

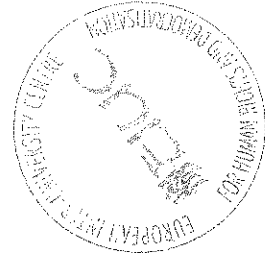
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E.MA HUMAN RIGHTS

AND DEMOCRATISATION

SECOND SEMESTER THESIS

2004 – 2005



ISLAMIC FEMINISM:

THE DIALOGUE BETWEEN ISLAM,

WOMEN AND HUMAN RIGHTS

IN THE AFTERMATH OF COLONIALISM

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ABSTRACT

The purpose of this study is to engage in the theoretical analysis of some post-colonial feminist discourses that, as I argue, illustrate the existence and subsequent usage of post-colonial hybrid concepts. Moreover, I highlight that this hybridisation of concepts is the direct consequence of the cultural dialogue – understood as a process of embracing, translating and repudiating alien concepts – that colonialism has provoked. Through reflecting on these concrete effects of the colonialist experience, I build a parallelism between past and present globalisation processes, which I then identify as a continuous source of cultural dialogue between Muslim and non-Muslims cultures.

Today, in the aftermath of colonialism, and stemming from the necessity to create a new Muslim identity and ideology, many philosophical and political movements have emerged to canalise the cultural dialogue occurring in Muslim societies. In this study, I specifically deal with Islamic fundamentalism and Muslim modernism, which, I argue, employ the aforementioned hybrid concepts and are circumscribed in a process of re-thinking gender issues.

Muslim women are also participating in this process of re-thinking gender issues, as numerous modernist scholars are women. As I see it, this fact will open new horizons for the Islamic culture, as the debate is inevitably enriched when all segments of society articulate their opinions.

*To the memory of my beloved father,
whom I will always have in my heart.*

"Religion, like language, is a collective force that governs the life of societies... It is illusory and dangerous to ask of religions more than they can give. Only human beings, with their creativity and their innovative boldness, can constantly renew and augment opportunities for their own liberation."

Arkoun, *Rethinking Islam Common Questions,
Uncommon Answers*

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INTRODUCTION

1. - THEORETICAL FRAMEWORK OF THIS STUDY

1. 1. - WOMEN'S HUMAN RIGHTS IN ISLAM: THE STATE OF THE DEBATE

The debate on women's human rights in Islam has extensively been tackled in pro-West or anti-West terms and formulated in dichotomies, such as "secular and Western" versus "divine and Islamic", or "rights-based" versus "duty-based" approaches to human rights¹. Through this type of "binary thinking" the West and the East are conceived as divided and antagonistic spheres that cannot intermingle with each other in ways that do not result in imitation or cultural loss.

This discourse has been developed both in the West and in Muslim countries. In the West, scholars like Samuel P. Huntington argue that religion and culture create differences in policy-making, thus provoking a "clash of civilisations" when these policies come into contact with other cultures. Consequently, to Huntington, the attempt to integrate human rights into Islamic cultures necessarily leads to the above-mentioned cultural clash, as human rights are an alien construct in Islam, as its premises are unfamiliar to Muslim societies².

Muslim scholarship has also developed a similar line of thinking which embodies the perception of the West and the East as isolated and opposed spheres. Sayyid Qutb and Abu al-A'laal-Mawdudi have both played a leading role in the

¹ For further details, see Shaheen Sardar Ali, *Gender and Human Rights in Islam and International Law*, The Hague, London, Boston, Kluwer Law International, 2000, pp. 25-41.

² Samuel P. Huntington, *The Clash of Civilisations*, in «*Foreign Affairs*», n° 72 (3), 1993, pp. 22-49.

conceptualisation of this anti-imperialist ideology³, in which the main assertion consists of the idea that Muslim societies must preserve their culture and reject all influence from the —injurious— West⁴. The following passage from Sayyid Qutb's book *Social Justice in Islam* exemplifies very clearly this notion and usage of the so-called "binary thinking". It is interesting to note how Qutb employs the "good versus bad" dichotomy when referring to the West —which is "materialistic" to him— and the East —which he envisages as morally righteous:

"(...) it is my personal belief that many generations must elapse before the West will be able to appreciate the spirit of Islam in any real sense. (...) Again, the substance of this argument is that the mode of the Muslim doctrine that work must serve moral ends cannot be reconciled with the modern Western doctrine that morals must serve some material advantage. We must reckon with this fact, and hence we must work to establish a sound form of Islamic life; this cannot be achieved by the importation of elements borrowed from abroad, since such elements will not fit into the texture of our authentic beliefs."⁵

This type of discourse has not remained solely in the field of scholarship. On the contrary, it has widely been used by Muslim activist groups, as well as by representatives of some Muslim countries for justifying their dismissal of human rights instruments⁶. Particularly, these countries formulate their arguments in terms of the "secular and Western" versus "divine and Islamic" dichotomy:

"Divergence does not emerge from the context, it rises from the very initial phase. Islamic law is founded on the very original concept that divinity

³ See A. A. Mawdudi, *Human Rights in Islam*, translated by Prof. Khurshid Ahmed, Leicester, Islamic Foundation, 1980; and Sayyid Qutb and S. Tabendah, *A commentary on the Universal Declaration on Human Rights*, Guildford, Goulding, 1979.

⁴ L. Abu-Lughod, *Introduction*, in L. Abu-Lughod (ed.), *Remaking women. Feminisms and Modernity in the Middle East*, Princeton and Chichester, Princeton University Press, 1998, p. 21.

⁵ S. Qutb, *Social Justice in Islam*, translated by John B. Hardie, Oneonta, New York, Islamic Publications International, 2000, p. 283.

⁶ Countries such as Iran, Saudi Arabia, Egypt, Pakistan and Bangladesh.

reigns supreme and divine law is pre-eminent to human law. The Declaration is genuinely secular in its theme and essence and as such, differs from Islamic law in its origin⁷. There may be similarities or even complete compatibility on some provisions, in particular those that meet the conditions of *ius cogens*, but the original perceptions remain widely apart.”⁸

Nevertheless, it is also important to add here that this dichotomy is not characteristic of the thinking of other Muslim scholars, who believe that despite the lack of explicit references to God in human rights instruments, God-centred concepts are not necessarily irreconcilable with its discourse¹⁰. With regards to this point, the scholar Riffat Hassan states:

“To me it seems truly remarkable that an organisation such as the UN, where every word of every declaration is fought over in an attempt by each country and bloc to protect its vested interest, could arrive at a document such as the UDHR¹¹ which, though “secular” in terminology seems to me more “religious” in essence than many “*fatwas*” given by Muslim and other religious authorities and agencies.”¹²

⁷ It refers to the Universal Declaration on Human Rights (UDHR).

