

Gender, Power, and Agency in the Historical Study of the Middle East and North Africa

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It is fair to say that some of the most vibrant work—and most challenging questions—surrounding “agency” and its intelligibility have come out of feminist scholarship on the “Muslim world,” broadly defined. This piece considers the transdisciplinary lives of agency as analytic tool, its uses and limitations, its particular proximity to gender-critical research, and, in turn, seeming synonymization with women.

Agency is of course a category that traverses fields, subjects, and periods of historical interest. The search for agency as “resistance” was for some decades indispensable for recounting histories of bondage, colonial domination, global capital, and economic injustice, until subaltern studies pushed this excavation of nondominant historical experience past its most dramatic expressions and towards attention to more subtle, daily forms of subversion. In this way, “agency” became shorthand for the field of possibility within which the powerless can act. According to this formula, if those who rule have power, those who are ruled have agency—and in this way, they are also shapers of history.

Generally speaking, the adoption of this formula by feminist historians has cast women (and sometimes men) in the role of agents struggling against patriarchal domination. Women’s and gender history—in the Middle East and North Africa (MENA) and otherwise—has, by and large, located women’s agency not only in resistance to male dominance but also in their wielding of public forms of power, sometimes equating the two. As Margaret Meriwether and Judith Tucker observed over fifteen years ago, pioneering work in gender history of the MENA emphasized women as political actors, such as women’s leadership in 19th- and early 20th-century feminist and nationalist movements.¹ The coconstitutive (and gendered) relationship between power and posterity means that such work was necessarily narrowed to a small number of women whose status and experiences were extraordinary rather than representative of larger social patterns and gender orders. As Tucker and Meriwether also observed, the shift in focus from “notable” to “ordinary” women roughly mirrored broader trends in women’s and gender history.² Here legal and social history often intersected, as the turn to the lives of nonelite women has been especially enabled by a deeper engagement with texts of legal origin. These include *fatāwā* solicited by women litigants across diverse times and places, as well as voluminous Ottoman court records, reflecting (and perhaps reinforcing) the perception that qadis and muftis have often acted as women’s advocates against societal patriarchal norms.³ However, this shift also begs the question of whether the feminist embrace of social history reinforced the gendering of power as masculine and agency as feminine.

In turn, the conceptual formula of rule/power and subordination/agency has itself been upset, largely thanks to postcolonial and other critical interventions. I want to suggest that the effect of this disruption has unfolded in two ways with respect to MENA gender studies.

In crafting methodological and ethical approaches to the archives, feminist historians of the MENA must now contend with not only general shifts in gender history, but also important work set in Muslim social contexts to come out of other disciplines. Agency has been a central theme within the recent work of anthropologists Janice Boddy, Saba Mahmood, and Susan Hirsch, for example. From different angles, each of these scholars—writing on women and infibulation in northern Sudan, the women’s piety movement in Egypt, and women disputants in shari‘a courts in Kenya, respectively—took aim at agency’s continued reliance on presumed liberal political subjectivity and its alignment with feminist frameworks for women’s “emancipation.”⁴ Mahmood famously argued for a shift toward theories of agency that account for the ways women work *within* patriarchal frames and *against* autonomy to achieve fulfillment. In her recent meditation on the study of women and Islamic law, Judith Tucker invited feminist scholars of the MENA to take seriously these challenges to the hegemony of “freedom.”⁵

I have been exploring ways to answer Tucker’s call in my own work on Algerian women’s use of the colonial court system under French rule. To be sure, liberal “resistance” models are of limited value for thinking through the ways Algerian women litigants approached both qadi courts and French tribunals, and adjusted to the foreclosure of precolonial legal strategies by forging new ones—largely in order to avoid financial ruin in the wake of an unjust divorce. Yet, through this work, it has also become apparent that alternative conceptual frameworks are not always suitable for the study of colonial and semicolonial historical contexts. This is because Algerian women were faced with a “double bind” in which resistance to one system (their natal or marital families) often entailed “complicity” with another (the colonial state), and vice versa. Thus, their litigious actions often served to necessarily consolidate and subvert patriarchal/paternalistic norms simultaneously. For instance, when Algerian women accused their husbands of violating the marital contract by prematurely (and often violently) consummating the betrothal contract, their suits were taken up by French observers as examples of Muslim men’s endemic sexual criminality. Thus, to obtain a divorce from their abusers, many of these women also participated in the colonial imaginary that pathologized Muslim men and infantilized Muslim women.⁶

