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Table of Contents

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Muslim Women, Agency and Work: An Exploration of *Maqāṣid* Perspective

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Abstract

This article presents an in-depth theoretical examination of women's agency in the context of their participation in work through Maqāṣid al-Sharīʿah, as articulated in contemporary Muslim scholarship. The concept of agency is critically analysed, highlighting the autonomy and capacity of women to make independent decisions, exert influence, and assert their authority across various life domains. Historical discourse on this subject within Islamic literature has been scarce, often overshadowed by intricate socio-cultural dynamics. However, a discernible shift has emerged in recent times, marked by the enlightened contributions of contemporary Muslim scholars who have offered profound insights into the constructs of women's agency and their significant roles in work. The methodology of content analysis is utilized to integrate and critically assess ongoing scholarly conversations, thereby deepening the understanding of women's agency and its expansive implications within socio-political and religious spheres. The study places particular emphasis on the intrinsic objectives of Sharīʿah—namely, the promotion of humanity (*al-Insāniyyah*), dignity (*al-Karāmah*), freedom (*al-Ḥurriyyah*), justice (*al-ʿAdl*) and equality (*al-Musāwāt*). By anchoring the discussion in the principles of *Maqāṣid al-Sharīʿah*, this work delineates the pivotal role of agency in fostering the social, religious, and existential advancement of Muslim women, as well as in realizing the core objectives of Sharīʿah while also demarcating the Islamic conceptualization of agency from feminist narratives.

Keywords: Muslim Women, Agency, Work, Contemporary Islamic Thought, *Maqāṣid al-Sharīʿah*.

Introduction

The exploration of agency, women's empowerment, and liberation is not just a significant area of inquiry in gender studies, sociology, and Islamic thought, but also a critical lens through which the evolution of societal norms and cultural paradigms can be understood. This discourse is underpinned by a pervasive recognition among scholars that, across various traditions and cultures, women have historically encountered

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systemic oppression and a deprivation of fundamental freedoms. While there is a general consensus on this fact, the scholarly community remains divided over the specific factors contributing to this oppression and the distinct forms it takes across different socio-cultural landscapes.

The advent of modernity marks a pivotal epoch in the narrative of women's empowerment and liberation. This era is characterized by an explosion of movements advocating for women's rights, echoing from the liberal democracies of the West to the diverse cultural settings of the East, spanning across major world religions such as Christianity, Hinduism, and Islam. However, the role of modernity in genuinely advancing women's liberation is a subject of intense scholarly debate. The emergence of feminism, as one of the most notable movements of this era, aimed to dismantle patriarchal structures and champion women's rights. Despite its noble intentions, feminism has not been immune to criticism. It has been variously perceived – celebrated as a beacon of progress in some quarters, while critiqued as a flawed approach in others, notably in both Western and non-Western contexts.[1] This dichotomy underscores the complexity of assessing movements like feminism within the broader narrative of women's empowerment.

Agency, as a concept, has emerged as a critical tool in these discussions. It offers a multifaceted lens through which women's empowerment and liberation can be examined. However, the conceptualization of agency is far from uniform across scholarly works. Its definition, scope, and application in the field of contemporary scholarship are subjects of ongoing debate. This article seeks to navigate these complexities by exploring the various interpretations and applications of agency, particularly in the context of women's roles in society.

Within the Islamic framework, the concept of *Maqāṣid al-Sharīʿah* provides a unique perspective on assessing agency. This approach facilitates a nuanced understanding of women's status, roles, and rights-and-duties, aligning with Islamic principles while engaging with contemporary issues. The relevance of this framework becomes particularly evident in the discourse of contemporary Muslim scholars, who have extensively addressed women's issues. These discussions encompass a wide range of topics, including women's status in Islam, their societal roles, and their rights and obligations. Despite the diversity of their backgrounds and

[1] Joan Williams, *Unbending Gender* (New York: Oxford University Press, 2000); Sara Mills and Louise Mullany, *Language Gender and Feminism: Theory, Methodology and Practice*, *Language Gender and Feminism: Theory, Methodology and Practice* (London: Routledge, 2011).

intellectual stances, these scholars often converge on certain key points. A noteworthy aspect of their collective scholarship is a critical stance towards Western liberal discourses on women's empowerment, coupled with a candid acknowledgment of the challenges faced by Muslim women within Islamic societies and thought systems.

This paper will focus on the contributions of contemporary Muslim scholars to the discussions on women and Islam. Despite their varied backgrounds and intellectual traditions, these scholars collectively provide a rich tapestry of thought that discursively blends tradition with modernity. Their works represent a combination of critique and acknowledgment, challenging Western narratives on women's empowerment while simultaneously addressing the pressing issues faced by Muslim women. This juxtaposition offers a unique entry point for understanding the complex dynamics of women's empowerment and liberation in the context of contemporary Islamic thought.