⁸ T. Meron, *Iran's Challenge to the International Law of Human Rights*, in «*Human Rights Internet Reporter*», vol. 8, n° 13, p. 8. Quoted in S. S. Ali, *op. cit.* 1, p. 26.

¹⁰ S. S. Ali, *op. cit.* n° 1, p. 26.

¹¹ Universal Declaration of Human Rights.

¹² Riffat Hassan, *On Human Rights and the Quranic Perspective*, in A. Swidler (ed.), *Human Rights in Religious Traditions*, New York, Pilgrim Press, 1982, p. 53. Quoted in S. S. Ali, *op. cit.* n° 1, p. 26.

1. 2.- ISLAMIC FEMINISM IN THE POST-COLONIAL MILIEU

It is worth highlighting that these types of antagonistic and Manichean formulations are more likely to appear in former colonies than in countries that did not undergo colonisation processes, such as Iran or Turkey. The reason for this is attributed to the traumatic mark colonial domination has left in Muslim societies in the form of a significant identity and ideological crisis. In this regard, Shaheen Sardar Ali states: "[t]he trauma of colonial domination resulted in a crisis of Muslim identity since the era forced Muslim States into near oblivion."¹³ Similarly, Fatima Mernissi writes:

"The problem of the Muslim states, after their quasi-disappearance during the colonial period, was that they found themselves almost feminized — veiled, obliterated, nonexistent."¹⁴

This identity and ideological crisis has resulted in the utter rejection of what is conceptualised as "Western". Fatima Mernissi posits that this rejection can be attributed to several post-colonial fears the Muslim collective subconscious has, namely, the "fear of the West", "fear of democracy", "fear of individualism", and "fear of modernity". To Mernissi, the Muslim psyche equates all these elements — modernity, democracy and individualism— to the West. Thus, anything that is reminiscent of the so-called "West" —and of the colonial experience— is likely to be discarded by Muslim societies, either in a conscious or a subconscious way¹⁵. In Mernissi's words, "[t]he feeling of absurdity that pervades our lives today stems from the fact that modernity reminds us every minute that it is Western"¹⁶.

¹³ S. S. Ali, *op. cit.* n° 1, p. 183.

¹⁴ Fatima Mernissi, *Women and Islam. A Historical and Theological Enquiry*, translated by Mary Jo Lakeland, Oxford and Cambridge, Basil Blackwell Ltd., 1991, p. 21.

¹⁵ For further details, see F. Mernissi, *Islam and Democracy. Fear of the Modern World*, translated by M. J. Lakeland, London, Virago Express Ltd., 1994.

¹⁶ *Ibidem*, p. 145.

The issue of modernity is indeed problematic within the Muslim identity. In this regard, the works of Lila Abu-Lughod confirm that "[p]erhaps the most troubling question for scholars and East activists alike, concerns the relationship between modernity and the West"¹⁷. In fact, modernity is frequently envisioned as Western in Muslim societies and therefore rejected by some Muslim circles. In her research analysing the attempt by Muslims to find a modernity attuned to Islam, Renée Worringer indicates that Muslim societies consider Japan the model to emulate, since it is an "Eastern" country which has been able to succeed technologically and scientifically while maintaining its own traditions¹⁸.

As a consequence of this post-colonial background, the evolution of feminist movements in Muslim societies have certainly encountered several impediments, the main one being its branding as an "imitation of the West"¹⁹. In fact, as the study undertaken by Lois Beck and Nikki Keddie shows, it is precisely in non-colonised Muslim countries where "women's liberation has moved more rapidly"²⁰. However, the reason for these difficulties lies not only in the above-mentioned prejudice against the West, but also in the employment of feminism by the colonial fabric in order to promote the culture of the colonial powers²¹. Leila Ahmed has lengthily studied this topic and argues:

"[c]olonialism's use of feminism to promote the culture of the colonizers and undermine native culture has ever since imparted to feminism in non-Western societies the taint of having served as an instrument of colonial domination, rendering it suspect in Arab eyes and vulnerable to the charge of being ally of colonial interests."²²

¹⁷ L. Abu-Lughod (ed.), *op. cit.* n° 4, p. 13.

¹⁸ Renée Worringer, *Japan as Archetype: Arab Nationalist Considerations as Reflected in Press. 1887-1920*, paper presented at the Middle East Studies Association Meetings, 1995. See L. Abu-Lughod (ed.), *ibidem*, p. 15.

¹⁹ Michael M. J. Fischer, *On Changing the Concept and Position of Persian Women*, in L. Beck and N. Keddie, *ibidem*, p. 193.

²⁰ Lois Beck and Nikki Keddie (eds.), *Introduction*, in Lois Beck and Nikki Keddie, *Women in the Muslim World*, Cambridge, Massachusetts and London, England, Harvard University Press, 1979, p. 13.

²¹ Azza M. Karam, *Women, Islamisms and the State. Contemporary Feminisms in Egypt*, MacMillan Press Ltd., London, 1998, p. 6.

²² Leila Ahmed, *Women and Gender in Islam*, New Haven, Yale University Press, 1992, p. 167.

On top of that, Ahmed states that the colonial discourse on feminism suffered from the same weakness as Western feminists' movements —the idea that there is a sole path towards the liberation of women which is the Western one²³. Obviously, this narrow colonialist approach to feminism only further aggravated its dismissal by Muslim societies.

1. 3.- THE SO-CALLED "RETURN TO ISLAM" AND ITS IMPACT ON FEMINISM

The ideological identity crisis that was provoked by colonialism in certain former colonies has incited a certain "return to Islam". Fatima Mernissi explains the situation as follows:

"[The West] holds a quasi-monopoly on decision-making in matters of science and technology. (...) It is understandable and even excusable that the Third World, off[-]course and unable to participate in the celebration of science, seeks to find its way by drawing on myths and historical memory."²⁴

Nonetheless, this "return" to Islam has been more a reaction to imperialist influences than an attempt to build a new identity capable of resolving the social changes and modernisation problems Muslim countries are experiencing. Shaheen Sardar Ali describes this Islamisation process using Pakistan as an example:

"After attaining independence, States such as Pakistan had to establish an identity by redefining it. This included facing issues of democracy and mass participation which no Muslim state in the post-colonial era found itself ready

²³ L. Abu-Lughod (ed.), *op. cit.* n° 4, p. 14.