In this way, the agency of Algerian women shared many elements with that of the South Asian women whose appeals to British colonial justice Durba Ghosh has explored. As she wrote: “Native women were not ‘complicit’ in colonialism; rather colonial regimes drew women into various confirmations in ways that ultimately consolidated and reaffirmed colonial authority.”⁷ Perhaps, therefore, our conceptual “liberation from liberation” takes us only part of the way toward rethinking how we perceive and define women’s historical agency, especially in the modern period marked by a constellation of large- and small-scale confrontations between the global and the local. Or, as Lila Abu-Lughod put it, “if the systems of power are multiple, then resisting at one level may catch people up at other levels.”⁸

This brings me to the second point: the “Foucault effect” in Middle East studies and its implications for thinking about agency. If there is a divergence between anthropological and historical understandings of agency, perhaps it can be explained in part by the disaggregation of Foucault’s study of power into its disciplinary and regulatory dimensions. If feminist anthropology is attuned to the constitution of gendered subjects and the power effects of subjectivization, then for historians the regulatory state and processes

of governmentalization have been more archivally rich terrains of research.⁹ Yet, much like agency, Foucauldian analytics of power require qualification in colonial and semi-colonial contexts. Khaled Fahmy's pioneering work on the expansion of policing and medicine in 19th-century Egypt, for example, has nonetheless shown how the diffusion of state apparatuses of regulation and normalization could create the conditions for their own subversion.¹⁰ Omnia El Shakry's work on the development of the social sciences in Egypt offers a different way around this problem, in a sense reversing Abu-Lughod's suggestion to use "resistance as a diagnostic of power"; the nature of archival research instead pushes power into view as diagnostic of agency.¹¹

In sum, it seems we are at a historiographic moment in which agency appears particularly elusive for students of women's lives and gender orders in the MENA—in part because it has been uncoupled from resistance, and in part because Foucauldian analysis has made the archival traces of regulatory power more discernable. Historians are left with the question of what constitutes agency—what are its indices and contents—and whether and how to incorporate these theoretical interventions into archival practices (something admirably addressed in Marie Grace Brown's approach to the "body-as-archive" in this roundtable). Determining what use, if any, can still be drawn from "resistance" is the central theme, for instance, of a conference I recently attended in Lisbon, whose organizers have asked:

What phenomena should be considered under the notion of "resistance"? What specificities [do] resistance(s) phenomena take over time and across spaces? How to address the plural manifestations of resistance comparatively, across different empires, different colonial situations, and different historical periods?¹²

This is especially germane for feminist scholarship of the MENA, which mobilized and rethought agency to such powerful effect during the 1980s and 1990s before producing equally powerful critiques in subsequent years. At this point, it also seems pertinent to ask why the concept of "situated agency" owes so much to scholarship on Muslim women, when non-Muslim women across multiple contexts also inhabit and perpetuate patriarchal norms (through which they sometimes gain considerable power). And does this fact, as a general trend, risk reinscribing docility and corporeality as the hallmarks of agency/femininity/the Oriental in relation to the powerful/masculine/Western?

Meanwhile, archival study of colonial encounters alerts us to both the generative and repressive capacities of power, and the ways it may be at once reproduced and subverted. Perhaps, then, it is not too optimistic to hope that this historiographic moment of disorientation (and, undoubtedly, a certain ambivalence) around agency will prove as productive as "resistance" was for a previous generation of scholars. We may find the shaky conceptual ground between power and agency more fertile by abandoning the inevitability of either.

