

## The Absence of Muslim Women in Shaping and Developing Islamic Thought

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It is fair to claim that the true message of Islam concerning women has rarely been practiced throughout Islamic history and for the past 14 centuries.

Muslim women have remained a passive force in changing the prevailing unjust practices of Islamic thoughts concerning women, and the reality of the 700 million Muslim women. This is the case today despite what we read in the UN Development Agency reports—that the majority of university students in most Muslim countries are females.<sup>1</sup> Recently, during the past two decades, North American Muslim female scholars, for example, have significantly contributed to the reinterpretation of the Qur'an and particularly to the study of Muslim women. Yet, rarely does an American or any Western educational institution, including the Muslim *Umma*, acknowledge and mainstream such contributions for the reconstruction of new knowledge of Islam (that

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1 (accessed, April 3, 2009) <http://stats.uis.unesco.org/unesco/TableViewer/tableView.aspx>.

is, what is known as *shari`a* or *`urf*), or in rethinking Islam.<sup>2</sup> In this article I will discuss why these negative images and practices, as well as the sad reality in keeping women away from Islamic thought and the decision-making process, and how to rethink the future of Muslim women that is fundamental to rethinking of Islam.

### **Why this Research?**

The idea behind this research was inspired by several events; and primarily instigated by recent communications with some professors who teach about Muslim societies and women's studies in prominent American universities. So, I begin this article with a summary, narrating one professor's comments, followed by the context and problem definition, and a brief enumeration of some solutions. Then, I detail the topic, discussing 1) the basic issues in rethinking Islam for equilibrated (i.e., *Muttaqi*, from *Taqwa*, as I understand its general meaning in the Qur'an) Muslim society, 2) why we need to change premises and paradigms, 3) why we need Muslim women's perspectives in reinterpreting the Qur'an, 4) how to understand Islam as a religio-moral rational worldview, 5) what are the challenges facing the process of rethinking Islam and the three solutions in more detail, and 6) conclusions.

### **The Narrative**

A female professor of Islamic studies/women's studies at a prominent university wrote recently after several e-mail exchanges:

"There seem to be two kinds of "reactions to teaching," courses on women in Islam, regardless of how I approach it: a kind of

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2 I use the word and the concept "Islam" to mean *Deen* as emphasized in the Qur'an, being a worldview and meaning to be at peace with oneself, with society, and with God. Therefore, the common English translation "surrender" is not acceptable, even when intention is added, "intended surrender." That is because "surrender" indicates the dissolution of the responsibility from awareness and understanding of the deep meanings of the Qur'an as the condition for practicing its teachings.

romanticization of all things Islamic, particularly the veil, or a very strong reaction against Islam as being ‘intolerant and oppressive’ to women.”<sup>3</sup> For some reason, Kelly emphasized, “I see very few students able to comprehend—or accept the existence of—the gray areas that lie between these two poles. I have been struggling to find a way that will help us all (myself included) break down preconceived notions and begin to understand the complexities of Muslim women’s lives around the world.”<sup>4</sup>

### The Context

Muslim women have generally been excluded from equal agency with men, from full participation in the shaping of Islamic society, and thus from full and equal Islamic identity,<sup>5</sup> primarily because of patriarchal readings and interpretations of the Qur’an and the entire range of early Qur’anic literature (that is, the interpretations that discriminate against females, or that view a woman only as a mother, a sister, a daughter, or a wife, and not necessarily interpretations by males only), especially the prophet Muhammad’s reported sayings and traditions that are compiled in the *Hadith* literature.<sup>6</sup> In these patriarchal readings, women’s role is

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3 It is worth noting that a young female Muslim scholar in the United States, after writing a whole dissertation decomposing the concept of *hijab*, as understood now, in which she argued that the head cover was not required in the Qur’an, decided not to publish her thesis for fear of controversy or of being stamped as an apostate.

4 Kelly Pemberton, personal e-mail communication, August 2007.

5 My discussion of this issue does not mean that it is limited to Muslim women or to Islam. Dr. Mikhael, for example, in her brief comment after my lecture, asserted that Christian women in the East, regardless of their denomination, face the same problem. Yet, I am especially concerned with issues related to the Muslim woman, because changing her role in shaping Islamic thought is the base of my argument, and it is the core problem for transforming Islamic thought.

6 For further details on Qur’anic sciences and literature see Chapter 2 in Nimat Hafez Barazangi, *Woman’s Identity and the Qur’an: A New Reading* (University Press of Florida, 2004). The Arabic translation is available online, (accessed May 15, 2009) [http://www.eself-learning-arabic.cornell.edu/publications/NHB\\_WomansIdentity\\_Arabic\\_2007.htm](http://www.eself-learning-arabic.cornell.edu/publications/NHB_WomansIdentity_Arabic_2007.htm). I also focus here on the fact that it is a disservice to Islam to claim that prophetic *sunnah* is a divine source. That is, because we will not be able to explain the controversial narratives that are attributed to the Prophet, and because the Qur’anic =

mostly viewed as secondary and/or complementary in the evolved structure of Muslim communities, and they remain potential objects of abuse.<sup>7</sup> That is, because Muslims confused the fact that males and females were created of a single soul (Qur'an {He who created you of a single soul that you may live in tranquility } [Surah 7, *al'Araf*:189]) and that they complement each other in the emotional and biological reproductive function, on one hand, with the fact that they are of two separate autonomous entities that have individual religious, social and political responsibilities (Qur'an {And there will come forth every soul: with each will be an angle to drive and an angle to bear witness} [Surah 50, *Qaf*: 21].), on the other. In order to change, correct, and transform these confused views some Muslim female scholars began taking their primary role and reinterpreting the Qur'an. Though reinterpreting the Qur'anic text is only the first step, by doing so, these Muslim scholars are both implementing a fundamental aspect of the social justice contract between Muslims and Islam, and also challenging the unwarranted authority of men for the past 14 centuries.

However, Muslim women are facing more stereotypes despite Westerners' claims (or perhaps because of those claims) of "liberating"

= verse, ("*Wa-ma-yantiqū 'an al-hawa, innama huwa wahyu yuha.*") {Nor does he say [aught] of [his own] desire, It is no less than inspiration sent down to him.} [Surah 53, *al-Najm*: 3-4]), is pertinent to the reading and relating of the Qur'an. See further discussion of the difference between the Arabic words *Qawl*, *Lafdh*, *kalam*, and *Nutq* in Samer Islambuli, "*Mafhum Al Sunnah Ghayr Al-Hadith*" {The concept of Sunnah is not Hadith}, a lecture delivered at the Center of Islamic Studies and published by the author, Damascus, 2008.