²⁴ F. Mernissi, *op. cit.* n° 14, p. 146.

to cope with. The result was to return to an elitist system to the exclusion of the polity, a large number of which were women. Unable to generate an ideology for coping with social change and problems of modernisation, Muslim states, including Pakistan therefore, sought to solve their ideological as well as identity crisis by turning to Islam.”²⁵

Thereby, the current explosion of fundamentalist movements is circumscribed within this framework and is precisely the result of the failure of nationalist and socialist movements to create a new Muslim identity²⁶. This study will assess the Islamic fundamentalist discourse—which advocates for the “retraditionalisation” of women’s roles—, placing particular laying emphasis on the impact that female Islamist writers have had on the modernisation of this ideology.

It is worth mentioning at this point that some scholars posit that today’s advocacy for the “retraditionalisation” of women’s status derives from this claim to “return” to Islam²⁷. Nevertheless, Abu-Lughod’s research performed in her book *Remaking women. Feminism and Modernity in the Middle East* questions this idea²⁸. Abu-Lughod’s main conclusion is that the West and all that was associated with it has been embraced, repudiated, and translated by the Muslim former colonies in very complex ways, resulting in the creation of “conceptual hybrids”. Therefore, what is sometimes deemed as “purely” Muslim is in reality the product of a dialogue between the colonial and indigenous culture. Modernity, then, has been “refashioned, renegotiated, and rendered intelligible in non-European contexts” as a consequence of colonialism²⁹. Gender issues are one clear example of this process, as this study will demonstrate. As Abu-Lughod states,

²⁵ S. S. Ali, *op. cit.* n° 1, p. 184.

²⁶ *Ibidem*.

²⁷ For an illustration of this view, see Soha Abdel Kader, *Egyptian Women in a Changing society, 1899-1987*, Boulder, Colo., Lynne Reinner Publishing, 1987.

²⁸ L. Abu-Lughod, *op. cit.* n° 4.

²⁹ Omnia Shakry, *Schooled Mothers and Structured Play: Child Rearing in Turn-of-the-Century Egypt*, in L. Abu-Lughod (ed.), *op. cit.* n° 4, p. 158.

“feminist projects are rooted in sets of ideas about politics, law, rights, personhood, and community that are part of a modernity that is both related to Europe and developed in particular ways in the Middle East.”³⁰

Such ideas, Kandiyoti stresses, were selectively appropriated according to local needs within the framework of local struggles³¹. The outcome of this cultural dialogue aimed to give a response to local dilemmas that have become the subject of political contestations. For instance, with regard to the Egyptian women’s liberation movement, Kandiyoti declares that:

“(t)he expansion of women’s employment and of their opportunities for higher education was clearly part of this process of national consolidation and was a product of the need for new cadres rather than the result of some modern vision of women’s equal participation.”³²

In the following sections, I shall also address how feminism has directly benefited from the economic revolution enhanced by globalisation³³.

Kandiyoti further explains that reformist projects searched local roots for their modernist visions, so that modernity could be salvaged by asserting its indigenous pedigree³⁴. Consequently, feminist movements in Egypt tried to situate themselves as both modern and Islamic, resulting in an “ambivalent articulation of identity and difference with the West”³⁵.

³⁰ L. Abu-Lughod (ed.). *op. cit.* n° 4, p. 22.

³¹ Deniz Kandiyoti, *Some Awkward Questions on Women and Modernity in Turkey*, in Lila Abu-Lughod (ed.), *op. cit.* 1, pp. 270-287.

³² *Ibidem*, p. 274.

³³ See particularly section 3.1 of this study.

³⁴ *Ibidem*, p. 271.

³⁵ O. Shakry, *op. cit.* n° 21.

In conclusion, it can be stated that the antagonistic debate previously described does not correspond to reality. In spite of some scholarly and political attempts to formulate the debate in dichotomies, the truth is that Muslim and Western ideas have been fused, resulting in heterogeneous concepts accepted in Muslim countries, —as I hope this study illuminates. Lila Abu-Lughod perfectly describes this cultural dialogue as follows:

“(c)ultures cannot simply displace or undermine each other (...). The complex processes of borrowing, translating, and creating new mixtures — what some theorists prefer to call cultural hybrids— cannot be subsumed under this sort of dichotomous image. Nor the ways in which new ideas are given firm bases by social and economic transformations as well as ideological familiarization, especially now through powerful forms of mass media.”³⁶

2.- AIM AND STRUCTURE OF THIS STUDY

Against this background, the primary objective of this study is to analyse the post-colonial feminist discourse (Chapters one and two) and to present new scholarship ideas relating to theoretical frameworks for women’s human rights within Islam (Chapter three). In doing so, I shall illustrate how the impact of colonialism vis-à-vis the Muslim identity has resulted in the creation of heterogeneous notions that are today adduced by feminist discourse, be it fundamentalist or modernist.

As I will argue, both fundamentalist and modernist discourses claim to identify with the “original” message of Islam, but actually, both build their discourse on hybrid notions. Therefore, the so-called “return” to Islam is illusory, since concepts

³⁶ L. Abu-Lughod, *The Marriage of Feminism and Islamism in Egypt: Selective Repudiation as a Dynamic of Postcolonial Cultural Politics*, in Lila Abu-Lughod (ed.), *op. cit.* n° 2, pp. 263-264.

and ideas in post-colonial states have come into contact with non-Muslim influences. Clearly, these influences are only being prolonged and strengthened by the cultural dialogue derived from globalisation processes. This will be an important theme in my study.

I propose to undertake the development of these ideas in three parts. The first Chapter, illustrative of the “binary thinking” described above³⁷, will be focused on Islamic fundamentalism vis-à-vis women’s rights. Here, I shall present the stances of two Egyptian female writers, Zaynab al-Ghazali and her disciple Heba Ra’uf. Prior to the analysis of these scholars’ discourses, I shall concentrate on outlining the thought of one of the most prominent Islamist ideologists, Sayyid Qutb, as it represents the foundation to al-Ghazali’s and Ra’uf’s thinking. Finally, I shall examine the position of these two female scholars in a critical analysis. Through this critical assessment, I shall try to demonstrate that Islamist ideologies on women’s rights are being gradually modernised from within the very scaffolding of Islamism and as a consequence of colonialism.

