias are crucial when considering the preservation and continuation of Islamic law that extends from the varied realm of worship to many dimensions of sociality and social relations. One example is how ritual in all its specificities (e.g. the performance of daily prayers; or how congregational prayers are properly constituted; or the way of fasting correctly; or the actions and timing which make-up the pilgrimage to Mecca, etc.) are all retained and birthed to the next generation through a pedagogy that is first and foremost inscribed into the social relations of a community.

To explain it differently, we can use the example of the Qur'an and the various potential interpretations the text yields. The importance of the Qur'an – as a recitation in and outside of canonical prayer, a form of aesthetic beatification, a symbol of God's direct intervention into the mundane and material world – is passed down through an inherited tradition that is texturally a component of how the social relations of a Muslim are constructed. At the same time, the individual Muslim's interaction with the Qur'an as a site of religious devotion and meaning is both a continuation of the triangulation of tradition, social habitus, and identity, as well as a germination of a way of being with the Qur'an that is unique to her/his experience of the world. In referring to the capacity of infinite meaning which the Qur'an contains for believers, the medieval polymath, Ibn Arabi, says, "for He who sent it down knows all those senses without exception. He knows that His servants are disparate in their consideration of those words…hence, when someone understands a sense from the verse, that sense is intended by God in this verse in the case of the person who finds it."[14] Amongst other things, these reflections on the polyvalent layers of Qur'anic meaning point to first, the centrality of the socially embedded and subjective reader who interprets Qur'an, and second, the intentional and purposive elasticity inherent in and definitive of the hermeneutical encounter with the Qur'an. Indeed, society and

---

[13] Norbert Elias, *The Society of Individuals*. Oxford: Blackwell (1991), 182.

[14] William Chittick, *The Sufi Path of Knowledge: Ibn Arabi's Metaphysics of Imagination*. Albany: SUNY Press (1989), 244.

individuals within that society as religious subjects actively and varyingly engage with the tradition, including areas of Islamic law and/or the Qur'an. People inherit a tradition but also consistently discover/create meaning in the tradition through their individuality and their peculiar social imaginaries. In this way, the contextually located individual is simultaneously the locus of mediation and meaning-making between God, the inherited tradition, and the social habitus. Cantwell Smith's simple yet critical observation that each believer is an integral participant and contributor to the nature of an unfolding living tradition, has enduring importance as we turn our attention to the ways that contemporary Muslims varyingly live with and in relation to the tradition of Islam.[15] This brings to bear the importance of human experiences emerging in diverse historical and social contexts as the crucible of religious meaning-making.

In a contemporary study of gender and Qur'anic ethics in South Africa, Sa'diyya Shaikh illustrates precisely this primacy of lived experiences as constituting the social world of the Qur'anic text which reflects "an arena of engaged, dynamic and polysemic encounters."[16] These contours of embodied, ambivalent and sometimes fraught existential grappling with religious meaning and ethics is what she theorises as a "Tafsir of Praxis." As such, she expands the traditional notion of Qur'anic exegesis (*tafsir*) which is historically the forte of elite (largely male) scholars to include what might be described as everyday truth-making in the lives of ordinary Muslim women. She demonstrates the pervasive impact of social and personal lived experiences as powerfully inflecting religious ethics and informing understandings of the Qur'an. This is the case, she argues, even in supposedly dispassionate, scholarly, primarily male *tafsir* literature. As such, this study helps to render visible the reality that lived experience is and has been central to an epistemology in both premodern and contemporary contexts. Consequently, the law and legal readings of the Qur'an, as these have been fashioned and conveyed by the *ulama* – themselves equally a loci of productive existential engagement – are not separate or unaffected in substance by the way in which lay Muslims have crafted and continue to shape their lives.

---

[15] Smith states that "[e]very religious person is the locus of an interaction between the transcendent, which is presumably the same for every man [sic]…and the cumulative tradition, which is different for every man." (*The Meaning and End of Religion: A New Approach to the Religious Traditions of Mankind*. New York: Mentor Books [1962], 168).

[16] Sa'diyya Shaikh, "A Tafsir of Praxis: Gender, Marital Violence, and Resistance in a South African Muslim Community," in *Violence Against Women in Contemporary World Religions: Roots and Cures*, edited by Dan Maguire and Sa'diyya Shaikh. Ohio: The Pilgrim Press (2007), 89.

Accordingly, a productive but often unrecognised crucible at the nexus of the inherited tradition/law and everyday life is located within the individual. There is a deep theoretical resonance between Shaikh's "Tafsir of Praxis" and the work of Catholic theologian, Terry Veling, who provides a methodology by which experiences of those outside scholarly elites or authorities can be productively utilised to produce and extend meaning through a critical and receptive engagement with the tradition on the "margins." For Veling, marginality in this context acts as a conduit – an in-betweeness and not as a signifier of an outsider – that connects intentional Christian communities or communities of Christian believers who have adopted a critical distance from the mainstream of Christian life. The pertinence of marginality as signifying connection rather than exclusion cannot be overstated. In the same way that the marginalia found in books function as an intellectual connection between the actual text and an individual or community linked to the text, so does this "marginal" space. It is that space where the believer scrawls, comments, annotates, critiques, and even illuminates the tradition that she/he is engaging with. Without the marginalia, a text is not dynamic. Without the "marginal" space, a tradition dies and becomes fossilised.

Veling theorises marginal space as

> the gap in which hermeneutics begins, and ends...It begins in the recognition that there is a gap between our tradition and our lives. What is a gap, except perhaps a space – a blank space, a space like that of the margin? A blank space represents a lack or an absence, yet it also represents a hunger or a search. It is as much about what is missing and excluded as it is about the hope or vision for what it could be, for new possibility. My sense is that intentional communities are living in this gap, this marginal space, along the edges of Christian tradition: a tradition in which they feel themselves both radically immersed and disturbingly alienated. They live both inside and outside of a religious tradition that both provokes their existence as possibility and haunts their existence as nonpossibility.[17]

For Veling, the gap between life and tradition is where the most creative action takes place. It is a space of deliberate non-alignment with the inherited tradition so that the tradition can be renewed and rewritten in ways that are both "similar and different to itself." It is the space that exists at the locus where law and life merge so that it can both recognise the written, the familiar, the recognised names, and at the same time perceive

---

[17] Terry Veling, *Living in the Margins: Intentional Communities and the Art of Interpretation*. New York: Crossroad Herder (1996), 202-3.

the unwritten, the strange, and the unnamed. This marginal space is where Muslims reside as individuals engaging and negotiating their faith, their tradition, and the world they inhabit.