Agency in Contemporary Social Thought

The concept of agency, a cornerstone in various academic disciplines, has evolved substantially over the years. It intertwines with complex concepts like selfhood, individuality, subjectivity, and personhood, each requiring intricate exploration due to their diverse applications across fields.[1] Dissanayake emphasises that these terms, including agency, defy simplistic definitions, suggesting their inherent complexity and varied interpretations.[2]

In social sciences such as anthropology, sociology, and psychology, agency has garnered increasing attention. This surge is attributed to factors like the rise of social movements in the U.S. during the 1960s and 1970s, and social upheavals in Europe in the late 20th century. These events spurred academic interest in examining the interplay between individual practices and societal structures. Postmodern and poststructuralist theories have further fuelled this interest, critiquing the grand narratives of modernity that often marginalise individual and collective agency.[3]

Feminist theory presents a vital context for understanding agency, particularly in relation to patriarchy, male domination, power dynamics,

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[1] Katherine Frank, "Agency," *Anthropological Theory* 6, no. 3 (2006): 281–302.

[2] Wimal Dissanayake, "Agency and Cultural Understanding: Some Preliminary Remarks," in *Narratives of Agency* (Minneapolis: University of Minnesota Press, 1996), ix–xxi.

[3] Laura M. Ahearn, "Language and Agency," *Annual Review of Anthropology* 30 (2001): 109–37.

and culture. In this framework, agency is often conceptualised as resistance to power and a means to reclaim marginalised or invisible traditions of resistance.[1] This view posits that exercising agency involves challenging the patriarchal status quo.[2]

Laura Ahearn offers a pivotal definition of agency as "the socio-culturally mediated capacity to act." This perspective suggests that agency arises not inherently, but from the social, political, and cultural dynamics of a specific context. It invites an examination of how agency is constituted by the norms, practices, institutions, and discourses that shape it.[3] Dissanayake also stresses the importance of historical and cultural conditions in the production of agency, suggesting a focus on the discursive elements that facilitate its emergence.[4]

In philosophical discussions, particularly in action theory, agency is often tied to the capacity for individual autonomy and action. Amartya Sen's view of agency emphasises personal freedom in pursuing individual goals and values, underscoring the necessity of considering a person's conception of the good, including their aims, objectives, allegiances, and obligations.[5] This links agency directly to empowerment.[6]

The debate surrounding agency features two polarized theoretical positions. On one hand, the liberal humanist perspective emphasizes the autonomous agent. On the other, structuralists diminish the significance of agency, focusing instead on the influential power of discourse and the force of ideology. Amidst these extremes, practice theory offers a more nuanced and balanced approach. This theory posits that while society is a product of human actions, humans are simultaneously shaped by the societal structures they inhabit. This dialectical relationship is central to Giddens' structuration theory and earlier to Bourdieu's notion of Habitus, which propose that social actions both shape and are shaped by the structures within which they take place.[7]

Saba Mahmood's "Politics of Piety" adds a critical dimension to this discourse. Mahmood moves away from rigid theorisations of agency, exploring its various modalities, especially in contexts where Western

[1] Frank, "Agency."
[2] Ahearn, "Language and Agency."
[3] Ahearn.
[4] Dissanayake, "Agency and Cultural Understanding: Some Preliminary Remarks."
[5] Amartya Sen, "Well-Being, Agency and Freedom," *The Journal of Philosophy* 82, no. 4 (1985): 169–221.
[6] Hanmer & Klugman (2016)
[7] Dissanayake, "Agency and Cultural Understanding: Some Preliminary Remarks."

conceptualisations may not be entirely applicable. Her work challenges the notion that agency is solely manifested through resistance to power structures, suggesting that in certain contexts, particularly religious ones, agency can also be expressed through adherence to these structures.[1]

This multifaceted view of agency, influenced by various scholars and theoretical frameworks, highlights its complexity and the diverse contexts in which it manifests. The concept thus remains a dynamic and essential element in understanding social structures, individual autonomy, and the interplay between the two.

Exploring the Dimensions of Agency through *Maqāṣid al-Sharīʿah* in Contemporary Muslim scholarship

The discourse on agency within contemporary Muslim scholarship, especially in the context of women, is marked by a rich tapestry of concepts and notions that extend beyond the conventional usage of 'agency'. Muslim scholars often employ more original and indigenous terms like *Istiqlāl* and *Taḥrīr*, which, while not direct synonyms for agency, encapsulate its essence from an Islamic perspective. These terms open avenues for a nuanced understanding and theorization of agency grounded in *Maqāṣid al-Sharīʿah*.

In contemporary Muslim scholarship, the discussion of women's agency – often encapsulated by terms like *Istiqlāl* (independence) and *Tahrīr* (liberation) – is deeply intertwined with various principles derived from Islamic *Sharīʿah*, particularly from *Maqāṣid al-Sharīʿah* (the objectives of *Sharīʿah*). These principles provide a foundational framework for conceptualizing and affirming women's agency in an Islamic context.