7 I reject the argument that the problem is only in the variation of interpretations and meanings for two reasons: The first is that variation in understanding is basic to Islam, and that such variation did not prevent Muslims from accepting other opinions/interpretations. The second is that variation in opinion is the norm; otherwise Islam would not have spread in such a short time among different peoples. My argument, rather, is that Muslims themselves have restrained such variation when they marginalized and prevented women from participating in this process to the point of closing the possibilities of different interpretations, ignoring the importance of individual responsibility and rights to intimate understanding of the Qur'an without the intermediary of elite men only.

and speaking on behalf of these women. Despite the claim of those who defend the rights of Muslim women from the secular point of view (i.e., that which professes to solve the issues without the need to address related religious, or claimed religious practices), changes were not sustained. These endless debates and claims by non-Muslims, particularly in the United States, further marginalize the value of the scholarship of the Muslim woman and her primary role, because the focus has been on the wrong aspects of the problem, such as the veil that oscillates between the enforcers and the refuters.<sup>8</sup>

### **The Problem**

According to my research findings, the pathetic conditions for the majority of the 700 million Muslim women remain prevalent because changes in perception, attitude, and on the ground have not taken place. For about 14 centuries (i.e., since the inception of Islam), women's perspective has rarely been part of developing Islamic thought. Fazlur Rahman asserts, as Muslims moved into the formulative-intelligence stage, they disconnected the formulative from the perceptive intelligence.<sup>9</sup> This organic connection was severed, in my opinion, when one-half of the human pair, the female, was made a religious burden, socially and morally dependent, and almost intellectually and intuitively nil. This long absence, coupled with recent Western or secularized feminists' claims of thinking for and rescuing these women from their "oppressing" religion, made the task of emancipation from within the Islamic worldview even harder.

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8 A good example is the 1995 recommendation by the French government that a law should be passed banning "conspicuous" religious symbols. That such symbols would include head scarves worn by Muslim girls is not only alarming but also presents striking evidence for my argument. Furthermore, the French Commission on Church-State Relations urged the passage of such a law while recommending "the teaching of the ideal of secularism and 'solemn adoption' of a character of secularism that will be distributed widely" (*San Francisco Chronicle*, December 12, 2003, A2). As I commented earlier: "If such a practice is not counter to the claimed democratic, liberal process, then what might be?" (Barazangi, 2004, *supra* n. 6: 145, ft 6); see also Joan Wallach Scott, *The Politics of the Veil* (Princeton, 2007) for a political science analysis of the issue.

9 Fazlur Rahman. *Islam and Modernity*. (University Press of Chicago, 1982).

This problem is compounded by the fact that the majority of Muslim women themselves—and Muslim men for that matter—are not aware that there is a problem, and they continue to live their lives as if these issues do not concern them. Despite their obtaining higher schooling and formal university degrees and participating in the labor market, Muslim women have remained a passive force in changing the negative practice and misuse of Islamic thoughts. The reality is that the majority of Muslim women did not contribute to intellectual and scientific fields after graduation, particularly after marriage and child procreation.<sup>10</sup>

Also, despite the significant contribution by some to the reinterpretation of the Qur'an, particularly in the West during the 1990s and early 2000 (for example, Riffat Hassan, Amina Wadud, Maysam al Faruqi, Asma Barlas, and Kacia Ali<sup>11</sup>), rarely do we see women speaking on issues of Islamic jurisprudence, such as Aziza al-Hibri and Asifa

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10 I disagree with Serra Kinder's assessment that today's education of many Arab women is empowering them in a similar manner to that of women's education in the United States in the 1960s and '70s ("Educational Empowerment of Arab Women" in Colin Brock & Lila Zia Levers, eds., *Aspects of Education in the Middle East and North Africa*. Symposium Books. 2007: 39-56).

11 Riffat Hassan, "Muslim Feminist Hermeneutics," in *Our Own Voices*, ed. R. Skinner Keller & R. Radford Reuther, 455-59 (San Francisco: Harper, 1995) and "The issue of woman-man equality in the Islamic tradition" in *Women and Men Liberation*, eds. L.Gorb, & R. Hassan (Greenwood, 1991); Amina Wadud, *Qur'an and Woman: Reading the Sacred Text from a Woman's Perspective*. 2nd ed., (New York: Oxford University Press, 1999); Maysam al Faruqi, "Woman's identity in the Qur'an and Islamic law" in *Windows of Faith*, ed. G. Webb (Florida University Press, 2000); Asma Barlas, *Believing Women: Unreading Patriarchal Interpretations of the Qur'an* (Austin: University of Texas Press, 2002); Kacia Ali, *Sexual Ethics and Islam* (New York: Oxford University Press, 2006). I am focusing on the importance of these works and their implications for all Muslim societies, even if they were developed in the West, because Muslim women who try to discuss these topics at depth in Muslim societies are considered perverts, or get beaten, imprisoned, and sometimes killed. Also, I do not see a problem in the fact that these works were published in the West, since we have the choice to select constructive ideas as long as they are developed from within the Qur'anic framework. It is worth noting here that such argument is repeated in many places and at different occasions, and, unfortunately by educated Muslims.

Qureshi.<sup>12</sup> Also, rarely do we find an institute of higher education in the West that acknowledges and mainstreams such contributions for the reconstruction of new knowledge about Islam.<sup>13</sup> Similarly, and by extension, these practices are mostly followed in other societies, including the Muslim Umma and the Arab world that remain static.<sup>14</sup>

## The Solutions

As an educator concerned with the foundations of Islamic and Arabic studies, I am recommending the following three solutions if we are to better understand Islam and help change attitudes about Muslim women:

**1. My First Recommendation:** We need to change the paradigm and the premises about the meaning of Islam and Muslims. Islam is basically a religio-moral-rational guidance. It is an action-oriented worldview that encompasses social, cultural, and political elements, including religious and secular reasoning (*Ijtihad*).

**2. My second recommendation:** We should let Muslim women speak for themselves, especially on issues related to public policies, and accept these women scholars as authorities in interpreting the Qur'an and other Islamic sources.<sup>15</sup>

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12 Aziza al-Hibri, "Introduction to Muslim women rights" in *Windows of Faith*, ed. G. Webb, (2000); Asifa Qureshi, "Interpretation of the Qur'an and the [American] Constitution," *Cardozo Law Review*, 28, 1, 2006: 67-121. I refute the repeated argument, particularly by women who have some religious education, that women were not excluded during the early Islamic era. Using the evidence that `Aisha's and other wives of the Prophet, as well as some early female companions, have narrated the Prophetic Hadith is not enough because the core issue here is that early Muslim women did not participate in the making of important decisions, such as the selection of the first Caliph after the death of the Prophet.

13 Note that the Western Region of the Academy of Religion did not introduce a workshop on teaching gender and Islam until 2008.

14 I reject the argument that all Muslims are suffering, and that what is being stated about women's absence applies to men too. That is because women carry the brunt for such social and intellectual statics, and because women do not have the same opportunities given to men in order to participate in the decision-making process.

15 For instance, even the Progressive Muslim Union needed a male traditional jurist to justify women's jurisprudence/scholarship on the issue of women's leading mixed prayer (accessed November 24, 2007) [http://www.pmuna.org/archieves/2005/06/eltantawi\\_and\\_s.php](http://www.pmuna.org/archieves/2005/06/eltantawi_and_s.php).

**3. My third recommendation:** We should incorporate Muslim women's scholarship on the Qur'an in the mainstream sources on Islamic thought and as central in the development of the ecumenical curricular process about Islam.

Since the beginning of this work is documented in my book, *Woman's Identity and the Qur'an: A New Reading* (2004), I will only mention a few concepts, such as the creation story, autonomous morality and modesty, and trusteeship. My goal is to engage the reader in questioning what has been taken for granted, and in deconstructing the conventional approaches to the study of Muslim women and Islam. With this engagement, I hope we can begin to construct a dynamic teaching-learning view of Islam and Muslim women that will change perceptions in much the same way as we have been constructing ecumenical and intercultural educational policies.