Perhaps a reclamation and conscious ownership of these marginal spaces might open up more capacious modes of engagement. We might even think of such marginality as offering Muslims a space of wonder in the way that the feminist French philosopher, Luce Irigaray, describes that ideal intimate meeting of two sexually different lovers where intimacy does not require complete knowledge or subordination or the avoidance of conflict, but rather a continuously renewed sense of wonder. Such a sense of wonder, she suggests, enables one to appreciate sexual difference for what it is from a position that sits tremulously between unification – or alignment – of the parties and the complete unknowability or a divorce of the parties. The person is neither completely the same as her partner nor is she so apart that she cannot hold that liminal/marginal space of wonder as a valuable space of love and creativity that merges with the porous boundaries of herself and her partner. It is a space where engagement – irrespective of whether it is critical or receptive – is born out of love and wonder.[18]

Embracing marginal spaces as a site of love, wonder and discovery – a site that can hold complex forms of relationality between an embedded and unique religious subject and the inherited tradition – creates the possibilities for a dynamic unfolding of more generous modes of being Muslim. Theorising spaces through which Muslims live their Islam, spaces that are complex, varyingly negotiated, often contradictory, at times painful, and sometimes wondrous, is also closest to the actual ways that Muslims operate in the real world. It is resonant with Ahmed's view that a rigorous theorisation of the tradition needs to fully account for the reality that Islam constitutes "points, terms and frames of reference, it is the components of a complex of relationality by which the actor/subject orients or constitutes her Self in and by an environment of other things…(it implies entering) into a discourse of meaning and action that is (in itself) constitutive of Islam."[19] This is a space of perpetual Muslim becoming, where Muslimness is forged in the blazing fire as well as the refreshing garden of engaging with the inherited tradition and at the same time, negotiating and creating what that tradition means.

---

[18] Luce Irigaray, *An Ethics of Sexual Difference*. Ithaca NY: Cornell University Press (1993), 20.

[19] Ahmad, "*What is Islam*," 325.

Such an embodied negotiation of existential meaning-making must grapple with questions of what tradition meant in the past, what it means in the present, and what it ought to mean in the future. If this space is depleted of love and wonder – love for all those who make it possible to be Muslim in community with others who engage in the same tradition; and a genuine sense of wonder to allow for the unexpected manifestation of a novel way of being Muslim in relation to the inherited tradition – then it becomes parched and constricted.

A lack of love and wonder for the fullness of self/other diminishes spaces of meaning-making and constrains paths to developing a Muslim subjectivity born out of a genuine commitment to an engaged and nourishing tradition. It also more easily engenders conflict and authoritarianism. The vitality of the inherited tradition is contingent upon the vigour of this marginal space to enable ever renewed and reconstituted forms of being Muslim by way of an engaged striving for embodying the ethical and the ever more beautiful.[20]

In a beautiful story found in the *Mathnawi*, the thirteenth-century Sufi Jalal ad-Din Muhammad Rumi poignantly prods his readers to be alert to unexpected, unique forms of human nature and relationship to the divine. In this story, the Prophet Moses is disconcerted when he overhears a shepherd calling out to God in the following way:

> "Where are You? – so I can become Your servant, and mend Your sandals and comb Your head. (So) I can wash Your robe, kill Your lice, (and) bring milk in front of You, O Great (Lord). (So) I can kiss Your small

---

[20] As Muslims who grapple with, engage, and embody tradition varyingly, we are particularly inspired by two hadith when thinking of wonder, discovery, love, and beauty within Islam, where the divine purportedly said/says, "I was a Hidden treasure and I loved to be known so I created the world in order that I might be known," and "God is beautiful and loves beauty." We are also inspired by those beautiful interactions with tradition that present a yearning but also an interactive engagement with religious tradition and/or God and of the beautiful intimacy that exists between the believer and God in the Sufi poetry tradition. As rendered in the story by Kharaqani of an emotional experience when he heard a voice from beyond saying, "Do you want Me to tell people everything I know about you, so that they stone you?" to which he responds, "O my God! Do you want me to tell them everything I know about your loving mercy and forgiveness, everything I see from your generosity? If I do, no one would ever bother with acts of worship, no one would prostrate in prayer!" God answers back: *"You say nothing; I say nothing."* This to and fro is also present in supplications and the poetical tradition (Omid Safi, *Radical Love: Teachings from the Islamic Mystical Tradition*. New Haven & London: Yale University Press [2018], 63). An example is Muhammad Iqbal's poem *Shikwa / Jawab* which is a complaint from the believer to God about the decrepit state of Muslims and a hopeful response from God (Muhammad Iqbal, *Shikwa and Jawab-i-Shikwa* [*Complaint and Answer*], translated by Khushwant Singh. New Delhi: Oxford University Press [1991]). In these examples, the beauty in *engaging* through affect and a person's intimate involvement with life is deeply connected to religious experience.

hand, massage Your small foot, and sweep Your little (dwelling) place (when) the time for sleep comes. All my goats are a sacrifice for You. (And all) my (shouts of) 'Hey!' and 'Ho!' are in remembrance of You."

Moses incensed at what appears to him a crude and disrespectful form of addressing God, sharply rebukes the shepherd, who becomes ashamed for his manner of speaking to God and falls silent. God comes forth and takes Moses to task for his blindness and arrogance, for not being able to appreciate that human beings express love, worship, and yearning for God in a variety of ways. This tender tale offers a view of Islam that where human beings, despite their diversity in outer form or religious expression, are each fully seen and held intimately in the divine gaze. Furthermore, Moses is chided for separating the shepherd from God for "[t]he most hateful of (lawful) things to Me is divorce."[21] Here, Rumi recasts a hadith that in the Islamic tradition usually refers to the divorce of spouses as relevant to a person in religious authority, a prophet no less, who separates a believer from God because his words do not meet the requirement of normative practice. This story urges an awareness and recognition of the unfolding, unexpected, and plural ways of being and becoming Muslim. It also nudges believers to embrace an epistemological humility characterised by an awareness that each apprehension or understanding also simultaneously contains the seed of unknowing. Moreover, it reveals that each expression of faith, longing, love, and surrender is unique and cannot always be moulded to fit a specific normative/orthodox code of praxis without detracting from the existential affectivity and fullness of that expression.

We now expand our exploration of the embodied spaces of Muslim becoming, presenting a few empirical examples of contested sites of negotiation and meaning-making within Muslim communities. These sites display the capacity to hold a teeming multiplicity of life-worlds that co-exist even as they might jostle ambivalently against one another. In essence, these spaces of Muslim-cum-Islam (if somewhat idiosyncratically selected), combine the deep historical roots of the tradition and the complexity of being Muslim in the world within a variety of contexts and periods.