Maqāṣid al-Sharīʿah, the objectives, or purposes of Islamic law, is considered a pivotal framework in addressing contemporary challenges and emerging questions. This framework adeptly bridges modern complex social realities with the foundational principles of *Sharīʿah*. Unlike certain aspects of Uṣūl al-Fiqh (Principles of Islamic jurisprudence), which might be subject to varying interpretations, *Maqāṣid al-Sharīʿah* is notably more consensual and clearer. This clarity is echoed in the works of renowned scholars like Ibn ʿĀshūr, who underscored the importance of these objectives in interpreting *Sharīʿah.*[2]Building on this, Jasser Auda further elucidates the role of *Maqāṣid al-Sharīʿah*, describing its general objectives

[1] Saba Mahmood, *Politics of Piety* (New Jeresy: Princeton University Press, 2005).
[2] Muḥammad al-Ṭahir Ibn ʿĀshūr, *Maqāṣid Al-Sharīʿah Al-Islāmiyyah*, ed. Mohamed El-Tahir El-Mesawī (Jordon: Dar al-Nafaes, 2010).

as the governing or decisive principles of Islamic law. This perspective offers a comprehensive understanding, ensuring that the application of *Sharīʿah* remains aligned with its core purposes and values.[1]

Moreover, scholars such as Ghalia and Shakhar have highlighted the crucial role of *Maqāṣid* in resolving the issue of women's work within Islamic rulings through looking at the consequences of the ruling which is a very important aspect of *Maqāṣid* approach.[2] In situations where different rulings present a conflict regarding a particular issue, *Maqāṣid* serves as a guiding principle. This concept is elaborated in *Fiqh al-Maqasid* through the concepts of *Qawāʿid al-tarjīḥ* (rules of prioritization) and *Fiqh al-Muwāzanah* (jurisprudence of balancing). These concepts emphasize the importance of weighing and prioritizing rulings based on the underlying objectives of *Sharīʿah*, ensuring that the implementation of Islamic law is both balanced and contextually relevant.[3]

The application of *Maqāṣid al-Sharīʿah* thus provides a dynamic and nuanced approach to Islamic jurisprudence, allowing for a more adaptable and meaningful application of *Sharīʿah* in the face of evolving societal challenges. Drawing on this line, contemporary Muslim scholars have delineated the following *Maqāṣid*-based foundations for women's *taḥrīr* (liberation), *istiqlāl* (independence), or, using a more Western notion, agency.

Women as complete independent beings: The conceptualization of women as complete, independent beings, known in Muslim scholarship as '*Kāʾinun Insāniyun Mustaqillun*,' fundamentally reshapes the discourse on women's agency within Islamic contexts. Esteemed scholars like Yāsuf al-Qarḍāwī, Rashid Ghannouchi, Ḥasan al-Turābī, and Abdelwahab el-Messiri have contributed significantly to this perspective, aligning with the Qurʾānic principle of humanity's creation from a single soul (*Nafs Wāḥidah*). This concept, as interpreted by Ghannouchi following Muhammad Abduh and Rashid Rida, emphasizes the shared essence of humanity that defines and distinguishes human

[1] Jasser Auda, *Al-Manhajiyyah Al-Maqasidiyah* (Istanbul: Dar al-Maqased, 2021).
[2] Ghalia Bouhedda and Abu Nasr bin Mohammad Shakhhār, "Qaḍiyyat ʿAmal Al-Mar'a: Taḥlīl Maqāṣidi Li Al-Khalfiyyāt Wa Al-Ma'ālāt Al-Ijtimāʿiyyah Wa Al-Iqtiṣādiyyah," *Al-Majallah Al-ʿalamiyyah Liddirāsāt Al-Fiqhiyyah Wa Al-Ūṣūliyyah* 2, no. 2 (2018): 59–72.
[3] Ibn ʿĀshūr, *Maqāṣid Al-Sharīʿah Al-Islāmiyyah*.

beings.[1] It should be noted that classical interpretations of the Qurʾānic account of human creation from a single soul was challenged by these scholars in an effort to render them more coherent with the overall narrative of the Qurʾān.

This interpretation of *Nafs Wāḥidah* not only underscores the equality and independence of men and women but also elevates the discussion to include the inherent dignity of all human beings. The notion of dignity, deeply ingrained in Islamic teachings, ensures that women are recognized and valued not merely as autonomous agents but also as dignified individuals whose worth is inherent and non-negotiable. In this context, dignity is not an abstract ideal but a tangible right that must be upheld in all spheres of life. It implies a societal obligation to respect and honour women, acknowledging their equal contributions and roles. This principle is reflected in Qurʾānic verses such as 3:195, which assure that the work of every individual, male or female is valued by Allah. Furthermore, the prophetic tradition 'Women are the counterparts of men' (*Innamā al-nisāʿu shaqāʿiq al-rijāl*)[2] reinforces this concept, emphasizing the parity between genders not only in responsibilities and rights but also in honour and dignity.