NOTES

¹ See, for example, Leslie P. Peirce, *The Imperial Harem: Women and Sovereignty in the Ottoman Empire* (New York: Oxford University Press, 1993); Beth Baron, *The Women's Awakening in Egypt: Culture, Society, and the Press* (New Haven, Conn.: Yale University Press, 1994); Margot Badran, *Feminists, Islam, and Nation: Gender and the Making of Modern Egypt* (Princeton, N.J.: Princeton University Press, 1995); Cynthia Nelson, *Doria Shafik, Egyptian Feminist: A Woman Apart* (Gainesville, FL: University Press of Florida, 1996); and

Julia Clancy-Smith, "The House of Zainab: Female Authority and Sainly Succession in Colonial Algeria," in *Women in Middle Eastern History: Shifting Boundaries in Sex and Gender*, ed. Nikki R. Keddie and Beth Baron (New Haven, Conn.: Yale University Press, 1991).

²This is not to suggest that women's resistance to colonialism, patriarchy, and capital—or the study/writing of these histories—have not intersected and overlapped. See, for instance, Malek Abisaab, *Militant Women of a Fragile Nation* (Syracuse, N.Y.: Syracuse University Press, 2010).

³See, for example, Kenneth M. Cuno, *Modernizing Marriage: Family, Ideology, and Law in Nineteenth- and Early Twentieth-Century Egypt* (Syracuse, N.Y.: Syracuse University Press, 2015); Hanan Kholoussy, *For Better, for Worse: The Marriage Crisis that Made Modern Egypt* (Stanford, Calif.: Stanford University Press, 2010); Leslie P. Peirce, *Morality Tales: Law and Gender in the Ottoman Court of Aintab* (Berkeley, Calif.: University of California Press, 2003); Judith E. Tucker, *In the House of the Law: Gender and Islamic Law in Ottoman Syria and Palestine* (Berkeley, Calif.: University of California Press, 1998); and Ron Shaham, *Family and the Courts in Modern Egypt: A Study Based on Decisions by the Sharī'a Courts, 1900–1955* (Leiden: E. J. Brill, 1997).

⁴Janice Boddy, *Civilizing Women: British Crusades in Colonial Sudan* (Princeton, N.J.: Princeton University Press, 2007); Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton, N.J.: Princeton University Press, 2005); Susan F. Hirsch, *Pronouncing and Persevering: Gender and the Discourses of Disputing in an African Islamic Court* (Chicago: University of Chicago Press, 1998).

⁵Judith E. Tucker, *Women, Family, and Gender in Islamic Law* (Cambridge: Cambridge University Press, 2008).

⁶Sarah Ghabrial, "The Traumas and Truths of the Body," *Journal of Middle East Women's Studies* 11 (2015): 283–305.

⁷Durba Ghosh, *Sex and the Family in Colonial India: The Making of Empire* (New York: Cambridge University Press, 2006), 22.

⁸Lila Abu-Lughod, "The Romance of Resistance: Tracing Transformations of Power through Bedouin Women," *American Ethnologist* 17 (1990): 53.

⁹Exceptions to this include Timothy Mitchell's classic *Colonising Egypt* (Berkeley, Calif.: University of California Press, 1988), as well as Wilson Chacko Jacob's more recent *Working Out Egypt: Effendi Masculinity and Subject Formation in Colonial Modernity, 1870–1940* (Durham, N.C.: Duke University Press, 2011).

¹⁰See especially Khaled Fahmy, "The Police and the People in Nineteenth-Century Egypt," *Die Welt Des Islams* 39 (1999): 340–77.

¹¹Omnia El Shakry, *The Great Social Laboratory: Subjects of Knowledge in Colonial and Postcolonial Egypt* (Stanford, Calif.: Stanford University Press, 2007).

¹²"Resistance and Empire: New Approaches and Comparisons," Lisbon, 26–29 June 2016.