In the second and third Chapters, I shall concentrate on the perspectives of Muslim modernist scholarship. This modernist approach contributes an interesting theoretical framework for human rights within Islam, and consequently refutes the idea of the “clash of civilisations”. On the one hand, I will assess the position held by Fatima Mernissi in regard to Islam, democracy and women’s rights —second Chapter. And on the other hand, I shall present some of the theories offered by modernist scholars such as John L. Esposito, Udstadh Mahmood Mohammed Taha, Shaheen Sardar Ali, Riffan Hassan and Aziza al-Hibri, among others —third Chapter.

All of these writers accord that the original Islamic message is equality among believers, which justifies why women must be granted the same rights as men.

³⁷ See section 1.1 of this introduction.

Taking this idea as a starting point, modernist scholars build different theories to justify their standpoints. This third Chapter will mostly tackle the so-called “gradualist” method, John L. Esposito’s “hierarchisation of rights”, Taha’s “evolutionary method” and Ali’s “categorisation of the *Qur’anic* prescriptions”. As I will show, modernist approaches overtly combine Muslim and non-Muslims notions. And this, as I see it, contributes to the creation of constructive cultural dialogues in a post-colonial and globalised milieu.

In this study, I will shed light on the debate on women’s human rights within Islam and, more importantly, make one small step in contributing to the enhancement of Muslim women’s status in the whole world.

CHAPTER ONE:

ISLAMIC FUNDAMENTALISM

VIS-À-VIS

WOMEN'S SOCIAL ROLE

AND WOMEN'S HUMAN RIGHTS

1.- ISLAMIC FUNDAMENTALISM

The aim of this Chapter is to present the position held by Islamic fundamentalists vis-à-vis women's social role and women's human rights. Particularly, I shall focus on the discourse of two female Islamists, the veteran Zaynab al-Ghazali and her disciple Heba Ra'uf. However, I shall first bring forward the main ideas contributed by one of the most prominent Islamist thinkers, Sayyid Qutb, as his views have been a major influence on these female Islamists I am most concerned with.

Throughout the following sections, I will endeavour to demonstrate that female Islamists are slowly but firmly legitimising a more liberal stance on women's rights from within the framework of Islamic fundamentalism. The early feminist Zaynab al-Ghazali verbally rejects feminism and the so-called "women's issue", but centres all her attention on this issue nonetheless. Moreover, her lifestyle clearly embodies the type of woman who dares to go beyond the domestic sphere, although her teachings insist on the importance of motherhood and housewifery. She furthermore opens the door to the participation of women in the public sphere by stating that they can get involved in political activism as long as the *jihad* —or struggle— does not finish and provided that the due domestic tasks have previously been completed.

Gradually, the discourse of Al-Ghazali's disciple, Heba Ra'uf, goes a step further and becomes notably more modern —yet legitimised and envisioned within Islamist provisos. Ra'uf explicitly advocates for women's activism and women's occupation of public roles, while simultaneously conceptualising these activities as compatible with the most traditional and acceptable Islamic values.

As I will later demonstrate, the thinking of these two feminists clearly illustrates an ideological shift that lead to the theoretical modernisation of gender issues in Muslim societies. This swing is even more surprising when compared to Qutb's discourse, which is considerably more conservative than the one developed by his female comrades.

The structure of this Chapter includes three sections related to Sayyid Qutb, Zaynab al-Ghazali and Heba Ra'uf, respectively. I shall begin to tackle their views by outlining their positions, and subsequently critically analyse them on theoretical and empirical bases. Unfortunately, al-Ghazali's and Ra'uf's works are not translated into English. Consequently, I have been obliged to use secondary sources for the elaboration of this Chapter³⁸. This explains why it has not been possible to undertake a deeper assessment of their thought.

Furthermore, the sources I encountered referencing Heba Ra'uf have been considerably limited, which has resulted in a shorter appraisal of her ideas in the last section of this Chapter. These difficulties notwithstanding, it is still interesting to present al-Ghazali's and Ra'uf's position here and reflect on them against the framework of Islamic feminism.

³⁸ Basically, Lamia Rustom Shehadeh, *The Idea of Women in Fundamentalist Islam*, Gainesville: University Press of Florida (2003) and "Women in the discourse of Sayyid Qutb", in «Arab Quarterly Studies», vol. 2, n° 3, pp. 45-55 (2000); Ghada Hashem Talhami, *The Mobilization of Muslim women in Egypt*, University Press of Florida, Gainesville (1996), and Azza M. Karam, *op. cit.* n° 19.

2.- SAYYID QUTB

2. 1.- SOME BIOGRAPHICAL REMARKS

The Egyptian Sayyid Qutb is considered one of the most renowned Islamist thinkers of the twentieth century, comparable to Ayatollah Ruhollah Khomeini in Iran³⁹. In fact, Qutb's theories have been used by several radical Islamic groups as the theoretical framework for their political activism. However, Qutb was originally the main thinker of a more moderate organisation, the Muslim Brotherhood.

It is worth noting that Qutb openly admired the West in his youth. His early writings, mostly literary in nature, were fairly liberal, romantic and individualistic, and he used to make many references to Western literary figures. Later in his life, he travelled to the United States and this experience provoked a radical shift in his ideology. During his stay in the United States, he was taken aback by the sexual permissiveness of the West, the equality between men and women, the separation between state and church, the level of freedom of expression, and the pursuit of worldly pleasures.

He branded American society as "materialist", "racist", "pro-Zionist" and, consequently, a society that suffered from a moral decadence comparable to the last days of Rome. This decadence, however, was not exclusively American, but Western. And Qutb elucidates that its origin went back to the Renaissance and its highest peak arrived with "pseudoscientists" like Darwin, who stated that the origins of manhood traced to apes, and Freud, who found that the essence of man was sexuality⁴⁰.

Qutb explicitly declares that this trip to the United States motivated his swing from "atheism" to what he terms his "conversion" to Islam. Henceforward, his writings

³⁹ L. R. Shehadeh, *op. cit.* n° 23, p. 49.

⁴⁰ *Ibidem*, p. 50-53.

would aim at giving a “dialectical response” to secularism and Westernisation, and he would become a radical revolutionary proposing a new Islamic order. His works are significantly prolific and span a range of genres, from philosophy of social justice and sociology of religion, to poetry and *Qur’anic* aesthetics and exegesis⁴¹.