Turābī's articulation of women as autonomous beings responsible for their actions, both in worldly life and the hereafter, further underscores the Islamic view of women as individuals with full agency. This perspective challenges any patriarchal interpretations that might seek to diminish women's role or status within the Islamic framework. It asserts that women, like men, are full participants in the spiritual, social, and moral realms of life.[3]

The integration of these ideas into contemporary Muslim scholarship marks a significant step towards a more inclusive and equitable understanding of women's roles in Muslim societies. It provides a theological and ethical foundation for advocating broader rights and freedoms for women, moving beyond traditional constraints to

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[1] Rashid Ghannouchi, *Al-Marʾah Bayn Al-Qurʾān Wa Wāqiʿ Al-Muslimīn*, 2nd ed. (Tunisia: Dar al-Mujtahid, 2015); Ḥasan ʿAbd Allah Al-Turābī, *Al-Marʾah Byn Al-Usūl Wa Al-Taqālīd* (Khartoum: Markaz Dirasat al-Marʿah, 2000); Yūsuf Al-Qarḍāwī, *Markaz Al-Marʾah Fī Al-Ḥayāt Al-Islāmiyyah* (Jordon: Dar al-Furqan, 1996); Abdelwahab El-Messiri, *Qaḍiyyat Al-Marʾah: Bayn Al-Taḥrīr Wa Al-Tamarkuz Ḥawl Al-Untha* (Egypt: Nahdhatu Misr, 2010).

[2] Abū ʿĪsā Muḥammad Al-Tirmidhī, *Al-Jāmiʿ Al-Kabīr* (Beirut: Dār Al-Gharb Al-Islāmī, 1996), 113. According to Al-Albānī, this *ḥadīth* is *ṣaḥīḥ*.

[3] Al-Turābī, *Al-Marʾah Byn Al-Usūl Wa Al-Taqālīd*.

embrace a more holistic understanding of their roles as independent and dignified beings.

This concept of '*Kāʾinun Insāniyun Mustaqillun*' thus serves as a cornerstone for contemporary Islamic thought on gender, providing a robust framework for understanding and advocating for women's agency. It invites a re-examination of societal norms and legal structures, aiming to align them more closely with the fundamental Islamic principles of equality, independence, and dignity.

***Musāwāt* (Equality):** *Musāwāt*, as a fundamental principle in Islamic teachings, holds a significant place in discussions of women's agency. Esteemed scholars like Moḥammad al-Ghazālī and Yāsuf al-Qarḍāwī have delved into various Qurʾānic verses to establish the concept of gender equality within an Islamic framework. A key verse often cited is Surah al-Ḥujrāt (49:13), which articulates that all humans, irrespective of gender, are created with equal dignity and worth in Allah's sight. This concept is further reinforced by verses in Surah ʹĀl-ʿImrān (3:195), Surah al-Nisā (4:124), Surah al-Naḥl (16:97), and Surah Ghāfir (40:40), which emphasize that every individual, regardless of gender, is accountable for their actions and will be reckoned based on their deeds.[1]

In addressing complex issues such as women's legal testimony, these scholars advocate for nuanced, context-specific interpretations that align with principles of gender equality. They contend that specific gender-related rulings in Islamic law are not indicative of inequality but instead reflect a balanced approach acknowledging the distinct yet complementary roles of men and women- an approach that must also take into consideration the historical social context.

Al-Qarḍāwī, in particular, addresses the often-misunderstood issue of legal testimony. He asserts that this matter is neither a matter of ʿIjmāʿ (consensus) nor strictly about legal testimony in the conventional sense. Instead, it pertains to record-keeping or testimony in the context of asserting rights (*al-Maqam maqam Istīthāq ʿalā al-ḥuqūq, la maqam al-qaḍā bihā*). This interpretation signifies a broader understanding of women's roles in legal and societal contexts, emphasizing that equality in Islam encompasses both men and women's freedom to make life decisions. However, these decisions should be in harmony with the moral, religious, and natural (*fiṭrah*) obligations and roles ascribed

[1] Muḥammad Al-Ghazālī, *Qaḍāyah Al-Marʾah Bayn Al-Taqālīd Al-Rākidah Wa Al-Wāfidah*, 9th ed. (Cairo: Dar al-Shurūq, 2008); Al-Qarḍāwī, *Markaz Al-Marʾah Fī Al-Ḥayāt Al-Islāmiyyah*.

within the Islamic tradition.[1] Such scholarly interpretations underscore the Islamic viewpoint of *Musāwāt* as an intrinsic principle, ensuring that women's agency is recognized and upheld within the comprehensive scope of Islamic teachings. This approach to equality fosters a more equitable understanding of gender roles, allowing for a harmonious balance between individual autonomy and societal obligations, guided by the moral and ethical compass provided by Islam.[2]

Justice (*ʿAdl*): Justice, or *ʿAdl*, holds a pivotal position in Islamic teachings, deeply interwoven with every facet of human life. The Qurʾān explicitly places *ʿAdl* as a fundamental objective of *Sharīʿah*, as exemplified in Surah al-Māʾidah as it states: "O you who have believed, be persistently standing firm for Allah, witnesses in justice" (5:8). According to the Qurʾān, one of the primary objectives for sending messengers and revealing the books to mankind is the establishment of justice, as it proclaims: "We have already sent Our messengers with clear evidence and sent down with them the Scripture and the balance that the people may maintain [their affairs] in justice" (57:25). These verses, along with many others, unequivocally affirm that justice and equality between men and women are essential for establishing a balanced and just social order.