I should note here that although other Muslim educators began speaking to these issues, their focus was different from mine (i.e., the woman's self-identity with the Qur'an, or deeper understanding of the Qur'an without the intermediary of traditional interpretations). For instance, `A'isha `Abd al-Rahman's literal reading of the Qur'an suggests a change in perception of women's equality.<sup>16</sup> Yet, her reading was affected by her focus, which remained that of the traditional apologetic interpreters when she interpreted the difference between equality and equity.<sup>17</sup> Unfortunately, some of the young Muslim women whom I interviewed, and others, follow the same focus of `Abd al Rahman, knowingly or unknowingly.

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16 Bint al Shati' (pseudonym for) `Aisha Abd al-Rahman, is the first female scholar, to my knowledge, to produce a literal reading of the Qur'an, *Al-Tafsir al-Bayani lil-Qur'an al-Karim* (3rd printing, Cairo, 1968). Also, she has written more than two hundred books and papers on the subject of the Qur'an, women, and other literary matters.

17 `Aisha Abd al-Rahman, *Al Mafhum al Islami li tahrir al mar 'ah* (Women's Liberation in Islam), Cairo, 1967.

### **(1) Basic issues in rethinking Islam for equilibrated (i.e., Muttaqi) Muslim society**

Few are those theories and debates about Islam and Muslim women that systematically analyze at depth sources and narratives by Muslim women. With the exception of extreme sensational cases, Muslim women's perspectives seem to be denied full credit in the contemporary process of rethinking Islam.<sup>18</sup> Despite the significance of recent contributions by some Muslim female scholars to the reinterpretation of the Qur'an, the conditions for the majority of Muslim women have not changed, primarily because of patriarchal readings of the Qur'an, and especially the misuse of the Prophet Muhammad's reported Sunnah that is compiled in the Hadith literature.<sup>19</sup> In order to transform these patriarchal and negative views, we need to change the premises and paradigms of studying Islam and reforming Muslim societies, particularly the claimed liberation of women that is based outside the Islamic framework.

The Qur'an provides the ethical ({If ye did well, ye did well for yourselves; if ye did evil, [ye did it] against yourselves} [Surah 17, *Bani Israel*: 7]) and the pedagogical framework ({This Qur'an guides to that which is most stable, and gives the glad tidings to the believers who work deeds of righteousness} [Surah 17, *Bani Israel*: 9]) for liberating Islam from its interpreters, be they from the east or the west. I will, therefore, briefly describe this framework; explain why we need to change our premises and paradigms, and why we need women's perspectives as the first step. Then, I will discuss the implications of alternative understanding of Islam and women's rights in the context of the Qur'an. I conclude with discussing the challenges for rethinking Islam by elaborating on my three recommendations.

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18 I would like to acknowledge my colleague, Ms. Hanan Lahham for her emphasis on the existence of a feminist perspective of Islamic issues and that such a perspective is important and should be taken into consideration (a response to a comment made by a male attendee during my second presentation of this lecture to a group of about 30 intellectuals in Damascus, March 6, 2009).

19 Nimat Hafez Barazangi, 2004, *supra* n. 6, Chapter 2.

## (2) Why do we need to change premises and paradigms?

Historical events require us to reconnect what is ethical with the political and legal in the analysis of Muslims' perceptions of Islamic sources and the consequent behavioral manifestations in the majority Muslim societies. Despite many attempts to reform Muslim societies during the past two centuries, the living conditions for the majority of Muslims, particularly the women, remain pathetic and unjust. These attempts might have been ineffective because of their being polarized or fixated on certain symptoms, overlooking the core of the problem—Muslim women's absence in the shaping of Islamic thought. That is why the living conditions for the majority of Muslims, particularly the women among them, are still painful and far from just.

Muslim reformers, from Jamal al Din al Afghani (1838-1897) and Muhammad `Abdu (1845-1905) to Muhammad Arkon and `Abdullahi an Na`im,<sup>20</sup> mainly use Western frameworks and analytical tools, thus creating discontent and sometimes distrust among Muslims who follow the literal meanings of the texts. Other reformers, from Mahmud Taha to Muhammad Shahrour,<sup>21</sup> used the Qur'anic framework and produced radical interpretations of the Qur'an that were questioned and often refused by those who follow the traditional interpretations of texts. At times, these polarized views were considered by extremists as against Islam and their proponents as apostates—to the point of calling for violent action against them. Meanwhile, traditionalists, from Sayyed Abu Al `Ala al Maudoodi (1903-1979), Sayyid Qutb (1906-1966), and Jamal al Banna

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20 Jamal al Din al Afghani ([1838-1897], *al Urwa al Wuthqa wa-al Thawra al Tahririyah al Kubra*, 1958; Muhammad `Abdu ([1845-1905], *Al Islam din al Ilm wa-al Madaniya*, 1964; Muhammad Arkon, *Rethinking Islam: common questions, uncommon answers*, 1994; `Abdullahi an Na`im, *Toward an Islamic reformation: civil liberties, human rights, and international law*, 1990.

21 Mahmud Taha, *Al Risalah al Thaniyah min al Islam* [The Second message of Islam], 1987 Abdullahi an Na`im, trans; Muhammad Shahrour, *al Qur'an wa-al Kitab: Qira'a Mua`sira*, 1990.

to Yusuf al Qaradawi,<sup>22</sup> generated more stringent interpretations as they relied on jurisprudence, and mostly used Hadith in a processed form as quoted in the fiqh texts without carefully examining them.<sup>23</sup>

These reform attempts seem to be polarized mainly because they suggest a change in women's role. Yet despite (or because of) these attempts, women are made more dependent on the governing body's rhetoric or action up to this moment (religious or secular).<sup>24</sup> Historically, every time women were discussed, new waves of patriarchal interpretations even by some women, shrouded in claims for gender equity, were generated.<sup>25</sup> For example, the first Muslim woman to lead the Islamic Society of North America (ISNA), Ingrid Mattson, did not lead the congregational prayer, with the excuse that the Hadith orders such a practice.<sup>26</sup> Recently, these traditional patriarchal views are being used by "Salafis" (followers of precedent practices), or those who call themselves "Islamists," to keep women from taking leadership positions even to the point of justifying domestic violence and/or state punishment. Since

22 Sayyed Abu Al `Ala al Maudoodi [1903-1979] *al Hijab*, 1967?; Sayyid Qutb [1906-1966] *Fi Zilal al Qur'an*, 1952; Jamal al Banna, *al 'Awdah ila' al Qur'an*, 1984; Yusuf al Qaradawi; *al Fiqh al-Islami Bayna al Asalah wa-al Tajidid*, 1986.

23 By "careful examination," I mean to study and discuss the Qur'anic meanings in depth and to ensure that the extrapolations and interpretations corroborate with the Qur'an before applying them. I should also emphasize here that I do not call for neglecting the sunnah as represented in Hadith. Rather, I call for putting back the Hadith in its second place after the Qur'an as a source of jurisprudence, and as a source for reexamining Islamic thought.