2. 2.- THE ROLE OF WOMEN IN THE DISCOURSE OF SAYYID QUTB

In Qutb’s thinking, Islam is perceived as a comprehensive system and a perfected religion. In fact, his envisioned Islamic order integrates legal, political, social and moral rules. Within this system, the family becomes the “basis of society”, that is, the nucleus of any social structure. From Qutb’s perspective, the West has denigrated the family to the private sphere, leaving it aside as a secondary social element⁴² and emphasising the state as the most relevant structure. Some Muslim countries have reproduced this pattern, while at the same time disregarding God’s rules about gender relations.

This explains, in Qutb’s opinion, why most Muslim countries are today living into a state of *jahilliyya* —or ignorance. The ideal gender relationships that Islam devised improves each gender’s quality of life and surpasses material goals⁴³. Moreover, marriage is of paramount importance and is, therefore, a duty for all Muslims to fulfil; however, he himself remained single all his life.

Concerning women, Qutb states that they are equal in the religious and spiritual spheres to men, and only diverge with them in some incidental matters that stem from their different natural aptitudes. The imposition on women of responsibilities for which they do not have capacity would be an act of oppression towards them. On the one hand, Qutb argues that men are physically stronger, hence their

⁴¹ L. R. Shehadeh, *op. cit.* n° 23, pp. 50-51.

⁴² A. M. Karam, *op. cit.* n° 19, p. 225.

⁴³ L. R. Shehadeh, *op. cit.* n° 23, pp. 54-59.

obligation to work and consequently bear financial burdens. Moreover, men are mentally better prepared, which is why they embrace roles as leaders and rulers.

On the other hand, women are more sentimental and emotional, which implies that their main tasks are the guardianship of morality and the upbringing of children. Their sentimental and emotional nature also explains that when testifying as witnesses, two women rather than only one man are needed. Since women are not accustomed to tribunals, one may become nervous while declaring and err in her words. But if a second woman is also present, she can counterbalance them.

From Qutb's perspective, this difference is not a matter of inequality, but of practicality. Finally, Qutb asserts that only those women who have had two pregnancies achieve full development and potential⁴⁴. Conversely, those who remain childless do not enjoy such a balanced and stable neurological state⁴⁵.

Succinctly, these are the premises of Sayyid Qutb's thinking with regard to women. As I shall demonstrate in the next sections, this theoretical framework has in fact provided al-Ghazali and Ra'uf with the foundation for their respective discourses.

⁴⁴ L. R. Shehadeh, *op. cit.* n° 23, pp. 59-67.

⁴⁵ The Islamist Zaynab al-Ghazali, whom I shall examine in the next section, remained childless all her life; this fact notwithstanding, she became a prominent leader not only admired by women, but also by men. Al-Ghazali moreover played a vital role for the clandestine reorganisation of the Muslim Brotherhood and helped Sayyid Qutb when in prison regarding the books he was writing at that time.

3.- ZAYNAB AL-GHAZALI⁴⁶

3.1.- THE POLITICAL ACTIVISM OF AL-GHAZALI

Zaynab al-Ghazali is a prominent Islamist leader, respected by both men and women. Her active political and ideological profile has awarded her the legendary reputation of "soldier of God". Al-Ghazali was indeed an early activist. At the age of 18, she was a dynamic and idealistic girl who founded her own women's association, called the Muslim Women's Association ("*Jama'at al-Sayyidat al-Muslimat*", 1935). Prior to this, al-Ghazali had belonged to another organisation, the Egyptian Women's Union, set up by Huda Hanim Sha'rawi in 1923⁴⁷. After one year of belonging to the Egyptian Women's Union, al-Ghazali decided to resign because she deemed Sha'rawi too Western and thus inauthentic⁴⁸. In fact, she described Sha'rawi's association as a "grave error"⁴⁹, for Islam provides women with "everything —freedom, economic rights, political rights, social rights, public, and private rights"⁵⁰. Therefore, Muslim women's liberation must be sought within Islam, not in the West.

Al-Ghazali's father played an important role in the creation of the Muslim Women's Association. Muhammad al-Ghazali was an educated cotton merchant who privately tutored his daughter in Islamic studies. When Zaynab decided to quit the Egyptian Women's Union, he channelled and directed her dynamism and interests, and even financially supported her association. Al-Ghazali's Muslim Women's Association was the first Islamist women's association in Egypt, and it

⁴⁶ For further details, see L. R. Shehadeh, *op. cit.* n° 23, pp. 121-140, and A. M. Karam, *op. cit.* n° 19, pp. 62, 99, 127, 208-215.

⁴⁷ Huda Hanim Sha'rawi was the wife of one of the *Wafd*'s founders. The *Wafd*, created in 1918, was a nationalist group formed to achieve the liberation of Egypt from the British colony. For further details, see Afaf Lutfi al-Sayyid Marsot, *The Revolutionary Gentlewomen in Egypt*, in L. Beck and N. Keddie (eds.), *op. cit.* n° 17, pp. 261-276.

⁴⁸ L. R. Shehadeh, *op. cit.* n° 23, p. 121.

⁴⁹ Quoted in L. R. Shehadeh, *op. cit.* n° 23, p. 122.

⁵⁰ Quoted in L. R. Shehadeh, *ibidem*, p. 122.

was focused on issues such as social welfare and women's education⁵¹. Among its activities, the association maintained an orphanage, gave financial aid to poor families and mediated family disputes⁵².

Yet al-Ghazali's association was also concerned with different goals of an ideological nature. Along with the Muslim Brotherhood, the Muslim Women's Association pursued the establishment of the Islamic state ruled by the *Qur'an* and the *Sunna*⁵³. From their point of view, the backwardness of Muslim societies stemmed from their straying from Islam and its laws. As soon as they returned to the ideal Islamic system, they would become extraordinarily powerful.

Precisely because of this common goal, the Muslim Brotherhood proposed to al-Ghazali the fusion of her association with the women's branch of the Brotherhood. However, she did not accept, perhaps because she was fairly determined to keep her leadership and independence. Despite this denial, her good relations with the Brotherhood were not at all interrupted. Al-Ghazali always remained a close and decisive figure for the Brotherhood. In fact, when many of the "brothers" were imprisoned by the regime of the President Nasser⁵⁴, she played an extremely active role in the clandestine reconstruction of the association and in the ideological training of some of its militants. These activities resulted in her own imprisonment and torture, and in the banning of her association on several occasions⁵⁵.