The concept of *ʿAdl* in Islam extends beyond mere legal justice to encompass broader ethical and moral dimensions. One such manifestation is in the provision of *Nafaqa*, a concept that delineates specific familial roles yet is rooted in the principles of justice and the natural order (*fiṭrah*). This allocation of roles is not seen as discriminatory within Muslim scholarship but as a reflection of the differing needs and contributions within a family unit.[3] Women are not required to provide nafaqah (basic needs), nor are men expected to conceive children. However, nafaqah and childbirth represent only limited aspects of their lives. Both men and women are meant to contribute far beyond these specific roles—to their families, society, and the broader cause of humanity.

Additionally, there is a diversity of opinion among scholars regarding the rigidity and immutability of these roles. The extent to which these roles are perceived as divinely ordained or as social constructs subject to change varies among Muslim thinkers. A common thread among contemporary scholars in this context is the agreement that

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[1] Al-Qarḍāwī, *Markaz Al-Marʾah Fī Al-Ḥayāt Al-Islāmiyyah*.

[2] Ibn ʿĀshūr, *Maqāṣid Al-Sharīʿah Al-Islāmiyyah*; Al-Ghazālī, *Qaḍāyah Al-Marʾah Bayn Al-Taqālīd Al-Rākidah Wa Al-Wāfidah*.

[3] Al-Qarḍāwī, *Markaz Al-Marʾah Fī Al-Ḥayāt Al-Islāmiyyah*; Al-Turābī, *Al-Marʾah Byn Al-Usūl Wa Al-Taqālīd*.

there should not be rigid demarcations segregating private and public life that women are confined to the private sphere and men to the public. This perspective challenges traditional patriarchal interpretations and opens avenues for a more flexible understanding of gender roles in contemporary Muslim societies.

The nuanced interpretation of *ʿAdl* is crucial in safeguarding women's rights and ensuring their active participation in both familial and societal contexts. This understanding of justice advocates for a balanced approach where women's contributions in both private and public spheres are recognized and valued. It emphasizes that the distinctions in roles should not lead to inequalities but should be seen as complementary, each contributing to the overall harmony and wellbeing of society.

In essence, the principle of *ʿAdl* in Muslim scholarship is not static but dynamic, accommodating changing societal norms and contexts while upholding the core values of equality and justice. This dynamism is essential for addressing contemporary challenges and ensuring that women's rights are not only protected but also actively promoted within the Islamic framework. This approach to justice is instrumental in creating a society where women are respected as equal partners, contributing to the development and progression of their communities.

Freedom (*Ḥurriyyah*): The concept of freedom, or *Ḥurriyyah*, holds a vital place in Islamic thought, representing a foundational yet nuanced principle within the *Maqāṣid al-Sharīʿah*. While not explicitly detailed in Islamic texts, *Ḥurriyyah* is a crucial element in understanding the Islamic approach to individual autonomy and empowerment, particularly concerning women's agency.

Muslim scholars such as Ibn ʿĀshūr, Taha Jabir Al-Alwani, and Nejatullah Siddiqi have presented Ḥurriyyah as an essential element of *Maqāṣid al-Sharīʿah*. They also articulated that true Islam is possible only with freedom where one can live in accordance with one's faith and values with his/her own choice.[1] This concept is essential for women's agency, recognizing their right to make informed choices and decisions in all aspects of life, including both worldly affairs and matters concerning the hereafter. The essence of human existence in Islamic teachings is intricately linked with the freedom to chart one's path, with a focus on moral and ethical decision-making.

[1] Ibn ʿĀshūr, *Maqāṣid Al-Sharīʿah Al-Islāmiyyah*; Mohd. Nejatullah Siddiqui, *Maqāṣid-e-Sharīʿat* (Delhi: Markazi Maktaba Islami Publishers, 2017); Taha Jabir Al-Alwani, *Lā Ikrāha Fī Al-Dīn: Ishkāliyyat Al-Ridda Wa Al-Murtaddīn* (Herndon VA: IIIT, 2006).

However, the Islamic notion of freedom significantly diverges from the liberal Western concept. In Western thought, freedom is often perceived in individualistic terms, emphasizing personal autonomy and self-expression. In contrast, Islamic freedom is not viewed in isolation but as part of a complex web of values and principles. This holistic approach interweaves freedom with responsibility, community welfare, and adherence to Islamic teachings. It is about balancing individual rights with societal duties, moral obligations, and spiritual goals.

In the Islamic framework, freedom is therefore about empowering individuals, including women, to pursue their aspirations and fulfil their potential while staying true to Islamic ethics and societal values. This perspective ensures that freedom is exercised within a framework that upholds communal harmony, moral integrity, and spiritual growth.