24 First Lady of Syria, Asma' Asad, in a conference on developing the role of Syrian and Turkish women, stated that the main point is how to change the role of women from a follower to a complementary role. (accessed: October 10, 2008) <http://www.tishreen.info/default.asp?Filename=821576250200810220203>; also, the female President of ISNA, Ingrid Mattson still talks about "gender equity" resonating the patriarchal perspective of male leaders. (accessed: January 27, 2009) <http://www.youtube.com/watch?v=c7SF-bG123c&feature=related>

25 Jamal Badawi, *Gender Equity in Islam: Basic Principles*. (Plainfield, Ind.: American Trust, 1995), and Ingrid Mattson, *ibid*.

26 Ingrid Mattson, 2006 (accessed Mar. 20, 2009): <http://www.mecca.com/modules/lifestyle/print.php?id=1432&lang=english>

women's role has been mostly viewed as secondary and/or complementary in the structure of all Muslim societies, it seems that every reform attempt, intentionally or unintentionally, reinforces the inferior status of women, thereby adding to the injustices they suffer.<sup>27</sup> Therefore, to be in a leadership position is not the solution by itself. Rather, Muslim women need to self-identify with Islam and rethink by themselves and for themselves.

In the course of any reform movement, we need to look into what sources Muslims use since most of them indiscriminately view all of these sources as sacred, as shown in the Indonesian women's interpretations.<sup>28</sup> In addition, we need to understand the complex methodological issues in verifying the validity and reliability of a Hadith. That is, Muslim "reformists" or "Salafis" quote a Hadith with ease, but the general public is not able to validate its authenticity and/or corroboration with the Qur'an. Therefore, uninformed Muslims tend to accept these rationales as valid, both because of their inability to verify the validity of a Hadith or because of their fear of being stamped as 'infidel' if they argue against the rationale drawn from it. In essence, I focus my arguments on how some Muslims have come to interpret some religious sources to license their patriarchal interpretations that assert men's guardianship over women. Since one of these sources is Hadith, and since Hadith is used more often instead of the Qur'an, I propose to investigate the historical evolution of this reversed process, the misuse of Hadith, and consequent interpretations.

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27 A Saudi Mufti stated on a Saudi TV show that "women were entitled to get education and assume all positions except leading political positions." His rationale was that men were exhausted by politics, which is why women should be spared from handling this burden and should abstain from doing so. *Mideastwire*, Feb 4, 2009.

28 Pieterella Van Doorn-Harder, in her *Women Shaping Islam: Indonesian Women Reading the Qur'an* (Urbana and Chicago: Univ. of Illinois, 2006: 2-3), discusses why traditionalists view all sources of Islam, including jurisprudence (*fiqh*) books as holy texts.

### (3) Why do we need Muslim women's perspectives in reinterpreting the Qur'an?

**First**, Muslim women are the most obvious target for prejudice, discrimination, stereotyping, and violence. Since Islam is being perceived as a dogma and a law, and is frequently viewed as a political force and more recently as a "threat,"<sup>29</sup> women bear most of the brunt of such negative views. In addition, since these women are made to believe they actually are, and are viewed as victims by an oppressing society and a patriarchal culture that they cannot change, rarely are they considered as authoritative thinkers and contributors to the development of Islamic thought.

**Second**, looking at the historical evolution of the misuse of Hadith as the main challenge facing the process of rethinking Islam and reforming Muslim societies, most critical to my thesis is the absence of Muslim female scholars from the religious/political/legal leadership in the decision-making process. For instance, on July 11, 2001, the executive director of KARAMAH (a well-known organization in the United States, Muslim Women Lawyers for Human Rights), testified before the Department of State on behalf of Muslim women's religious rights against the French government and other European countries which were discriminating against Muslim women wearing headscarves<sup>30</sup>—what is erroneously called Hijab. After September 11, 2001, even some American Muslim women were either confined to their homes or forced to remove their head-cover for fear of being harassed or viewed as a threat to security. Meanwhile, and to my knowledge, neither KARAMAH nor other Muslim women's organizations that I know of have addressed the problem of some Muslim societies' forcing certain forms of dress on

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29 Waltzer, 1997, quoted in Anna Mansson McGinty, *Becoming Muslim: Western women's conversions to Islam* (New York: Palgrave Macmillan, 2006): 21- 22.

30 Department of State, 01-H461-95 Testimony NO: 2, July 11, 2001, p.35-87, (accessed Mar. 26, 2009)

[http://web.lexisnexis.com/congcomp/document/?\\_m=4ae49d2facb64ac0470a3312b09a500f&\\_docnum=1&wchp=dGLbVzz-zSkSA&\\_md5=2a42f8233317dbaf24b08c5fdb60f799](http://web.lexisnexis.com/congcomp/document/?_m=4ae49d2facb64ac0470a3312b09a500f&_docnum=1&wchp=dGLbVzz-zSkSA&_md5=2a42f8233317dbaf24b08c5fdb60f799).

women, such as in Saudi Arabia, Iran, and Afghanistan. Why is that the case?

Yes, I am emphasizing here that calling women's garment hijab is erroneous. That is because male interpreters confuse the word *Khimar* in [verse 31 of Surah 24, *al-Nour*]: {*wa-lyadhribna bi-khumoorihenna 'ala jyubihenna*} and let the women through their head cover over their bosom)—which also indicates that the head cover was practiced before Islam—with the word hijab as in [verse 53 of Surah 33, *Al-Ahzab*]: {*fa-sa'louhun min wara` hijab*} and ask them from behind a curtain), ordering early Muslims to do so when approaching the Prophet's wives' dwellings. Thus, hijab means a curtain and not a garment.<sup>31</sup>

Muslim individuals, particularly women, are not exercising their own agency fully, and even when they are actively involved in seeking justice for themselves or for other women, they often use others' interpretations<sup>32</sup> instead of developing their own.<sup>33</sup> In addition, although it is obvious that religious extremism is the result of ignorance or misinterpretation of the primary sources, the majority of Muslim male scholars tend to ignore reforming this malaise, either because they are not ready to accept it as

31 Nimat Hafez Barazangi, 2004, *supra* n. 6, Chapter 3.

32 We know that the head cover for women was practiced before Islam, and that what is propagated as *hijab* is produced in the interpretation by Al-Albani and Abu al-'Ala al-Mawdudi of Surah al Ahzab, by relying on the Hadith (Nimat Hafez Barazangi, "Understanding Muslim Women's Self-Identity and Resistance to Feminism and Participatory Action Research" in *Traveling Companions: Feminisms, Teaching, and Action Research.*, eds. Mary Brydon-Miller, Patricia Maguire, Alice McIntyre, (Praeger, 2004): 21-39.