Tradition, Affect and Being Muslim

The first example helps us to illustrate how people who might be committed to a specific conservative ideal of Islamic morality and gender

---

[21] Jalal ad-Din Muhammad Rumi, *Mathnawi*, translated by Reynold Nicholson. London: Luzac (1945). This parable appears in Book II, 1720-1796.

simultaneously adapt it to meet the modern demands of education for women. In Sabah Mahmood's monograph on the female piety movement in Egypt, Mahmood argues that agency and freedom need to be untethered from their Western enlightenment configurations and understood within the framework of persuasive religious discursive traditions, social pedagogies and a type of virtue ethics where religious law seems at first glance to be sufficient for the disciplining of human behaviour and the cultivation of a moral sensibility. On closer inspection, the women in the piety movement are assessing and analysing a collection of Islamic traditional exhortations on the propriety of proper female conduct with a view to negotiating how to make their findings from this exercise intelligible for their present.[22] In one instance, the women provide an explanation of why, through necessity, women are permitted to attend coeducational institutions to obtain an equal education to that of men despite the prohibition on intermingling between men and women.[23] Such an explanation would not necessarily be considered acceptable by other conservative Muslims, in part because of a recourse to imbibing an understanding of tradition based in those premodern societies where educational institutions were for the most part lacking the presence of women. Despite the results of the reasoning exercise of the women in the piety movement showing far more conformity with conservative and neo-traditional practices and beliefs than with any liberal idea of gender equality, it still remains a site of negotiation and contestation between the women and the inherited tradition, and between the women themselves on what it means to be Muslim in relation to dominant patriarchal iterations of tradition. In this case, the women through their own process of placing value on certain social acts, such as tertiary education, suspend the rule prohibiting the intermingling of men and women. The value of education overrides the value placed in an alleged categorical prohibition of men and women fraternising in an open environment.

A second example of a site that holds productive and ambivalent forms of negotiating plural religious identity can be found in the ethnographic study of a constellation of sacred shrines called Husain Tekri in North India by Carla Bellamy in the 2000s. Husain Tekri consists of a number of shrines dedicated to members of the Prophet Muhammad's family that have an evidently Shi'i aesthetic and cluster of rituals that are performed in this space. In Bellamy's ethnography, she relates the stories of four women who have a relationship with the shrines. One such woman is Priya, a young woman from a Hindu family, who visits the shrines often and

---

[22] Sabah Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject*. Princeton: Princeton University Press (2005),

[23] Sabah Mahmood, "*Politics of Piety*," 101-5.

experiences ecstatic states through the power of the people to whom the shrines are dedicated by which malevolent forces within her are exorcised. Through this relationship with the power of the shrines, Priya begins to recite the litanies that groups of Shi'i women perform. She begins to also perform the Islamic ritual prayer (*salah*). Finally, through a series of dreams which she, her mother, and another Hindu woman experience in which Priya is seen veiled, Priya understands this as a sign that she should adopt the wearing of a *burqa* (an all-enveloping outer garment worn by Muslim women in South Asia). In adorning the *burqa*, Priya feels comfortable, free and protected.[24] The *burqa* provides Priya with all the things that neo-traditional *ulama* explicitly state it should. However, Priya's adoption of these overt Islamic markers do not come through the efforts of the *ulama* or through a direct and considered adoption of orthodox Islamic religious beliefs and practices. She occupies a position within South Asian society where an inherited tradition of Islamicate culture is overt and her negotiation with a part of this culture – the ritualistic and performative expressions surrounding shrines – is the channel through which Priya's relationship to these shrines manifests through orthodox expressions of Muslim femininity. The law is overtly absent but the ways in which the law inscribed itself on South Asian culture travelled through a Hindu woman's experience of saintly power at a site that would be considered anything but orthodox. In other words, the belief and actions of Muslims – and here Priya embodies Muslimness without any formal conversion – in relation to each other in many ways also transcend the law's assertions on what is permissible and prohibited even if those actions result in compliance with the law, but through methods not grounded in the Islamic legal language of obligatory duties and discipline, and eluding definitive boundaries of religious inclusion and/or exclusion.

Another somewhat different series of historical examples relate to sexual proprietary. The first of these is of Ottoman Aleppo and the manner in which the judicial and legal system and the population subverted the letter of the law through adopting social and legal recourses to sexual indiscretions or illegal sexual acts that did not punish offenders harshly and also tolerated certain behaviours that are normatively considered both sinful and illegal by either issuing fines or turning a blind eye towards sexual indiscretions. In her study of court records in Ottoman Aleppo, Elyse Semerdjian shows that in some instances, resort to the law for illicit sexual indiscretions was avoided altogether when members of a neighbourhood came together to persuade or more firmly eject a person from the locale. Semerdjian demonstrates that not only did the above

---

[24] Carla Bellamy, *The Powerful Ephemeral: Everyday Healing in an Ambiguously Islamic Space*. Berkely: University of California Press (2011), 70-84.

scenarios pertain, but that the prevailing legal system was more sensitive of local practices than it was of the legal positions espoused by jurists. Prostitution was tolerated, or women involved in offering sexual services were relocated from the quarter in which a complaint was made regarding their behaviour. In essence, the juristic punishments for adultery, fornication, and sodomy were never meted out and it seems that both the system of governance and the community ethos supported a regime that enabled such a structure to exist without either detracting from their Muslim identity or commitment to Islam.[25] In this instance, the choice was not between a rejection of the law or an acceptance of it, but rather of a way to tread a path that is both committed to a particular Islamic idea of sexual morality while at the same time ensuring that any infringements warranted mere symbolic punishments or casting a blind eye towards the practice.

In terms of varied notions of sexual propriety, another example relates to the presence and accommodation of homoerotic love, same-sex sexual conduct, and erotic desires in premodern Muslim societies despite the legal prohibition and punishment of such conduct. The existence of homoerotic poetry and writings on same-sex love point to socio-cultural environments where Muslims elected to adopt an approach to forms of sexuality and/or sexual expression that were categorically condemned as both sinful and illegal in Islamic law, is significant.[26] The historical record suggests that simply holding the view that Islam does not recognise same-sex sexuality as a legitimate form of erotic expression is incomplete without also at the same time recognising how premodern Muslims interacted with that legal rule. To speak of Islam and same-sex sexuality in oppositional and blunt terms avoids the necessary nuance and complexity that is required to navigate a terrain that has become highly politicised and aggressive to the detriment of contemporary LGBTIQ Muslims. A failure to selectively engage with the Muslim communities of the past in how they dealt with sexual diversity ignores a part of the tradition that may be helpful in addressing similar issues today, perhaps with more love and wonder than is usually afforded to those marginalised by the tradition.

---

[25] Elyse Semerdjian, *Off the Straight path: Illicit Sex, Law, and Community in Ottoman Aleppo*. Syracuse: Syracuse University Press (2008).

[26] See for example Walter G. Andrews and Mehmet Kalpakli. *The Age of Beloveds: Love and the Beloved in Early-Modern Ottoman and European Culture and Society*. Durham: Duke University Press (2005); Khaled El Rouayheb, *Before Homosexuality in the Arab-Islamic World, 1500–1800*. Chicago: Chicago University Press (2009); and Ruth Vanita and Saleem Kidwai, *Same-Sex Love in India*, New York: Palgrave (2001).

A final example illustrating similar themes is found in the history of South Asian Muslim societies in which there was social acceptance and even celebration of the presence of Muslim courtesans.[27] These women were generally well-established purveyors of sophisticated art and entertainment and played an important role in the cultural life of the elite. Notwithstanding that their professional and artistic pursuits were considered illegitimate according to Islamic law, Muslim courtesans did not relinquish their faith or were not considered outside the pale of Islam. In fact, some contributed to religious causes such as mosque projects and had as parts of their legendary singing and musical repertoire songs in praise of God and the Prophet.[28] The formal Islamic legal system thus can be seen as one amongst other trajectories of living religiously and ethically in this context. These people were able to both show deference to the law and at the same time carve out an ethical way of being Muslim that did not foreground or abide by dominant legal discourses.