Understanding *Ḥurriyyah* in this light offers a more comprehensive view of women's agency in Islam. It supports the idea that women should have the freedom to engage in various aspects of life – be it education, career, spirituality, or social roles – while maintaining a connection with their faith and community values. This approach challenges any reductionist interpretations that might confine women's roles or freedoms and instead promotes an understanding of agency that is aligned with the rich and multifaceted teachings of Islam.

Therefore, the Islamic concept of Ḥurriyyah provides a unique lens through which women's agency can be viewed and nurtured. It advocates for a balanced approach where personal freedom is harmonized with religious commitment, social responsibility, and ethical living, thus offering a comprehensive and empowering framework for women's participation and growth in Muslim societies.

Muslim Wo(men) and Work-Family Roles

Scholars in social sciences have established that pre-modern societies exhibited an integrated work-family structure. Predominantly agrarian, these societies did not differentiate sharply between work and family roles, with agriculture being the principal occupation engaging both men and women. Women partook in labour-intensive tasks such as manually grinding grains with a stone quern, fetching water, collecting wood, and churning milk to produce butter. Typically, the only respite from these

duties would occur during childbirth.[1] Echoes of these practices persist in present-day agrarian societies, notably in countries like India where agriculture significantly contributes to the national revenue.[2]

The advent of industrial capitalism in the early 19th century revolutionized the workplace. The rise of large-scale factories, operated by substantial machinery, led to the creation of distinct workspaces, separate from the domestic sphere. This era marked a clear demarcation between paid work and unpaid family responsibilities, effectively segregating production from reproduction, and labour from domesticity.[3]

The 20th century witnessed a pivotal shift. The expansion of public education and burgeoning industrial and commercial sectors spurred a demand for teachers, office workers, and sales personnel. This shift accelerated the inclusion of women in the workforce, albeit often at lower wages, under the presumption that they did not bear the primary financial responsibility for their families. Initially, these roles were predominantly filled by single women; however, the 1970s saw a surge in married women joining the workforce. This period also observed a gradual erosion of the rigid occupational segregation of women, facilitated in part by technological advancements that reduced the necessity of physical strength in many jobs.[4] The contemporary work-family Interface, therefore, represents a reintegration of work and family roles. However, this reunification occurs within vastly different social, political, and economic contexts compared to traditional societies. The work-family interface concept underscores the evolving dynamics of work and family life, reflecting both historical continuities and transformations.

Muslim scholars and researchers have observed similar phenomena within Muslim societies and the Islamic tradition. Heba Rauf contends that the Islamic perspective does not recognize any segregation between public and private life or between work and family. She argues that the disruption of these roles emerged with the advent of capitalism and the Industrial Revolution. These changes led to the marginalization of family

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[1] Melvin Kranzberg and Michael T Hannan, "History of the Organization of Work," Encyclopaedia Britannica, 2023, https://www.britannica.com/money/topic/history-of-work-organization-648000.

[2] Srivastava Nisha and Srivastava Ravi, "Women, Work, and Employment Outcomes in Rural India," *Economic and Political Weekly* 45, no. 28 (2010): 49–63; Mohammed Zakaria Siddiqui et al., "Reconsidering Women's Work in Rural India Analysis of NSSO Data, 2004-05 and 2011-12," *Economic and Political Weekly* 52, no. 1 (2017): 45–52.

[3] Christian Strumpell, "The Anthropology of Work and Labour," *Ethnoscripts* 19, no. 2 (2017): 6.

[4] Kranzberg and Hannan, "History of the Organization of Work."

roles in production, as production became increasingly confined to large-scale economic enterprises and factories. Furthermore, Rauf suggests that the delineation between public and private spheres is a consequence of a liberal secularist mindset. This mindset restricts the public sphere to men and the private sphere to women, ultimately attributing greater importance to the public sphere.[1] Furthermore, Ghannouchi observes that in mainly agrarian and rural Muslim societies, women have been actively engaged in agricultural and pastoral production at every stage. He additionally points out that Muslim women have also significantly contributed to the field of handicrafts.[2]

Islam does not distinguish between men and women in terms of spiritual growth, religious practices, social accountability, or stewardship responsibilities as beautifully and concisely encapsulated in a hadith: "women are the counterparts of men" (*Innamā al-nisāʿu shaqāʿiq al-rijāl*)[3]. Ibn ʿĀshūr has highlighted the consensus among Muslim scholars that Qurʾānic verses using masculine language are inclusive of women, except where explicitly restricted to men.[4]

Al-Qarḍāwī notes that there is no authentic and explicit *Sharīʿah* evidence prohibiting women's work or confining them to domestic roles. Instead, scholars agree that the norm in social and human affairs is permissibility in the absence of clear prohibitions[5] and hence, women are entitled to engage in work just as men are.[6]

The Qurʾān explicitly states that work (*ʿamal*) is required of both men and women. Allah declares, "And thus does their Lord respond to their prayers: I shall not overlook the work of any worker among you, whether male or female." (3:195) Elsewhere, it is stated, "Whoever, be they male or female, does righteous deeds and has faith, will enter Paradise and will not be wronged even as much as the mark on a date stone." (4:124) Similarly, "Whoever, male or female, does righteous deeds and is a believer, We will surely grant them a life of good quality, and We will surely give them their reward according to the best of what they did."