33 See Nimat Hafez Barazangi, 2004, *supra* n. 6, Introduction; also, Kacia Ali, in her "Progressive Muslims and Islamic jurisprudence: The Necessity for Critical Engagement with Marriage and Divorce Law" in *Progressive Muslims: On Justice, Gender, and Pluralism*, ed. Omid Safi (Oxford, England: One World Publication, 2003): 163-169, critiques Muslim women reformist work of al Hibri, Wadud, Hassan, and Barlas because it highlights the egalitarian texts of the Qur'an and Hadith but ignores the cultural influence that shaped the fiqh: "The reality is that many women in Muslim countries continue to suffer injustices within their marriage because their husband's frame of reference about marriage adheres mainly to the *Fiqh*."

such, or because they prefer to keep the public ignorant.<sup>34</sup>

Furthermore, given the effect of imposed nationalism,<sup>35</sup> most Muslims practice Islam as a dogma.<sup>36</sup> As a result, the foundational principles of Islam—as stated in the revealed Qur’anic text that was documented and sealed in the 7th century A.D.—are confused with Prophet Muhammad’s contextually-bound extrapolations, on one hand, and with the socially-based jurisprudential rules, on the other. By calling the totality of these sources “Islamic *shari`a*,” or as is known in the West, “shari`a law,”<sup>37</sup> ordinary people, including the majority of Muslims, confuse the levels of the moral and legal binding of these sources.<sup>38</sup>

Meanwhile, Western governments rely mainly on biased understanding of Islam and Muslims, and given the Judeo-Christian views of religion, Islam is perceived as a religious law that needs reformation in the same manner as the European reformation—by separating state and church. Muhammad Arkoun explains that the European ecumenical reading has endorsed the Orientalists’ image of Islam as if it were a monolithic, solid unit ideally and in practice, adding, Europeans tend to renew their emphasis on their

34 Jawdat Said in his “Law, Religion and the Prophetic Method of Social Change,” *Journal of Law and Religion*, 2001:83, also talks about “the world sheltering the intellectual viruses that destroy us.”

35 Wael Hallaq, ed., *The formation of Islamic law* (Aldershot, Hants, Great Britain; Burlington, VT: Ashgate/Variorum, 2004a.), suggests that the idea that Islamic law as a viable legal system is questionable in light of the changes in the conception of legal authority that were brought about by the advent of the nation state.

36 Nimat Hafez Barazangi, 2008, “Religious Education” in the *Oxford Encyclopedia of Islamic Studies* online (accessed: September 29, 2008): <http://www.oxfordislamicstudies.com/article/opr/t236/e0212#e0212-s0001>.

37 Tamara Sonn. (accessed, May 08, 2008) <http://www.oxfordislamicstudies.com/public/focus.html>.

38 Nimat Hafez Barazangi, 1996, “Vicegerency and Gender Justice in Islam” in *Islamic Identity and the Struggle for Justice*, ed. Barazangi et al (1996): 77-94. I would like to add here that it is possible to operate by replacing obsolete, unjust interpretations and ruling with the new interpretations, including female scholars’ interpretations. These new interpretations should help in developing a community-based jurisprudence that is egalitarian and just.

“enlightenment” thinking, as if it cannot be touched.<sup>39</sup> These perceptions of Islam are perpetuated by the majority of non-Muslims who teach or consult about Islam.<sup>40</sup> Thus, the ensuing debates on reforming Muslim societies are, in my view, based on the wrong premises, and hence, I question their rationales and effectiveness.

**Third**, contemporary laws (erroneously known as shari`a) practiced in Muslim societies are neither morally binding, nor valid in space and time. Qur`anic Shari`a (with a capital ‘S’) is the only divine, binding source concerning the principles of Islam: (Qur’an: “*Thumma Ja`alnaka `Ala Shari`aten mina al`Amr fa-Itabi`ha, wala tatb` ula`ika alladheen layaa`lamun*” {then we put thee on the path: so follow that way, and follow not the desires of those who know not} [Surah 65, *al Jathiyah*: 18]). It means the path that is guided by Qur`anic ethos.<sup>41</sup> Yet, generations of Muslims have been affected by the confused views, and the majority of them believe shari`a (with a small ‘s’) to be directly revealed from God.<sup>42</sup> One outcome of confusing Qur`anic Shari`a with the prophetic extrapolations and interpretive jurisprudence has been the biased views toward women.<sup>43</sup> Thus, women also need to study critically the Qur’an and the Hadith in order to change their perceived role from being assumed as complementary (to men) to the Qur’an-stated role as primary, and to change the extremists’ sweeping notion of “others” as infidels.<sup>44</sup>

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39 Muhammad Arkoun, *Rethinking Islam: Common Questions, Uncommon Answers* (Robert D. Lee trans., Westview Press, 1994): 4.

40 The Salzburg Global Seminar announcement of October 25-30, 2008, is a good example of this perception. It starts, “*Shari`a law and Islamic legal traditions are...*” as if these are two different entities. (on file with author.)

41 Nimat Hafez Barazangi, 2004, *supra* n. 6, 103-104.

42 Pieterella Van Doorn-Harder, 2006, *supra* n. 26: 262.

43 Leila Ahmed, in her *Women and Gender in Islam* (New Haven, Conn.: Yale University Press 1992: 85), discusses the jurists being influenced in their elaboration of a system of marital rights and obligations by the norms governing slavery.

44 Bassam Tibi, “The Return of the Sacred to Politics as a Constitutional Law.” *Theoria*, April 2008, 91-119.

#### (4) How to understand Islam as a religio-moral rational worldview

The first principle in understanding the Qur'an is that the mature individual Muslim is not bound legally by Islam unless s/he has conscientiously accepted its moral principles as stated in the Qur'an itself: ("*Iqra' bismi Rabika Alladhi khalaq, khalaqa al-inshan min 'Alaq...*") {Read in the name of your Guardian, the Creator, created humankind from a clot...} [Surah 96, *Al-'Alaq*: 1-5].<sup>45</sup> That is, it is not possible for an individual—male or female—to self-recognize the meanings of Islam, nor to practice it in a comprehensive manner without the individual being a Muslim by choice.<sup>46</sup> Islam, as Deen (worldview), is basically textual, not based on an event—as for example, with Christ's resurrection in Christianity—or on a law—as with the law of the Torah in Judaism. The content of the text, i.e., the Qur'an, is what defines all Islamic beliefs.

The Qur'an also reminds us that it is not because of the Prophet Muhammad that Muslims accept the Qur'an, but because of the Qur'an, they accept the authority of the Prophet.<sup>47</sup> The Qur'anic verse, ("*Ya'ayuha alladhina amanu, ati'u Allah, wa-ati'u al-Rasool, wa-'uli al-'amr minkum.*") {Oh, Believers, obey God, and obey the Messenger and those of authority [in knowledge] from among you.} [Surah 4, *Al-Nisa*: 59]), is intended to take the Qur'an first as the source of guidance, followed by the extrapolations of the Prophet, and then refer to those of knowledge, not necessarily those governing. The evidence lies in the rest of the verse, ("*Fa'in tanaza'tum, faruduh ila Allah wa-al-Rasool*") {And if you

45 Paul Powers in his *Intent in Islamic Law: Motive and meaning in Medieval Sunni Fiqh* (Brill, 2005) discusses how classical Islamic jurists' thought that "an actor's 'intent' affected the 'legality' of his actions." Clark Lombardi, in his review of Powers' *Journal of Law and Religion* (2007: 607-613), further clarifies "legality" as Islamic jurists worked with a "five-part typology of actions: required, prohibited, recommended, reprehensible or neutral" (ft.1); Nimat Hafez Barazangi, 2004. *Supra* n. 6, Chapter 3.