A Way Forward: Islam Through and Between Muslims Lives

---

[27] Katherine Butler Schoffield (April 2012). "The Courtesan Tale: Female Musicians and Dancers in Mughal Historical Chronicles, c.1556–1748." *Gender & History* 24 no. 1 (2012): 150-171. For a detailed biography of a Muslim courtesan and her poetry in a Muslim princely court see Scott Kugle, *When Sun Meets Moon: Gender, Eros, and Ecstasy in Urdu Poetry*. Chapel Hill: University of North Carolina Press (2016).

[28] An example is an Urdu poem by the late nineteenth century courtesan Badi Malka Jaan in pre-partition India:

Banaya Haamilaane arsh ne maidan nabuwwat ka

Bichaya aks xaat-e-haq ne usmein farsh kudrat ka

Hue juzwe badan sab paak seele ashq-e-furqat se

Ke aalam abr-e- rahmat ka hua chashmaane ummath ka

Ajab hikmath se khaake laamakaan bunyaad mein daali

Banaya jab khuda ke qasd ne aiwaan risaalath ka

Nigaah-e-lutf se malka ki jaanib aap agar dekhein

Rahe nazzaare phir mohtaaj kyun chashm-e-inaayat ka

When the leader of the skies decided to send His last Prophet to this word, He decided to send someone who was a reflection of His own image. Every particle of this Prophet's body was washed in the holy stream of God's grace. He was sent as a symbol of His grace and mercy to the world, so that His followers could get a new vision. If such an epitome of mercy and forgiveness casts a glance on Malka, all her sins would be washed away and she would be blessed. She would no longer depend on anyone else's grace thereafter. (Vikram Sampath, *My Name is Gauhar Jaan: The Life and Times of a Musician*. New Delhi: Rupa, [2012], 288). This example has also been captured in celluloid. In the film, *Jaanisaar*, directed by Muzaffar Ali, the Muslim courtesans of Lucknow shut their bungalows during Muharram when they commemorated the martyrdom of the Prophet's grandson, Hussain, by reciting eulogies and halting their services and the provision of alcohol.

These incommensurate states or spaces of tension between lived reality and the law are productive spaces. They enable ways of being Muslim that are both committed to the heritage of Islam and at the same time suspicious, at times implicitly so, of the way in which the law and/or some constellation of normative Islamicate practices is reified as the sole or most authoritative manifestation of the divine presence in the world. The insular but not uncommon view is that Islamic law which is framed as the most authoritative part of the tradition, which is constituted and dominated almost exclusively by heterosexual men, past and present. This view negates the complexity and diversity of the marginal space – the engagement, negotiation, and human endeavour in attempting to understand the divine presence – that is central to both historical Muslim existence and our current attempts at being Muslim. To seek complete commensurability between a constricted view of the inherited tradition and its contemporary interpretations by a select group of people – be they single gendered, or exclusively of a certain economic class or sect – is redolent of an impoverished approach to the richness of both the tradition and Muslim lives, and the interaction between the two. It is our view that Islamic pedagogy has to be candid about both these aspects of how Islam and Muslimness function in tandem but not necessarily in alignment with each other. If anything, the Muslim feminist and Muslim queer project is a concrete concerted effort at working with tradition from a specific vantage point because walking away is not an option nor a desire for many involved in the project. However, in doing so, it is important to shift away from centralising the trappings of the legal tradition and narrow legal readings of scriptural texts. When creating, imagining, and embodying the realm of the ethical, it is imperative to look more closely at the lives of Muslim becoming and negotiation as a portal from which to access the tradition. This process enables a deeper confidence and capacity to maintain a posture of irresolution, or to suspend the desire for decisive forms of knowing if no alignment can be found between Muslims, or between our lives and the tradition, or between our present and our past. An approach that centres the marginal space, that finds Muslim lives as important in interpreting tradition, opens up an opportunity for "sitting in difference," a location which Muslim feminist scholar, Fatima Seedat, astutely conceptualises as one that "relieves us of the pressure to take a side or find agreement; it recognizes there is value in difference and in a commitment to knowing and working in difference."[29] Perhaps we might sit in difference, embracing love and wonder, and open to forms of knowing yet to emerge – forms of knowing that invite in ever more ethically

---

[29] Fatima Seedat, "Sitting in Difference: Queering the Study of Islam," *Journal of Feminist Studies in Religion* 34 no. 1 (2018): 149-54.

refined and beautiful ways of relating to the world and the communities we inhabit.

References

Ahmad, Shahab. *What is Islam? The Importance of Being Islamic*. Princeton: Princeton University Press (2016).

Andrews, Walter G. Andrews and Kalpakli, Mehmet. *The Age of Beloveds: Love and the Beloved in Early-Modern Ottoman and European Culture and Society*. Durham: Duke University Press (2005).

Barlas, Asma. *Believing Women' in Islam: Unreading Patriarchal Interpretations of the Qur'an*. Austin, TX: University of Texas Press (2002).

Bellamy, Carla. *The Powerful Ephemeral: Everyday Healing in an Ambiguously Islamic Space*. Berkely: University of California Press (2011).

Chittick, William. *The Sufi Path of Knowledge: Ibn Arabi's Metaphysics of Imagination*. Albany: SUNY Press (1989).

Christelow, Allan. *Muslim Law Courts and the French Colonial State in Algeria*. Princeton: Princeton University Press (1985).

Elias, Norbert. *The Society of Individuals*. Oxford: Blackwell (1991).

El Rouayheb, Khaled. *Before Homosexuality in the Arab-Islamic World, 1500-1800*. Chicago: Chicago University Press (2009).

Irigaray, Luce. *An Ethics of Sexual Difference*. Ithaca NY: Cornell University Press (1993).

Iqbal, Muhammad. *Shikwa and Jawab-i-Shikwa (Complaint and Answer)*, translated by Khushwant Singh. New Delhi: Oxford University Press (1991).

Jackson, Sherman. "The Islamic Secular." *The American Journal of Islamic Social Sciences* 34, no. 2 (Spring 2017).

Johansen, Baber. *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh*. Leiden: Brill (1999).

Jung, Dietrich. *Orientalists, Islamists and the Global Sphere: A Gnealogy of the Modern Essentialist Image of Islam*. Sheffielf: Equinox (2011).

Kandiyoti, Deniz. "Islam, Modernity and the Politics of Gender," in Islam and Modernity: Key Issues and Debates, edited by Muhammad Khalid Masud. Edinburg: Edinburg University Press (2009).

Kugle, Scott. "Framed, Blamed and Renamed: The Recasting of Islamic Jurisprudence in Colonial South Asia." *Modern Asian Studies* 35, no. 2 (2001): 257-313.

Kugle, Scott. *When Sun Meets Moon: Gender, Eros, and Ecstasy in Urdu Poetry*. Chapel Hill: University of North Carolina Press (2016).