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[1] Heba Raūf ʿIzzat, *Al-Marʾah Wa Al-ʿAmal Al-Siyāsī: Ruʾyah Islāmiyyah* (Herndon VA: International Institute of Islamic Thought, 1995), pp. 165–82.
[2] Ghannouchi, *Al-Marʾah Bayn Al-Qurʾān Wa Wāqiʿ Al-Muslimīn*, pp. 121–23.
[3] Al-Tirmidhī, *Al-Jāmiʿ Al-Kabīr*, p. 113.
[4] Muḥammad al-Ṭāhir Ibn ʿĀshūr, *Maqāṣid Al-Sharīʿah Al-Islāmīyyah*, ed. Mohamed El-Tahir El-Mesawī (Jordon: Dar al-Nafaes, 2001), pp. 330–31.
[5] Yūsuf Al-Qarḍāwī, *Fatāwā Muʿāṣirah* (Kuwait: Dar Al-Qalam, n.d.), 2:304; Al-Qarḍāwī, *Markaz Al-Marʾah Fī Al-Ḥayāt Al-Islāmiyyah*, p. 160.
[6] Muḥammad Al-Zuḥaylī, *Ḥuqūq Al-Insān Fī Al-Islām* (Damascus: Dār Al-Kalim Al-Ṭayyib and Dār Ibn Kathīr, 1997), p. 218.

(16:97) The Qurʾān explicitly addresses the matter of earnings: "Men shall have a share of what they have earned, and women shall have a share of what they have earned." (4:32) This verse further reinforces the Islamic view of gender equality in work and earnings.

Women, for instance, may engage in work for economic prosperity, and in certain circumstances, it may become obligatory for them to work, particularly in cases where are divorced, widowed, or single, particularly within a nuclear family system.[1] In such scenarios, working not only contributes to their self-esteem by enabling them to be financially independent rather than reliant on charity, but it also allows them to contribute to societal welfare through financial giving and altruism. The Qurʾān specifically mentions women, alongside men, in the context of charity and altruism (33:35, 57:18), and the Prophet encouraged women to engage in charitable giving.[2] Moreover, women have a communal responsibility in sectors where they are particularly suited, such as healthcare, where they can serve as doctors and nurses, or in education, particularly for girls and children.[3] Furthermore, women are equally responsible for nation-building and contributing to the national economy, as working hands are a crucial factor in development.[4] This perspective aligns with the broader understanding that, while both men and women actively participate in work, the primary responsibility of financial provision within the family typically falls to men.

It is important to reiterate here that Islam does not rigidly define family and work roles for women and men, unlike the boundaries that emerged during modernity with the advent of the Industrial Revolution and capitalism. From the Maqāṣid perspective, there is no binary between Work and family, such as Work belongs to men and family to women. On the contrary, it is a complex relationship between Work and family involving both men and women. This perspective suggests that both men and women share the responsibility for achieving the objectives of family life, with women bearing a slightly greater responsibility in this regard.

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[1] Al-Qarḍāwī, *Fatāwā Muʿāṣirah*; Al-Qarḍāwī, *Markaz Al-Marʾah Fī Al-Ḥayāt Al-Islāmiyyah*, p. 160.

[2] Muhammad bin Ismael Bukhari, *Sahīh Bukhari* (Beirut: Dar Tawq al-Najah, 2001), p. 1466.

[3] Al-Qarḍāwī, *Fatāwā Muʿāṣirah*, 2:305; Ghannouchi, *Al-Marʾah Bayn Al-Qurʾān Wa Wāqiʿ Al-Muslimīn*, pp. 128–29; Al-Turābī, *Al-Marʾah Byn Al-Usūl Wa Al-Taqālīd*, 6-8.

[4] Al-Qarḍāwī, *Markaz Al-Marʾah Fī Al-Ḥayāt Al-Islāmiyyah*, p. 162; Al-Qarḍāwī, *Fatāwā Muʿāṣirah*, 2:302; Al-Turābī, *Al-Marʾah Byn Al-Usūl Wa Al-Taqālīd*, pp. 27–28; Mohd. Nejatullah Siddiqui, *Ikkiswīn Ṣadī Men Islam Muslamān Awr Tahrīk-e-Islami* (Delhi: Markazi Maktaba Islami Publishers, 2012), p. 14.

Similarly, in the work context, both genders are tasked with fulfilling work-related objectives, with men assuming a marginally higher level of responsibility.

In essence, specific roles within family and Work are fixed and immutable (*al-thawābit*), while others are flexible and subject to change (*al-mutaghayyirāt*). The flexible and mutually shared roles are determined through mutual consultation and negotiation between men and women at the micro level, aligning with the Qurʾānic principle of Shūrā (mutual consultation), especially within the context of familial relations. This concept is encapsulated in the verse, "And counsel one another in a fair manner" (65:6). At the macro level, these roles are influenced by social, political, and economic structures, including *ʿūrf* (customs). This dynamic can be described as the work-family interface. This Maqāṣid perspective on synthesizing men's and women's roles in Work and family underscores that the work-family interface is as pertinent to women as it is to men, highlighting the shared responsibility and mutual involvement in balancing these roles.