46 Nimat Hafez Barazangi, 2004, *supra* n. 6: 44-45.

47 Maysam al Faruqi, "Self-Identity in the Qur'an and Islamic Law" in *Windows of Faith: Muslim Women Scholar-Activists in North America*, ed., Gisela Webb (Syracuse: Syracuse University Press, 2000): 72-101.

disagree, then retract to God's [guidance] and then, the messenger}). What has happened is that Muslims have, to a large extent, reversed the order when they idealized the Prophet and his traditions more than the Qur'an, as did Nassir al-din al-Alban, when he made the Hadith central to the jurisprudence process, instead of the Qur'an.<sup>48</sup> Most contemporary Muslims even forget that the reported extrapolations on the authority of the Prophet do not supersede the Qur'anic text that states: ("*Wa-alladhina itakhadhu min doonihi [Allah] Awliya', Allah hafidh 'alayhim, wa-ma anta 'alayhim biwakil.*" {And those who took as guidance some one else beside God, God is the Most Protector, the Most Knowledgeable, and you [oh prophet] are not their proxy guardian.} [Surah 42, *Shura*: 6]). The Prophetic extrapolations do come after the Qur'an mainly because they are bound by contextual applications of the message. It seems that the use of Hadith before the Qur'an results from a misuse of the following narrative that is attributed to the Prophet: "*Inna waliia huwa Allah, wa-al Muminun al-Salihoon*" (My guide is Allah, and the righteous believers).<sup>49</sup> Even when we acknowledge the relationship between the ideal and its application (i.e., the Qur'an and Sunnah), our knowing that the Qur'an is its best interpreter, ("*Allah anzal ahsan alhadith, mutashabihan, mathani.*" {God has revealed the most beautiful message in the form of a Book consistent with itself, yet repeating its teachings in various aspects.} [Surah 39, *al-Zumar*: 23]), should remind us, as Muslims, that we should not be rigid in applying the prophetic extrapolation and its practices literally. Therefore, I repeat, it is not simply the opinion of women that matters. Rather, their self- understanding of the Qur'an from within its own interpretation, and their acceptance of the message of *Tawhid*, that is of utmost importance. "Tawhid" means that the authority lies only with

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48 Stephan Lacoix. 2008, (ISIM Review 21: 6-7) states that Nassir al Din al-Albani makes Hadith the central pillar of juridical process, for Hadith alone, to be a proper "*salafi in fiqh*," may provide answers to matters not found in the Qur'an without relying on the school of jurisprudence.(accessed Mar. 24, 2009)  
[https://openaccess.leidenuniv.nl/bitstream/1887/13326/1/review\\_21.pdf](https://openaccess.leidenuniv.nl/bitstream/1887/13326/1/review_21.pdf).

49 Sahaih Bukhari, Book of *Adab*, 5531.

God, whose guidance is in the text of the Qur'an: ("*Inn hadha al-Qur'an yahdi lil-allati hia aqwam.*" {This Qur'an guides to that which is most righteous} [Surah 17, *Bani Israel*: 9]).<sup>50</sup>

What is important for my thesis is Muslims' self-identification with Islam as the Deen of Tawhid, and thus the first five verses of the Qur'an [Surah 96, *al `Alaq*: 1-5] affirm reading in the name of God, emphasizing the divine source of the book, and reminding humans that they were created as moral beings who have a choice to carry out or refuse the message. Hence, each individual Muslim has the responsibility of reading and interpreting the Qur'an in order to be able to carry his/her rights justly. Since the participation of Muslim women in interpreting the text has been limited or nil, it means that Muslims contradict the above verses and what verse 9 of Surah 17 indicates—that the Qur'an is its best interpreter.<sup>51</sup> Fazlur Rahman states after examining most Muslim interpretations, social habits, and emulations of early traditions: "The way of building a consensus among these interpretations makes the problems in such solutions clear in any reading that is missing the educational dynamics of the Glorious Qur'an."<sup>52</sup> Rahman also explains the confusion between what is intended of the prophetic sunnah and the sunnah of a society in a certain era. I specifically focus on the implications of such confusion and shortcomings for the women and the generations that they have raised or are still raising. Contemporary Muslims often confuse the meaning of religion as if it were limited with some rituals and rules that are applied routinely and in a passive manner with the universal worldview of Islam.<sup>53</sup>

Traditional Muslims talk about the ideals of Islam as a just and

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50 Nimat Hafez Barazangi, 2004, *supra* n. 6: 46-47. I do affirm here that it is possible for each individual to deduct behavioral applications from the Qur'anic guidance if they set their minds to truly understand the Qur'an from within.

51 Nimat Hafez Barazangi, 2004, *supra* n. 6: 48-49.

52 Fazlur Rahman. *Islamic Methodology in History*, Islamabad: Islamic Research Institute, 1995: 1.

53 Nimat Hafez Barazangi, 2004, *supra* n. 6: 53.

peaceful religion, but they often do not accept or develop anew equilibrated (i.e. Muttaqi) solutions for women's participation in developing Islamic thought.<sup>54</sup> It seems that this exclusion is because of their reliance on Fiqh that uses processed Hadith<sup>55</sup> without carefully examining its context and corroboration with the Qur'an, such as the recent fatwa for not shaking the hand of "strange" women.<sup>56</sup> Extremist Muslims, instead of rationally correcting non-Muslims' biased views of Islam, indiscriminately denounce all non-Muslims as unbelievers and their solutions as unacceptable.<sup>57</sup> Some extremists even react by forcing women's seclusion in the name of protecting them from the influence of the "non-believers." These harsh measures, including violent behavior against the "defiant" women or against the "infidel others," result from rationales based on a Hadith that is contradicted by another.<sup>58</sup>

The Qur'an clearly shuns violence as a means to achieve justice. It distinguishes the struggle for justice (*jihad*) from fighting (*qital*).<sup>59</sup> Since Islamic behavior is a manifestation of the moral intent of the individual on fulfilling his/her obligations (*taklif*),<sup>60</sup> we need to understand how certain moral essentialism was fabricated to separate rights from responsibility contrary to what is stated in the Qur'an: ("*Layukaifu Allah nafsa illa wis`aha.*" {On no soul doth God place a burden greater that it can bear})

54 I thank Jawdat Said for his affirmation that the issue is to create a balanced society (his comment on my lecture in Damascus, March 6, 2009, see note 18).

55 Nassir al Din al-Albani, *Supra* n. 48; also, traditional Muslims, according to Martin Van Bruinessen, "Traditions for the future," 165, are those who "rely on the teachings of jurisprudence, or *Fiqh*, and mostly use Hadith in a 'processed form' as quoted in the *Fiqh* texts." (Quoted from Pieternella Van Doorn-Harder. *Supra* n. 28, .2006: 61).

56 See the fatwa posted on Lebanon's *Dar al-Ifta`* website. (accessed, Feb 13, 2009) [http://www.darfatwa.gov.lb/content.aspx?CatId=139&NewsId=556.\(Arabic\)](http://www.darfatwa.gov.lb/content.aspx?CatId=139&NewsId=556.(Arabic)).