Mahmood, Sabah. *Politics of Piety: The Islamic Revival and the Feminist Subject*. Princeton: Princeton University Press (2005).

Sampath, Vikram. *My Name is Gauhar Jaan: The Life and Times of a Musician*. New Delhi: Rupa (2012).

Rumi, Jalaluddin Rumi. *Mathnawi*, translated by Reynold Nicholson. London: Luzac (1945).

Safi, Omid. *Radical Love: Teachings from the Islamic Mystical Tradition*. New Haven & London: Yale University Press (2018).

Schoffield, Katherine Butler. "The Courtesan Tale: Female Musicians and Dancers in Mughal Historical Chronicles, c.1556–1748." *Gender & History* 24, no. 1 (April 2012): 150-71.

Seedat, Fatima. "Sitting in Difference: Queering the Study of Islam." *Journal of Feminist Studies in Religion* 34, no. 1 (2018), 149-54.

Semerdjian, Elyse. *Off the Straight path: Illicit Sex, Law, and Community in Ottoman Aleppo*. Syracuse: Syracuse University Press (2008).

Shaikh, Sa'diyya. "A Tafsir of Praxis: Gender, Marital Violence, and Resistance in a South African Muslim Community". In *Violence*

Against Women in Contemporary World Religions: Roots and Cures, edited by Dan Maguire and Sa'diyya Shaikh, 66-89. Ohio: The Pilgrim Press (2007).

Shaikh, Sa'diyya. "Feminism, Epistemology and Experience: Critically (En)gendering the Study of Islam," *Journal for Islamic Studies* 33 (2013): 14-47.

Sidgwick, Henry. *The Methods of Ethics*. London: Macmillan (1967).

Smith, Wilfred Cantwell. *The Meaning and End of Religion: A New Approach to the Religious Traditions of Mankind*. New York: Mentor Books (1962).

Vanita, Ruth and Kidwai Saleem. *Same-Sex Love in India*, New York: Palgrave (2001).

Veling, Terry. *Living in the Margins: Intentional Communities and the Art of Interpretation*. New York: Crossroad Herder (1996).

Kharnita Mohamed, Called to Song.
Cape Town: Kwela, 2018. Pages: 288.
ISBN PRINT: 9780795708589

Reviewer: Ayesha Kajee (Independent Consultant)

Called to Song documents the journey of a woman towards full self-actualisation, after having lived an outwardly perfect life for decades. It examines the intergenerational impacts of gender-based violence on families, and of quasi-religious patriarchy and internalised racism on communities. The novel is located in a South Africa that, far from being the happy-clappy rainbow nation that the political evangelists would have us swallow, continues to be traumatised by its apartheid past and the enduring inequalities which our history has bequeathed us.

For a Black female who grew up in a working-class neighbourhood in Mitchell's Plain, Qabila's career successes and middle-class lifestyle appear to be enviable indeed. However, her mother's death catalyses a growing determination to escape an arid marriage that has subsumed her without fulfilling her hopeful fantasies, and to redirect the trajectory of a life that has tanked her girlhood aspirations. She can no longer endure an existence founded on deceit and maintained through a carefully-woven web of lies.

Author Kharnita Mohamed provides a strong foil for the protagonist in the character of Qabila's sister, Zainab. A homemaker whose life lacks the conspicuous consumption and material wealth of Qabila's, Zainab nonetheless enjoys an abundance of love in her marriage and family, and a steadfast groundedness in her faith. Contrary to popular stereotypes that portray traditional Muslim women as passive victims of a suffocating patriarchy, Zainab wields a considerable degree of power in her chosen spheres of life. Increasingly, Qabila becomes aware of the power she has ceded in both the personal and professional realms.

In her quest to claim back her power, Qabila is forced to confront the various forms of abuse she has absorbed and endured. This highlights palimpsests of erasure and reinvention, from childhood memories of physical violence to the emotional trauma of unrequited love and manipulation by a partner who uses her to mask his own secrets.

Qabila's professional persona – the erudite Black female professor who has transcended apartheid-era sexism and racism – conceals the lived challenges of Black academics in contemporary South Africa. Far from being a collegial arena for cutting-edge thought leadership, the academy can be a toxic space for females and people of colour, where white privilege and the old boys' network continue to flourish, and petty rivalries predominate.

Perhaps the most wrenching aspect of this novel is Qabila's excavation of her complicity in her own victimisation. She begins to learn "how to look in the mirror and be more than history had decreed for her. How to love herself when everything she knew, everything she'd been taught and shown, told her she was not deserving."

Mohamed's writing is rooted in the "Coloured" community of the Cape flats, and especially the Cape Malay subset of that community. Her use of colloquialisms and *Afrikaaps*, the *lingua franca* of the flats, adds authenticity to the narrative but does not detract from its flow. (There is a useful glossary in the appendix).

The novel's wry depictions of social mores, of the evolution of cultural and religious standpoints within a community, is lovingly executed. The author's intimate knowledge of this place and its people is tempered by the objective gaze of the analyst. Finely-drawn characters exhibit the universal human tendency to cling to beliefs and opinions that have no basis in rationality. Mohamed ambushes us with humour and glimpses of pathos that endear her characters to us and keep us turning the pages.

While Mohamed's assured writing style, unusual in a debut novel, undoubtedly owes much to her own experience as an academic, she deftly avoids the trap many academics fall prey to when attempting to transition from non-fiction to novel writing: that of being pedantic and over-emphasising their specific hobbyhorses.

Called to Song explores the framing of gender identity and sexuality, of how definitions of masculinities and femininities are both under- and overlaid with religious and socio-cultural cadences and the weight of tradition and expectation. Is it possible to move beyond infidelity and betrayal? Do cultures that permit polygamy open new paths for abuse or protect against it? What role does the dominant narrative play into the erasure of non cis/het identities? These are but a sample of the many questions the novel explores.

Through a cast of secondary characters, Mohamed introduces themes such as internalised racism, and global and local Islamophobia and

homophobia. Specifically, homophobia within the Muslim community is highlighted. Though some of these threads are not developed fully, Mohamed has laid a foundation for further work on them.

Central to the novel is an unflinching depiction of the deep-rooted pervasiveness of women abuse in South Africa, and its recurrence across generations. However, this bleak reality is leavened by a spark of hope that current and future generations, emboldened to speak out and resist abuse, can break the cycle, and redirect the anger underlying toxic masculinities into more constructive channels.

Not least, *Called to Song* tracks Qabila's rediscovery of her creative power and her spirituality, and highlights the transformative nature of this path. When she finally responds to the insistent promptings of her subconscious to create lyrics, to contribute to a legacy of exquisite music, her catharsis and self-redemption come full circle. Qabila's creative fulfilment mirrors the metaphor in her mother's patchwork quilts. The quilts embody her mother's need to create beauty and preserve memory even as she struggled to overcome abuse; they are a family legacy whose message reverberates across time.