⁵¹ See L. R. Shehadeh, *op. cit.* n° 23, p. 121-122.

⁵² Many of the women's associations pursued this type of social goals in Egypt in the beginning of the 20th century, such as Thomas Philipp demonstrates in *Feminism and Nationalist Politics in Egypt*, in L. Beck and N. Keddie (eds.), *op. cit.* n° 17, pp. 277-294. This is due to the specific needs that arose in a moment of social and economic transformation. See also G. H. Talhami, *op. cit.* n° 23, p. 28.

⁵³ See L. R. Shehadeh, *op. cit.* n° 23, p. 122&127.

⁵⁴ With regard to feminist goals, it is interesting to note that in the 1950s and 1960s, President Nasser's government developed several policies favourable for women's rights, such as education and employment. For further details, see L. Abu-Lughod, *The Marriage of Feminism and Islamism in Egypt: Selective Repudiation as a Dynamic of PostColonial Cultural Politics*, in L. Abu-Lughod (ed), *op. cit.* n° 4, pp. 243-269.

⁵⁵ A. M. Karam, *op. cit.* n° 19, p. 62&208.

In short, al-Ghazali has undoubtedly been an important activist in the Islamist movement in Egypt. She has been an extremely active figure, joining demonstrations, giving talks and lectures⁵⁶, organising protests, and above all, writing. Among her most important books, the following can be highlighted: *Nahwa ba'thin jadid* [For a New Resurrection], *Nadharat fi Kitab Allah* [Views on God's Book], and her prison memoirs, *Ayyam min hayati* [Days of My Life]. She has also contributed several articles to some Islamic newspapers and magazines throughout the Muslim World. Unfortunately, her writings in Arabic have not been translated into English⁵⁷.

3.2.- THE DISCOURSE OF AL-GHAZALI ON WOMEN'S SOCIAL ROLE AND WOMEN'S RIGHTS

The starting point of al-Ghazali's discourse on women is that the so-called "women's issue", that is, the struggle for women's rights and women's liberation, does not exist in Muslim societies. Such an issue is an import from the West, an imagined cause invented by "the enemies of Islam". The only authentic issue for Muslims is the broader issue of "society"⁵⁸. As she writes:

"If we study the secret behind the backwardness of Muslims, we will find that one of its first causes is the imagining of issues invented by the enemies of Islam in order to attract Muslim people's attention away from the large issue of returning Islam to its former pride and glory, to steal

⁵⁶ Particularly, she has given lectures in Egypt, Pakistan, Algeria, Jordan, Kuwait, India, Afghanistan, Sudan, and even in the United States, France, England, Switzerland and Spain. See further information in A. M. Karam, *op. cit.* n° 19, p. 206-209.

⁵⁷ With the exception of *Return of the Pharaoh: Memoir in Nasir's Prison*, which has been translated by Mokrane Guezou, London, The Islamic Foundation, 1995. See further information about al-Ghazali's political activism in A. M. Karam, *op. cit.* n° 19, p. 206-209.

⁵⁸ A. M. Karam, *op. cit.* n° 19, p. 99&210.

[Islam's] world from the circle of retardation or what they call "developing", or Third World."⁵⁹

Al-Ghazali strongly argues that the liberation of women and the fulfilment of all their rights will come to pass when the Islamic state is finally established, for Islam is a perfected religion that has given women all their rights⁶⁰. In fact, al-Ghazali argues, the *Qur'an* embraces everything: the political, the social, the domestic, the individual, and the communal. Thus, Muslims do not have to make use of Western solutions. Moreover, al-Ghazali asserts that no women's liberation whatsoever is occurring in the West, but rather, the opposite. The West is adding burdens to women, because in addition to undertaking domestic works, women must also perform public jobs. Islam, on the contrary, truly liberates women from this exploitation and it did so centuries before Jewish, Christian or pagan societies began talking about "liberation".

"The West, which has lied and fraudulently claimed that they have liberated women, will be faced with the natural end of the circle of time when things return to the natural order. Then they will know that they have destroyed both home and work the day they betrayed the world and called for the necessity of women being rented in order to obtain her food and drink from the fruits of her own labour, so she became a human distortion and an available commodity for the lust of the wolves. So do not be fooled by her being a Prime Minister. Women's skill in the rearing of her sons and preparing them for their leading and productive roles in society is far more valuable and useful."⁶¹

With regard to the role of women in Muslims societies, al-Ghazali first highlights that Islam envisages men and women as equal in faith and belief. According to her discourse, this religious equality surpasses all forms of equality and is not

⁵⁹ Quoted in A. M. Karam, *op. cit.* n° 19, p. 209.

⁶⁰ See L. R. Shehadeh, *op. cit.* n° 23, p. 130.

⁶¹ *Ibidem*, p. 210.

invalidated by the different activities men and women may undertake in their worldly lives. God has granted each a different nature that determines capacities and, consequently, each's tasks to carry out⁶².

On the one hand, "men are better and supercede them [women] in intelligence, planning and physical prowess"⁶³. This is why God made them the guardians of women, which He demonstrates by allowing men to marry four wives, granting them the exclusive right to divorce, requiring them to financially support their wives, and asking women to assume their husband's identity. On the other hand, women's nature is more sentimental and emotional. Therefore, they are more suitable for rearing children and taking care of the home. This is how God has devised the *umma* or Muslim community. And this functional differentiation of roles does not lead to any inequality, for men and women are always equal in religious terms⁶⁴.

Next, al-Ghazali elaborates extensively on the role of Muslim girls. According to her, Muslim girls have to be obedient towards their parents and disciplined believers.

"It is the duty of the Muslim girl to diligently attend to performing her prayers at the right time. To make sure she respects and obeys her parents and treats them well because obedience to them is obedience to God almighty. Also to wear the proper and [religiously] ordained dress. (...) In school or university to be the good example for her colleagues so she makes sure she achieves the highest of grades in her lessons and thus becomes an example in positive achievements and practical achievements".⁶⁵

⁶² See L. R. Shehadeh, *op. cit.* n° 23, p. 128.

⁶³ Quoted in L. R. Shehadeh, *op. cit.* n° 23, p. 130.

⁶⁴ See *ibidem*.

⁶⁵ Quoted in A. M. Karam, *op. cit.* n° 19, p. 209.