57 Sayyid Qutb [1906-1966], *Fi Zilal al Qur'an*, 1952 and Jamal al Banna. *al 'Awdah ila al Qur'an*, 1984.

58 Hadith: "God is pleased with two men, one kills the other; they both enter heaven." (accessed, Mar. 27, 2009) <http://www.al-islam.com/arb/> (Arabic).

59 Muhammad Shahrour, *Tajfif Manabe` al-Irhab* (Drying-up Sources of Terrorism), Damascus: al-Ahali, 2008: 20.

60 Majid Fakhri, *Ethical Theories in Islam* (Leiden: Brill, 1991): 151.

[Surah 2: 286]). In order to change attitudes about martyrdom or violent struggle to attain justice, or the conceptions concerning women's seclusion and domestic violence,<sup>61</sup> we need to understand how such essentialism has evolved away from the Qur'anic rationality that emphasizes the relation between rights and responsibility. This understanding will help us recognize the contradiction in the practice wherein Muslims emphasize responsibility while ignoring the basic right to knowledge before carrying out any responsibility.

### **(5) What are the Challenges facing the process of rethinking Islam?**

In my book, *Woman's Identity and the Qur'an: A New Reading* (2004), I focused on self-identity with the Qur'an being the primary and the basic source of Islam, as a means for women to regain their rights from within and to reassert their authority in reinterpreting Qur'anic gender justice. My book and other similar works, as mentioned above, have begun to take hold among some intellectual Muslims, but some elitist males and females and the masses of Muslims still use, or misuse, the "prophetic tradition" to justify the existing biased practices.<sup>62</sup> Therefore, the following three recommendations are to be taken as a priori before we can ensure that Muslims are ready to change.

#### **1. Change the paradigm and the premises about the meaning of Islam and Muslims.**

Islam is neither a law nor a dogma. Islam is basically a religio-moral-rational guidance. It is an action-oriented worldview that encompasses social, cultural, and political elements, including religious and secular reasoning (Ijtihad). I capitalized on this worldview's reliance on human capacity of reason to reconstruct a fair decision-making process that

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61 For example, the interpretation of Jamal Badawi, 1995, *supra* n. 23.

62 Ingrid Mattson, the Director of Hartford Seminary, and the first woman president of the Islamic Society of North America (ISNA), "supports male privilege in leading prayers, based on her understanding of Sunnah (Muhammad's example)." (accessed July 24, 2008) <http://www.mecca.com/modules/lifestyle/print.php?id=1432&lang=english>.

brings equilibrium (Taqwa) to individual and communal relations. In the process, I explained how tension in the domestic relationship is reflected in tensions in national and international relationships and vice versa. The history of teaching Islam in western institutions has been perpetuating the concept of Islam as a law because Islam has been mainly taught by non-Muslim men who often understood Islam from the framework of their own tradition, particularly the Hebrew tradition, where religion is viewed as a law, while Islam is basically a guidance to the mind and to morality.<sup>63</sup> Unfortunately, today's Muslims repeat the same concepts without realizing the dire far reaching implications.

Furthermore, the view of Islam as a law has also been influenced by the Christian missionary emphasis on elite male leadership. The February 7, 2008 statement by the Archbishop of Canterbury, for example, represents exactly such emphasis. Although it looked as if he was doing a favor to Muslims when he stated that British lawmakers should come to some "accommodation with some aspects of Muslim law, as we already do with aspects of other kinds of religious law,"<sup>64</sup> I could see an immediate problem here. The Archbishop's statement is an excellent example of misunderstanding the difference between the Islamic guiding principles and what is known as "Islamic law or shari`a." The present Muslim legal systems consist predominantly of centuries-old interpretations and customary practices by Muslim males that were transformed into "law" with the support of the colonials to subdue the conservative Muslim male leaders then.<sup>65</sup> The Archbishop's statement, in my view, is not different, and it also represents a gross miscalculation of the consequences and the

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63 Nimat Hafez Barazangi, 2004. *supra* n. 6, Chapter 1.

64 "Archbishop of Canterbury Surrenders to Islamic Law." (accessed 02/10/08) <http://thoughtsongod.wordpress.com/2008/02/09/archbishop-of-canterbury-surrenders-to-islamic-law/>.

65 See Wael B. Hallaq, "Can the *Shari`a* Be Restored" in Yvonne Haddad and Barbara Stowasser. *Islamic Law and the Challenge of Modernity* (Walnut Creek: Alta Mira Press, 2004b): 21-53; See also Nimat Hafez Barazangi (2004, *supra* n. 6, chapter 4), in which she distinguishes between Qur'anic Shari`a and other shari`a.

implications of such a move, not only for England, but for Muslims and non-Muslims around the globe. Has the Archbishop forgotten the hardship that women have been suffering since similar rulings were imposed on Muslims and other religious groups by the British and other colonials during the 19th and 20th centuries?<sup>66</sup>

Another related issue here is that “Overwhelmingly Islam has been produced by the academic writings as a coherent and homogeneous religious experience.”<sup>67</sup> Saba Mahmood asserts, “The everyday reality of Muslim communities in different parts of the world renders such conceptualization of Islam [as an oppressing religious law] highly problematic.”<sup>68</sup> I would add here, we cannot, therefore, separate what is ethical from the political [or legal] in the analysis of Muslim cultural issues.<sup>69</sup> In my research, I understand Islam as a worldview that affects the everyday lives of Muslims, including religious experience, but is not limited to it. Furthermore, it is imperative to realize that the mature Muslim individual is not legally bound by Islamic guidelines unless she (or he) has morally and conscientiously chosen the Islamic principles as stated in the Qur’an,<sup>70</sup> not as they have been interpreted through history.

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66 Varsha Chitnis and Danaya Wright, “The Legacy of Colonialism: Law and Women’s rights in India,” *Law Review: (Washington and Lee University School of Law)*, 64, 2, (2007): 1315 -1348.

67 See Svetlana Peshkova. Sp 2008 syllabus “Anthropology of Islam: Everyday lives of Muslim women and men in different contemporary communities.” (Syracuse University, Religion 400). (accessed, Jan 20, 2008)  
<http://religion.syr.edu/syllabi/Spring2008/REL400LanaSp08.pdf>.

68 Saba Mahmood, 2005. “Feminist Theory, Agency, and the Libratory Subject” in *On Shifting Ground: Muslim Women in the Global Era*, ed., Fereshteh Nourai-Simone (New York: The Feminist Press): 111-153.

69 The conflict resulting from the proposal to introduce shari`a in Canadian law is a good example here. See for example, Anna Korteweg, “The *Shari`a* Debate in Ontario.” *Sociologist for Women in Sociology* (2008): 434-454.

70 Nimat Hafez Barazangi, 2004. *supra* n. 6.

## 2. Accept Muslim women scholars as authorities in reinterpreting Islamic sources.

We should accept Muslim women scholars as authorities, mainly in interpreting the Qur'an from within its own framework. Muslim women need to speak for themselves, especially on issues related to religious and public policies.<sup>71</sup> The Islamic religio-moral-rational discourse offers alternative interpretations of social issues in the Islamic sources themselves. Hence, by shifting the practice of Islamic jurisprudence from being limited to the male elite into a community-based consultative practice, Muslim women will be able to change attitudes and customary practices, and subsequently legislations, through establishing a viable social order that is ethically based.