Qabila's niece, Saliegha, a budding engineer who dreams of constructing bridges, shares her grandmother's advice to find something wonderful to create from within oneself: "So you know the world doesn't only do things to you. You have the power to do things to the world too."

Haji Mohamed Dawjee, Sorry, Not Sorry: Experiences of a brown woman in a white South Africa.

Cape Town: Penguin Books, 2018. Pages: 224.
ISBN PRINT: 9781776092666

Reviewer: Mujahid Osman (University of Notre Dame)

Sorry, Not Sorry: Experiences of a brown woman in a white South Africa captures your attention immediately. In a candid, almost curt style, South African journalist Haji Mohamed Dawjee allows you to enter her life through a series of 20 essays that cover race, religion, gender, sexuality, mental health, identity, and romance. This book is an admirable assessment of both "wokeness" within the South African political milieu and what intersectionality means at the level of the quotidian. It is a book that not only theorises about what it means to have an intersectional political ethic – it also shows this at the level of praxis and ontology. As a queer woman of colour from an Indian Muslim background, Dawjee embodies an intersectional identity that is held, with great tenderness and thoughtfulness, *vis-à-vis* configurations of power of the broader socio-political landscape of post-apartheid South Africa. In this review, I would like to focus on the inter-locking themes of religion, gender, and sexuality as they reflect the character of the personal as unavoidably political. Finally, this review has been written for an academic audience. While the intended audience goes beyond the porous boundaries of the academy, my reading of *Sorry, Not Sorry* has been elicited from my experiences within that context.

Dawjee sincerely reflects on her background as a Muslim. In Chapter Six (And how the women of Islam did slay),[1] Dawjee, drawing inspiration from the popular American TV show, *Game of Thrones,* to describe some of the illustrious women within Muslim history. For example, she pronounces the Prophet Muhammad's first wife, Khadijah (and also the love of his life) as "Khadijah the great, the first of her name, the pure one, the first believer,

---

[1] Dawjee, "Sorry, Not Sorry," 49-57.

cornerstone of the Islamic faith, philanthropist, blessed in wealth."[2] This way of description and affinity speaks to the powerful and ground-breaking role that some women held within the early Muslim community, even in the deeply patriarchal context of seventh-century Arabia. However, Dawjee sharply juxtaposes this rich legacy with the reality of many contemporary Muslim women, drawing on her experience of the South African Indian Muslim community. She discusses the fact that many Muslim women are treated as second-class members of the faith whose sole responsibility is to tend to the needs of men. Dawjee astutely traces the origin of this androcentrism to a "male-dominated narrative"[3] in which men (mainly brown men within this setting) have set the agenda for the rest of the community to follow. She correctly notes that Aisha (wife of the Prophet) would not stand for this type of open discrimination, and, as such, neither will Dawjee, which has led to her not attending any male-dominated Muslim space.[4]

However, Dawjee's simplistic and decontextualised analysis of gender dynamics within Muslim communities does not illustrate the whole picture. While Muslim-sanctioned sexism, misogyny, and deep patriarchy certainly does exist in many Muslim spaces, it is not the only narrative of Islam within the South Africa Muslim imaginary. Indeed, there does exist gender-egalitarian Muslim spaces within the broader South African community. For instance, even in the more historically "conservative" Gauteng province, there is a space like Masjid al-Islam in Brixton, Johannesburg, and, of course, the historic Claremont Main Road Mosque in the more "liberal" Cape. In not fully acknowledging this complexity, Dawjee further entrenches Islamophobic tropes in the Global North and, increasingly, in the Global South. However, her gender framing is not entirely flat. She talks about her mother, for example, as "the true radical."[5] In this beautifully-crafted chapter, Dawjee gives her readers an accessible lesson in feminism and the multiple iterations thereof. Through an intersectional lens of praxis, she describes the "feminist" nature of her mother and multiple inter-locking experiences of racial, gender, and class

---

[2] Dawjee, "Sorry, Not Sorry," 52.

[3] Dawjee, "Sorry, Not Sorry," 56.

[4] Dawjee, "Sorry, Not Sorry," 56.

[5] Dawjee, "Sorry, Not Sorry," 111-20.

struggles.[6] In this candid style, she explores what Muslim feminist scholar, Sa'diyya Shaikh, has described as an assortment of heterogenous forms of feminisms, in which we can "detect a range of Muslim women's gender activism, or Islamic feminisms."[7]

In her second chapter, "A brain tumour can change your mind,"[8] Dawjee meditates on the painful experience of her father's struggle with cancer and her struggle of "coming out" of the "closet" to her parents. The chapter opens with a description of the medical team's efforts to extend her father's life through a risky brain surgery. Dawjee ponders about how a few days before his possible death, her father convened a family meeting in which he spoke about his last will and testimony and potential funeral plans. At this particular moment, she had not "come out" to her parents, and in an attempt to maintain the strong family bonds before her father's death, she decided not to "come out" then, as she did not want to disappoint her father. She describes this feeling cogently when she says: "Perhaps when he passes, I can live a life out of the closet without the fear of disappointing him."[9] Setting aside the politics of "coming out," Dawjee, in great agony, traces her feelings about living a life of "freedom" (i.e. out of the closet) in juxtaposition with the possibility of losing her father.[10] After her father wins his battle, the anxiety of "coming out" again is re-opened. In October 2016, Dawjee "came out" to her parents, informing them of her impending marriage to her partner, Rebecca, in an email. Her father replied by saying he did not know what to say at that moment in time. Two months later, however, he delivered a beautiful, affirming, and welcoming speech at their wedding. Dawjee accounts for this change of mind and heart to his near brush with death.

---

[6] Dawjee, "Sorry, Not Sorry," 114.

[7] Sa'diyya Shaikh, *Sufi Narratives of Intimacy: Ibn 'Arabi, Gender and Sexuality*. (Chapel Hill: University of North Carolina Press, 2012), 23.

[8] Dawjee, "Sorry, Not Sorry," 11-9.

[9] Dawjee, "Sorry, Not Sorry," 15.

[10] For a reading of the politics of "coming out of the closet," see: Jasbir K. Puar. *Terrorist Assemblages: Homonationalism in Queer Times*. (North Carolina: Duke University Press, 2007), 20-3.

Within Sufi psychology, the heart is the home of the spirit.[11] This is not the physical heart of blood-pumping, nor is it the affective heart of our emotions. This is the home of the *ruh* (spirit), the resting place of the spirit which gives life and that essence which is from God[12] and on a process of returning to God.[13] It is because of this *ruh* that human beings have an inherent worth and dignity.[14] It seems like Haji's father's near brush with death allowed him to re-evaluate the spiritual state of his heart and allow for a lifting of certain veils of arrogance, hatred, queerphobia, and discrimination. His experience of almost dying allowed his heart to be spiritually (and therefore socially) receptive to his daughter's coming out process and partnership with another woman. His heart was softened. It was cleansed of spiritual and socio-political impurities. It was in a state of receptivity. In this case, the spiritual became political – a transformation that goes beyond a theology or *fiqh,* which would legitimate same-sex intimacy within a normative framework of the *Shari'ah.* It "speaks" to the *insani* (human) and *ruhi* (spiritual) dimensions of queer intimacy, which is an area of research that requires greater attention and focus.