When these girls become women, their "first, holy and most important mission in life"⁶⁶ is motherhood and housewifery. With regard to the former, women must first rear their children so that they can achieve "leading and productive roles", and second, properly indoctrinate them insomuch as the next generation of Muslims. From her point of view, this task is much more valuable than any work outside the domestic realm: God in fact granted women a central role within society, because as wives and mothers they participate in the construction of the *umma* or Muslim nation, though indirectly. As she highlights:

"My daughter, what have you got from the calls for equality, and what have you got from deviating from your disposition? (...) The disposition of women that ordains her to live in order to build (...) to build men (...) to build great women who build men to become a great *umma*."⁶⁷

With regard to the role of wife, the woman has to appropriately carry out the responsibilities of cooking, cleaning and childrearing. Al-Ghazali states that this is how she will earn her husband's love. It is also important that she never complains of being tired by these domestic tasks; instead, she has to simply let her husband notice the outcome of her hard work⁶⁸. In conclusion, as al-Ghazali states, God created women solely to "make man happy and comfortable".

"God in His infinite wisdom has created with His creativity and power the woman's natural disposition in such a way that she specialises in making a man happy and comfortable, so the [man] can improve his productivity and do his duty wisely and observantly by her, and she will not find this man unless we find him the protective family which is clever with its capabilities."⁶⁹

⁶⁶ Quoted in L. R. Shehadeh, *op. cit.* n° 23, p. 132.

⁶⁷ Quoted in A. M. Karam, *op. cit.* n° 19, p. 212-213.

⁶⁸ See L. R. Shehadeh, *op. cit.* n° 23, p. 131.

⁶⁹ *Ibidem*, p. 212.

Shehadeh, who has interestingly assessed al-Ghazali's discourse in her book *The Idea of Women in Fundamentalist Islam*, further relates:

"[T]he ten commandments of marriage, according to her [al-Ghazali] are (...) obedience, willingness to have sexual intercourse on demand, avoidance of looking ugly or emanating bad odors, ensuring peace and silence while the husband sleeps, preparing his food on time, protecting his wealth, family, and honor, refraining from revealing his secrets, and never being happy when he is sad or sad when he is happy."⁷⁰

In addition, al-Ghazali declares that wives cannot have secrets from their husbands and should marital problems occur, wives must only share them with their husbands. Complaints about her in-laws are absolutely unacceptable. When selecting friends, the woman has to be very careful, opting for the most respectable, virtuous and well-behaved female friends. Their visits have to be well-planned and beneficial for their education. Thus, the purpose of their meetings must be the reading of religious texts about family affairs, religious practices or male-female relations⁷¹.

Regarding sex, al-Ghazali explains, its primary and most important objective is conception and preservation of the human race, rather than corporal satisfaction; therefore, contraception is forbidden. However, women have to be willing to satisfy their husband's sexual instincts on demand, given that men cannot control this kind of desire. Relationships outside the marriage are completely prohibited. With regard to dress, al-Ghazali states that it is up to the husband to determine the dress his wife should wear outside the home, within —of course— the boundaries established by Islam. But the wife may decide concerning the dress she wears inside the home⁷². Ultimately, al-Ghazali adds, if the wife is disobedient or recalcitrant, her husband is

⁷⁰ Quoted in L. R. Shehadeh, *op. cit.* n° 23, p. 132.

⁷¹ See *ibidem*, p. 131-132.

⁷² See L. R. Shehadeh, *op. cit.* n° 23, p. 132.

allowed to punish her: first, she will be admonished; second, sexually deprived. And finally, should she remain disobedient, she is to be beaten without infliction of bodily harm so that she returns to the right path⁷³.

From al-Ghazali's standpoint, the above rules constitute the "natural order" God has devised. Dare women stray from this "natural order" and work outside the home, they will become "human distortions":

"What has happened since we have left the circle of natural disposition [motherhood and housewifery] to the circle of invention (...) Generations whose brain cells have been poisoned by drugs so they have become skeletons and human distortions, an ugly picture for a human drawing. (...) For a few limited pennies we have sold our motherhood and then we ask about the role of women in society? What kind of society is this where the home that forms the seed of the society has been ruined by tearing women between home and the workplace."⁷⁴

As the scholar Azza M. Karam points out, later in life, al-Ghazali will slightly modify her position: from saying that women are "firstly, secondly and thirdly" mothers and wives, she will then declare that women might also participate in the public life, though not as to compete with men as workforce, but rather to improve their education so that they can better perform their role of mothers⁷⁵. Consequently, al-Ghazali devises the possibility for women to go beyond the domestic sphere only as a mere prolongation of their domestic tasks, provided that they have completed their household responsibilities.

"They [the women] are the ones who build the kind of men that we need to fill the ranks of the Islamic call. So, women must be well educated,

⁷³ This is how Qutb and al-Ghazali interpret verse 4:34. S. Qutb gives further details about it in his book *In the shade of the Qur'an*.

⁷⁴ Quoted in A. M. Karam, *op. cit.* n° 19, p. 210.

⁷⁵ A. M. Karam, *op. cit.* n° 19, p. 214&215, and L. R. Shehadeh, *op. cit.* n° 23, p. 128.

cultured, knowing the precepts of the Qur'an and Sunna, knowing world politics, why we are backward, why we don't have technology. The Muslim woman must study all these things, and they raise her son in the conviction that he must possess the scientific tools of the age, and at the same time, he must understand Islam, politics, geography, and current events (...) Islam does not forbid women to actively participate in public life (...) as long as that does not interfere with her first duty as a mother, the one who first trains her children in the Islamic call. So, her first holy and most important mission is to be a mother and a wife."⁷⁶

Accordingly, even though al-Ghazali seems to allow women to go further from their homes, it is clear that it remains as a secondary activity. However, if it were to become the interest of the Islamic state⁷⁷, women would be allowed to execute public roles, on the presupposition that they were properly dressed and able to efficiently combine both their domestic and public responsibilities⁷⁸. But women's participation in the public scene would require the segregation of sexes⁷⁹. Al-Ghazali elucidates this as follows:

"In my opinion a Muslim woman can work on two levels: the first is that she brings up her children in the spirit of Islam (...). The second level is that she herself joins in this jihad [struggle], and in the absence of Islamic law I see it as a duty of every Muslim. It is up to the Muslim [woman] to balance it out and arrive at the most positive outcome to this situation."⁸⁰

In conclusion, al-Ghazali's ideology endeavours to transmit to women what their ideal role is. She significantly focuses her attention in women, inasmuch as she considers them to be responsible for the shortcomings of the Muslim World. Their

⁷⁶ Quoted in L. R. Shehadeh, *op. cit.* n° 23, p. 128.