In addition to asserting Muslim women's moral autonomy and agency, we also need to assert the right and responsibility of every individual Muslim to understanding the Qur'an without an intermediary. Unfortunately, even when women develop their own reform movements and/or interpretations from the works of `Aisha `Abd al Rahman and Fatima Mernissi<sup>72</sup> to those of Amina Wadud, traditional female preachers and leaders, from Zaynab al Ghazali<sup>73</sup> to Ingrid Mattson, continue to emphasize the perception of women's role as complementary. Because of them, the status quo has not changed and injustice persists.

Despite the fact that cultural tension between Muslims and Westerners helped to bring some women's voices to the surface, it is time for Muslim

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71 For example, women do not need reaffirmation of traditional male scholars to validate their research findings and reinterpretations of the Qur'an, as was done by the Progressive Muslim Union when they asked some scholars to validate that women could lead a coeducational congregational prayer (2007). See note 15.

72 Fatima Mernissi, *Beyond the veil: male-female dynamics in a modern Muslim society* (Cambridge, Mass., Schenkman Pub. Co. (New York 1975) and *Islam and democracy: fear of the modern world* (trans. Mary Jo Lakeland, (Cambridge, Mass.: Perseus Publishing, 2002).

73 Zaynab al-Ghazali, *Humum al mar'ah al Muslimah wa-al da`iyah Zaynab al Ghazali* (al-Qahirah: Dar al-I'tisam, 1990).

women now to speak for themselves, so they can change extreme views from within. The sad realities of the status of Iraqi women on the ground and within the new Iraqi constitution are a glaring example of the failure of outside intervention (in this case by the US occupying authority) in policy-making within Muslim societies and the absence of the conscientious Muslim women from the process. As a result, Iraqi women lost their place in decision-making when some extremists in the new administration insisted on including “religious edicts” as a base for domestic rulings. Thus, Iraqi women went back 40 years in their personal affairs.<sup>74</sup>

**3. Incorporate Muslim women’s scholarship on the Qur’an into the mainstream sources on Islamic thought and recognize them as central to any curricular or legal development process about Islam.**

The few Muslim female scholar-activists who are capturing this momentum to reinterpret Islam’s primary sources in order to take their place in the decision-making process within their Muslim communities and societies are hoping to implement a fundamental aspect of the social justice contract between Muslims and Islam. Indeed, this is the essential move toward accomplishing comprehensive human rights for themselves, as well as challenging the unwarranted authority and the hijacked Islamic authority that Muslim men have held for about fourteen centuries.

These Muslim women scholars, though relatively limited in number, are constructing new knowledge and new meanings of the Islamic worldview that are neither ethnic nor gender-based. In addition, these women scholars represent about ten percent of their cohorts who teach at

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74 I commented on the constitution in a limited manner, as a consultant to the UNDP, suggesting some modifications to items related to women’s participation in the decision-making process as evidenced in the Qur’an. Unfortunately, the final draft dropped some of these items because the US authority allowed conservative religious leaders to include a clause stating that all legislations be judged against specific Muslim interpretation.

American universities and colleges in the field of gender and Islamic studies.<sup>75</sup> Through their teaching they are exploring “the ways in which Muslim women have constructed, reassessed, and articulated Islam and their place within it.”<sup>76</sup> Although both words “Islam” and “Muslim” are highly contested, and may mean different things to different people, these women scholars are concerned with maintaining and/or regaining their identity and identification with Islam as a worldview and a belief system. Thus, they are affirming their agency and moral autonomy as well as the ethical injunctions as superior to legal enactments in the action-oriented Qur’anic gender revolution.<sup>77</sup>

## (6) Conclusions

Muslims, particularly women, expect others to accept them and their ideas as they are because of their “unjust” situation or social connection, but they do not realize that some of the injustices are the result of their own ignorance or misperception of their own religion/culture and of human relations. Most of the current agents who are attempting change rely mainly on oral narratives of *Ahadith* (plural of Hadith), often without verifying their authenticity or corroboration with the Qur’an. We saw earlier how negative use of Hadith justifies inferior perception and treatment of women, including the justification of domestic violence, as for example in the interpretation of the verses of *Qawama* and *Daraja*: (“*Al-Rijal qawamun ‘al al-Nisa’...*” {Males are responsible towards women...}[Surah 4, *Al-Nisa`*: 34]) and (“*W-al-mutallaqat yatrabbasna bi-anfusihenna thalathat quru’,...wa-lahunn mithla alladhi ‘alyhun bial-ma’rouf, wa-lil-rijal ‘alyhunn Daraja.*”{And those who are divorced have a waiting period of three months,...and they have an equal share of

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75 I have reached this estimate by calculating the number of those participating in a particular petition within the membership of the Middle East Studies Association, 2007.

76 Kelly Pemberton, 2007, *supra* n. 4.

77 Nimat Hafez Barazangi, 2004. *supra* n. 6, Chapter 3.

rights and responsibilities, and men have an edge of responsibility toward them.} [Surah 2, *Al-Baqara*: 228]). Unfortunately, interpreters considered these two verses as a license to give men special status and an upper hand over women.<sup>78</sup> Thus, these interpretations not only caused women to lose their self-identity with Islam—the woman was perceived as if she possessed a proxy morality or a complementary role, but they also caused the following generations to lose their self-identity with Islam. As a consequence, women and the generations that they raised have lost the capacity to relate to the Qur’an—without the intermediary interpretations—and the ability to defend themselves against violence and oppression.

Therefore, I recommended the above actions if we are serious in our attempts to

- (1) Better understand Islam.
- (2) Help change attitudes about Muslim women, gender justice, and the views of the “other.”
- (3) Support the participation of young generations of Muslims into building their own culture and understanding Western cultures.
- (4) Achieve justice that will subsequently result in peaceful and just intercultural relations.

The main implication of my recommendations is to change the prevalent premises and paradigms of reconstructing Islamic thought, as well as the choice of resources about Islam and about intercultural policy making. With my alternative paradigm, I hope we can also stop extremists from keeping a hold over Islam. Though my proposed strategies are mainly intended to help Muslim women develop their capacities to determine their own destiny, they will, consequently, contribute to societal and attitudinal transformation among the next generations of Muslims. Eventually, these strategies will also help to educate young Muslims who self-identify themselves with the Qur’an in understanding

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78 Nimat Hafez Barazangi, 2004. *supra* n. 6, Chapter 4.

Western law and politics<sup>79</sup> and bring about a just order in the process of rethinking Islam from within.

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<sup>79</sup> I borrowed this idea from Sherene H. Razack, *Casting out: the eviction of Muslims from Western law and politics*, 5 (Toronto: Univ. of Toronto, 2008), but I take an optimistic view of her argument. She argues that the stereotypical figures that came to represent the “war on terror” are “promoted to justify the expulsion of Muslims from the political community, a process that takes the form of stigmatization, surveillance, incarceration, torture, and bombing.” I hope that by deconstructing the arguments about the exclusive use of civil law to assess Muslim attitudes, we will be able to help facilitate a change in the prevailing perspectives of Islam. Consequently, Muslims may renounce violence as a means to achieve justice when they are included in the development of their own and that of Western law and politics.