My overall perception of *Sorry, Not Sorry* by Haji Mohamed Dawjee is that it is a timely book especially for its South African audience. In the contemporary political moment of #MustFall, "wokeness," and more robust calls for intersectional social justice, this text is a cogent interlocutor. It is a book that captures the irritation and deep anxiety that many people of colour, marginalised folks, and women face, especially within the contemporary South African setting. As I thought through my own political positions, informed by my positionality, I identified with much of what was written in the 200-page text. It left me laughing at times, but it always kept me on my toes in ways that have pushed me to reflect on my own politics. This book brings an experiential mode of knowledge to our theoretical meditations as academics who work at the intersection of religion, gender, and sexuality in Africa.

---

[11] Shaikh, "Sufi Narratives of Intimacy," 36.

[12] See Qur'an 15:29.

[13] See Qur'an 2:156.

[14] See Qur'an 17:70.

References

Dawjee, Haji Mohamed. *Sorry, Not Sorry: Experiences of brown woman un a white South Africa.* Cape Town: Penguin Books, 2018.

Shaikh, Sa'diyya. *Sufi Narratives of Intimacy: Ibn 'Arabi, Gender and Sexuality.* Chapel Hill: University of North Carolina Press, 2012.

Puar, Jasbir K. *Terrorist Assemblages: Homonationalism in Queer Times.* North Carolina: Duke University Press, 2007.

Siya Khumalo, You Have to be Gay to Know God.
Cape Town: Kwela, 2018. Pages: 288.
ISBN PRINT: 9780795708244

Reviewer: Megan Robertson (University of the Western Cape)

Printed in large white text on the front cover of Khumalo's book is the title, "You Have to be Gay to Know God." In my experience, the reader is likely to attract inquisitive looks from some, stretched out iterations of "…interesting…" from others, and for those who need more explanation, the question comes, "are you reading this for work?" For others, who would prefer not to know that "Gay" and "God" could lie together in one sentence, it invokes the "don't ask, don't tell" rule. It is clear that these responses assume that this book is aimed either at a niche group of queer Christians or perhaps an academic with a penchant for being unnecessarily feminist. However, the title and the content of the book is neither sensationalist nor niche; it rather serves both as a significant autobiographical insight into the lived reality of a gay black man and as a social commentary on the religious and political climate in South Africa.

Through an often humorous and sometimes provocative storytelling interspersed with theological and political analyses and reflection, Khumalo gives us insight into how he has and continues to make meaning of his sexual orientation and Christianity as he experiences school, family, the military, church, local, and international Miss Gay pageants, and the world of media. "You Have to be Gay to Know God" is therefore not simply a provocative title, but rather an assertion of the critical contribution Khumalo makes toward the theoretical insights which have been posited by queer theologians in particular. Queer theologians have argued for the potential of "dissident, marginalized epistemologies in thinking God."[1] The supposed contradiction imposed by conservative, heteronormative religion, of "queer" and "Christian," forces those who identify as both to

---

[1] Marcella Althaus-Reid, "From the Goddess to Queer theology: The State we are in Now." *Feminist Theology* 13, no. 2 (2005): 271.

engage in an intense "wrestling"[2] and "active identity work"[3] in relation to sexuality, church, religion, and God. This happens in ways which heterosexual, cis-gendered people are never required to do. Khumalo describes the development of his faith as a "messy breech birth…bloody and bloody angry to have been born premature."[4] It is this wrestling and birthing that allows for more critical theologies of love, sin, forgiveness, and other religious concepts to be developed. Khumalo fulfils the potential that queer theologians have mapped out. In the chapter, "The Church and I," he critiques the "interpretive flexibility"[5] of scripture which churches and Christians use to impose certain restrictions and judgements, particularly on homosexuality. In this way he marks cherry-picking of religious law, hypocrisy, and using religion as a mechanism of power and control as sin. Khumalo uses humour as a tool through which to point out the absurdity of Christian homophobia and critiques narrow, heterosexual understandings of God's love by proposing that "[l]ove didn't have to meet a visible canon of 'correctness' to be holy; in fact, it was more valuable when it was up against some odd or another. And while the people in the church were extremely loving, not even they (even with a name like theirs)[6] really grasped this lesson."[7] This proves then Adriaan van Klinken's[8] assertion that "queer autobiographical storytelling can be a basis for developing queer theologies."

Similarly to queer theologians, Feminist Standpoint Theorists[9] have posited that although the policies, practices, traditions, and beliefs surrounding social institutions are often presented as objective and universal, the way social institutions operate is swayed towards the ideologies of dominant (or normative) individuals and groups, namely

---

[2] Jodi O'Brien, "Wrestling the Angel of Contradiction: Queer Christian Identities." *Culture and Religion* 5, no. 2 (2004): 179-202.

[3] Nancy Ammerman, "Religious Identities and Religious Institutions," in *Handbook of the Sociology of Religion*, edited by Michele Dillon (Cambridge: Cambridge University Press, 2003), 207-24.

[4] Siya Khumalo, *You Have to be Gay to Know God* (Cape Town: Kwela Books, 2018), 33.

[5] Khumalo, "*You Have to be Gay*," 161.

[6] The term "metanoia" refers to a change of mind or heart.

[7] Khumalo, "*You Have to be Gay*," 159.

[8] Adriaan van Klinken, "Autobiographical Storytelling and African Narrative Queer Theology." *Exchange* 47 (2018): 212.

[9] Dorothy Smith, *The Everyday World as Problematic: A Feminist Sociology* (Boston: Northeastern University Press, 1987); Patricia Hill Collins, "African-American Women and Economic Justice: A Preliminary Analysis of Wealth, Family and Black Social Class." *University of Cincinnati Law Review* 65, no. 2 (1997): 825-52; Sandra Harding, "Introduction: Standpoint Theory as a Site of Political, Philosophical, and Scientific Debate." In *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*, edited by Sandra Harding. (New York: Routledge, 2004), 1-16.

those who are white, male, able-bodied, and heterosexual. Dorothy Smith[10] has argued that these power systems are reflected in how marginalised groups of people, who fall outside of the norm for which the institutions were developed, talk about their experiences in relation to the institution being studied. These experiences reveal how hidden subtexts or ideologies influence institutional procedures, beliefs and practices, and disadvantage those who differ from dominant groups. For example, Khumalo examines the politics and mechanisms of control in the military as it creates an institutional culture where your likelihood of thriving and surviving relies on your ability to exploit any similarities and connections you may have with others based on identifications such as tribe, language, and rank. For Khumalo, this partly meant figuring out who else was gay in a context where there is a sanctioned silence around sexual orientation. The pressure of having to navigate the institutional culture, coupled with Khumalo's "disappointment" that the military's rigidity could not restrain his sexuality, forced him to resign from the military and to retract his decision to study medicine. As he does with religion, church, and the military, Khumalo also manages to engage with the complexities of the taken-for-granted systems and beliefs and uses it to make analyses of, amongst others, Mbeki's Africanness, Zuma's toxic masculinity, and of tribalism in the ANC.