Criticism on Feminist theory of Agency

The critique of the feminist theory of agency, particularly in the context of Muslim scholarship, presents an opportunity to re-examine and redefine the concept of agency beyond the conventional feminist framework. This section aims to expand and enrich the critique offered by AbdelWahab el-Messiri and Saba Mahmood, two scholars who have approached the subject from distinct yet profound perspectives.

AbdelWahab el-Messiri's Critique of Feminism

Abdel Wahhab el-Messiri provides a critical analysis of the concept of women's agency and liberation as understood in feminist theory. He draws a clear distinction between the women's liberation movement and feminism. According to el-Messiri, the women's liberation movement seeks equality and freedom for women within the context of their social and civilizational roles and duties. This movement acknowledges the importance of these roles in maintaining a healthy societal and familial structure.

In contrast, el-Messiri posits that feminism, particularly in its radical forms, views the issue of women through the lens of conflict theory. This perspective suggests that women should dismantle the entire structure of family and society, challenging all traditional roles and duties. Such an approach, el-Messiri argues, overlooks the constructive aspects of these

roles in sustaining the life cycle and the well-being of society. His critique emphasizes the need to understand women's liberation in a way that harmonizes individual freedoms with societal responsibilities and roles.[1]

Saba Mahmood's Analytical Approach to Agency

Saba Mahmood offers another significant critique of the feminist theory of agency. She argues that agency should not be narrowly defined as resistance to social norms or as a politically prescriptive project of feminism. Mahmood suggests that such a limited view of agency overlooks various modalities of action that do not fit within the conventional narrative of subversion and resistance.

Mahmood's approach advocates for understanding agency as a broader spectrum of actions and choices made by women, which may not necessarily align with the ideals of resistance or opposition to established norms. She emphasizes that agency can manifest in various forms, including adherence to cultural and religious practices, which may not overtly challenge the status quo but still represent a form of agency.[2]

Both el-Messiri and Mahmood's critiques highlight the necessity of uncoupling the notion of agency from strictly feminist interpretations. This broader understanding acknowledges the diverse ways in which women exercise agency, often in alignment with their cultural, religious, and societal contexts. It invites a more inclusive approach to understanding women's choices and actions, recognizing that agency can be expressed through a variety of modalities, not solely through opposition or resistance.

This expanded perspective on agency is particularly relevant in the context of Muslim societies, where cultural and religious values play a significant role in shaping women's lives. It encourages a nuanced understanding of women's agency, one that respects and values their choices within the framework of their beliefs and societal roles.

In summary, the critiques offered by el-Messiri and Mahmood provide a foundation for a more inclusive and contextually sensitive understanding of agency. This approach allows for a richer and more nuanced exploration of women's experiences and actions, moving beyond the binary of resistance and conformity to embrace the complexity of women's lives in diverse cultural and religious settings.

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[1] El-Messiri, *Qaḍiyyat Al-Marʾah: Bayn Al-Taḥrīr Wa Al-Tamarkuz Ḥawl Al-Untha*.
[2] Mahmood, *Politics of Piety*.

Conclusion

In "Muslim Women, Agency and Work: An Exploration of Maqāṣid Perspective," we delve into the intricate dynamics of women's agency within Islamic thought and its implications for work-family roles of Muslim women and men, guided by *Maqāṣid al-Sharīʿah* or the objectives of *Sharīʿah*. This article bridges the gap between historical Islamic perspectives and contemporary scholarly discourse, enriching our understanding of women's autonomy and decision-making capabilities.

Central to our discussion is the concept of women as complete, independent beings (*Kāʾinun Insāniyun Mustaqillun*), a notion that challenges patriarchal norms and underscores the equality and dignity inherent in Islamic teachings. We explore the principles of *Musāwāt* (Equality) and *ʿAdl* (Justice), illustrating Islam's advocacy for balanced gender roles and women's active societal participation.

Additionally, the Islamic view of *Ḥurriyyah* (Freedom) is contrasted with Western interpretations, emphasizing a balanced approach that integrates personal freedom with religious, social, and ethical responsibilities. Moreover, it is emphasized that Islam does not prescribe rigid work-family roles based solely on gender. Instead, it emphasizes the agency of both women and men, allowing them- alongside cultural, social, and biological considerations- to navigate the balance between what is fixed and what is open to change.

Our critique of feminist agency theories, particularly through the insights of AbdelWahab el-Messiri and Saba Mahmood, calls for a broader, more inclusive understanding of agency within the Islamic framework. This perspective respects women's choices and actions within their cultural and religious contexts. In conclusion, this article contributes a nuanced, contextually rich understanding of women's agency in Islam, aligned with core Islamic values. It paves the way for a more inclusive narrative on Muslim women's roles, offering both academic enrichment and practical insights for their advancement in various life spheres.

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