For Khumalo, to live as a gay, black man requires a questioning of religion, culture, and identity – ways which are more complex than those who fit comfortably in the margins could imagine. Khumalo's narrative and reflections illustrate this as he continuously positions his blackness, masculinity, Zuluness, Africanness, and ableness, along with his homosexuality, as complex intersecting identifications which frame his understandings of the various social institutions with which he interacts, such as school, the military, and politics. Indeed, the titles, "You Have to be Gay to Know Politics," "You Have to be Gay to Know the Military," and "You Have to be Gay to Know Education" would be equally appropriate reflections of the book's merit.

The book also lends itself to activism as it unapologetically creates space for the stories of queer and black people in South Africa to be told. As Khumalo creatively, consciously, and consistently interlaces religious and sexual metaphor and language, his narrative challenges the well-established silence around homosexuality and Christianity in Africa. Khumalo also successfully challenges academic enquiry which too often "asserts identity (especially an authentically religious one) to be a singular guiding "core" that shapes how others respond to us and how we guide

---

[10] Smith, "*The Everyday World.*"

our own behaviour."[11] His narrative explores the complexities of what it means to construct and deconstruct queer, Christian, and African identities and theologies. Significantly, although Khumalo admits to very real mental health and psychosomatic symptoms brought on by the wrestling of his identifications, he manages to weave his narrative without drawing on the caricatured images of conservative, homophobic black South Africans centred on discourse which perpetuates the myth that homosexuality is un-African and un-Christian. Rather, he tells a more nuanced story of his parents' wrestling with his sexuality. There are no incidences of dramatic family estrangements and physical violence which we may have come to expect from narratives of queer black Africans. By saying this it is not my intention to wish away these realities or to say that these stories do not exist and should not be told, however, Khumalo's narrative allows for the acknowledgement of the variety of realities of black, gay men in Africa. Further, although vividly honest in his writing about sex, sexual fantasies, attraction, and dreams, Khumalo also devotes space in his book to narratives of a more romantic same-sex love and relationships thus as other activists have done, "serv[ing] to legitimise same-sex relationships but also to critique the dominant forces in society that oppose such relationships and demonise same-sex loving people."[12]

 "You Have to be Gay to Know God" lends a welcome complexity and authenticity to the narratives of black, queer men in Africa. The value of the autobiographical nature of the book, however, does not lie in its ability to offer scholars of religion, gender, and sexuality an unbiased or somehow more truthful version of reality than what might be represented in a qualitative academic inquiry. Indeed, through the performativity of creatively writing about his experiences, Khumalo actively engages in the construction and deconstruction of his identifications and experiences. Rather, the methodological and theoretical value of this book partly lies in the question it raises for scholars of how we go about researching the lived realities and narratives of the people we research. If scholars are to take seriously the value of narratives, as argued through feminist and queer research, then we must consider the ways in which narratives are co-produced and performed by the researched and the researcher. There is space, especially in religious studies, to theorise more rigorously around the practical fieldwork techniques, interview strategies and observation guidelines which we use to produce narratives. There is also space to theorise more critically around how these narratives are analysed and

---

[11] Ammerman, "Religious Identities," 209.
[12] Adriaan van Klinken, "Citizenship of Love: The Politics, Ethics and Aesthetics of Sexual Citizenship in a Kenyan Gay Music Video." *Citizenship Studies* 22, no. 6 (2018): 13. https://www.tandfonline.com/doi/full/10.1080/13621025.2018.1494901

written about in ways which give account of the complex intersections and fluidity of narrative-making and remaking in research. If anything, this book tells us that academia is not necessary for the production of nuanced narratives, however, it is necessary for scholars to theorise on how these narratives are produced and who they are produced by and what this means in relation to building up and breaking down of harmful institutions and systems of power.

References

Althaus-Reid, Marcella. "From the Goddess to Queer theology: The State we are in Now." *Feminist Theology* 13, no. 2 (2005): 265-72.

Ammerman, Nancy. "Religious Identities and Religious Institutions," in *Handbook of the Sociology of Religion*, edited by Michele Dillon, 207-24. Cambridge: Cambridge University Press, 2003.

Collins, Patricia Hill. "African-American Women and Economic Justice: A Preliminary Analysis of Wealth, Family and Black Social Class." *University of Cincinnati Law Review* 65, no.2 (1997): 825-52.

Harding, Sandra, "Introduction: Standpoint Theory as a Site of Political, Philosophic, and Scientific Debate." In *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*, edited by Sandra Harding, 1-16. New York: Routledge, 2004.

Khumalo, Siya. *You Have to be Gay to Know God*. Cape Town: Kwela Books, 2018.

O'Brien, Jodi. "Wrestling the Angel of Contradiction: Queer Christian Identities." *Culture and Religion* 5, no. 2 (2004): 179-202.

Smith, Dorothy. *The Everyday World as Problematic: A Feminist Sociology*. Boston: Northeastern University Press, 1987.

Van Klinken, Adriaan. "Citizenship of Love: The Politics, Ethics and Aesthetics of Sexual Citizenship in a Kenyan Gay Music Video." *Citizenship Studies* 22, no. 6 (2018): 1-16. https://www.tandfonline.com/doi/full/10.1080/13621025.2018.1494901

Van Klinken, Adriaan. "Autobiographical Storytelling and African Narrative Queer Theology." *Exchange* 47 (2018): 211-29.

Open Call for Papers: African Journal of Gender and Religion

July 2019

The African Journal of Gender and Religion (AJGR) is the first, online, double-blind peer-reviewed, open access journal for the transdisciplinary study of gender and religion in Africa. AJGR is a bi-annual publication housed in The Desmond Tutu Centre for Religion and Social Justice at the University of the Western Cape. The journal seeks to explore the ways in which power operates in gendered relationships and the ways in which this power is determined and promoted by religious and cultural norms. We welcome submissions which draw on a variety of resources available within feminist, queer and masculinity studies as they intersect with religion and culture. The AJGR is an accredited publication of the South African Department of Higher Education and Training.

For the July 2019 edition, authors are invited to submit inter-disciplinary articles that explore phenomena and trends emerging from the intersections of religion, theology, gender and sexuality. We are an African journal and seek to encourage authors to reflect on Africa as context, concept, and theory. We are equally welcoming of international contributions engaging with a variety of social and geographic contexts.

The AJGR is an open access journal and provides immediate access to its content on the principle that making research freely available to the public supports a greater global exchange of knowledge. Previous volumes of the journal can be accessed freely online at http://epubs.ac.za/index.php/AJGR.

Submission Guidelines:

Deadline for abstracts (250-300 words): 15 March 2019
Deadline for full article submissions (7000 words max): 1 May 2019
Publication: July 2019

Prospective contributors should send a typed copy of their abstract and article via email to submissions@ajgr.org.

The In-House Standard and Style Sheet guidelines can be accessed at www.ajgr.org or http://epubs.ac.za/index.php/AJGR.