⁷⁷ That is, if the efforts of both men and women had to be joined in order for the Islamic state to be finally established.

⁷⁸ See L. R. Shehadeh, *op. cit.* n° 23, p. 128, and G. H. Talhami, *op. cit.* n° 23, p. 72.

⁷⁹ See L. R. Shehadeh, *op. cit.* n° 23, p. 133.

⁸⁰ Quoted in A. M. Karam, *op. cit.* n° 19, p. 215.

inefficiency or their unwillingness to fulfil their role has provoked the "current decline of Islamic culture". As a consequence, she feels it her duty to educate them.

"Yes my lady you are responsible for our dependency on those non-Muslims who are the callers for disbelief, immorality and chaos. (...) With you, women have gone to adorning themselves and rebelling against our religion and all our inheritances. (...) Yes my lady you are responsible for all this decline of Islamic culture and its supremacy, its advancement and giving to life, that giving which has been assigned by God for the Islamic community in order to be the best community ever revealed to people."⁸¹

3. 3.- CRITICAL ANALYSIS TO AL-GHAZALI'S THOUGHT

From my point of view, four specific elements of al-Ghazali's discourse can be criticised. Firstly, I take issue with al-Ghazali's use of double standards in her teachings and private life. Secondly, her negation of the so-called "women's issue" is highly problematic, as is thirdly, her employment of a "binary thinking". And finally, I shall analyse her position towards the relationship between Islam and politics⁸².

(a) Double standards. The first element of my criticism is based on the incoherence between al-Ghazali's discourse and her own life. Al-Ghazali continuously reiterates that the ideal type of women is obedient, submissive, passive, and educated only in matters that concern her home and family⁸³. Al-Ghazali's personality, though, could not be further away from this ideal; in fact, she is an independent, resolute,

⁸¹ Quoted in A. M. Karam, *op. cit.* n° 19, p. 212.

⁸² A. M. Karam points to another interesting weakness in al-Ghazali's discourse, which is the fact that "she does not address the situation of women who are either unmarried or unable to bear children", yet she remained childless her whole life, as previously highlighted. See A. M. Karam, *op. cit.* n° 19, p. 212.

⁸³ A. M. Karam and Shehadeh similarly criticise this point. See A. M. Karam, *op. cit.* n° 19, p. 213, and L. R. Shehadeh, *op. cit.* n° 23, p. 136-137.

and strong-minded woman⁸⁴. Certainly, her gender notwithstanding, she stoutly engaged in the *jihad* —or struggle— for the Islamic state and performed a prominent and active role⁸⁵. Moreover, it is interesting to highlight that the women al-Ghazali envisaged as her models were not passive or submissive at all, but rather real warriors like her, such as the Kharijite Layla bin Tarif and Nusaybah bint Ka'b al-Maziniyyah⁸⁶. Why, then, does she impose on the rest of women the burden of obedience and submission?

Additionally, she never fulfilled the “first, holy and most important mission” in the life of a Muslim woman, namely motherhood and housewifery. It is hard to understand why not, since she sturdily insisted to other women that this was their female “natural disposition”, according to God’s laws. Amazingly, al-Ghazali states that marriage was for her “only a contingent worldly event, but brotherhood in Allah is everlasting: it does not elapse nor can it be measured in the world and all that is therein”⁸⁷. She even told her second husband “I know that it is your right to order and my duty to obey you, but God is greater than us, and his mission is dearer to us than ourselves”⁸⁸. After all this, one wonders if she thinks her “natural disposition” is different than that of the rest of womanhood.

Furthermore, Al-Ghazali always maintained in her teachings that a woman can only engage in the *jiḥab* “as long as that does not interfere with her first duty as a mother” and a wife. Not only she did disregard this rule, but she actually modified it with respect to her own life. Analysing how she lived, it is possible to conclude that her rule was rather “I shall fulfil the roles of mother and housewife, as long as

⁸⁴ As L. R. Shehadeh highlights, the women who she considered models were not at all submissive, but rather warriors, such as the Kharijite Layla bin Tarif and Nusaybah bint Ka'b al-Maziniyyah. See L. R. Shehadeh, *op. cit.* n° 23, p.137.

⁸⁵ As G. H. Talhami relates, not only did she politically influence the Muslim Brotherhood, but she also hosted important male politicians, such as Muhammad Naguib, the future first President of Egypt. See G. H. Talhami, *op. cit.* n° 23, pp. 50-51.

⁸⁶ Nusaybah bint Ka'b al-Maziniyyah was the female Companion of the Prophet who “sacrificed herself, her husband, [her] children, while the male Companion [of the Prophet] sacrificed only himself”. Quoted in L. R. Shehadeh, *op. cit.* n° 23, p. 137.

⁸⁷ *Ibidem*, p. 126.

⁸⁸ *Ibidem*, p. 125.

it does not interfere with my first duty as political activist". Indeed, she divorced her first husband because the marriage "took up all [her] time and kept [her] from [her] mission", and because [her] husband did not agree with [her] work".⁸⁹ Later, when marrying for the second time, she set up the condition for her husband that he would not interfere or even ask her about her political struggle:

"[If] your personal welfare and economic work conflict with my Islamic work, and I find that my married life interferes with the way of the call and the establishment of the Islamic state, then we will separate (...). I cannot ask you today that you join me in this struggle, but it is my right to stipulate that you not interfere with my struggle in the path of God (...). If there is a conflict of interests between marriage and the call of God, then the marriage will come to an end and the call will remain in my whole being."⁹⁰

In fact, her second husband, contrary to all conventions, "agreed... to help [her] and to be [her] assistant"⁹¹. Al-Ghazali, aware or not of these incoherences between her ideology and lifestyle, explains that her second husband was, firstly, wealthy enough to afford to have servants for the housework, and secondly, polygamous, which meant his other women could accomplish the wife's traditional tasks⁹². These reasons notwithstanding, I still deem arbitrary the exception she seems to exemplify vis-à-vis her own discourse.

The issue of the divorce is again thorny. From al-Ghazali's point of view, it was a punishable crime if desired by the wife. Still, she divorced not only once, but twice, actions that would in theory have caused her a severe punishment according to her own beliefs:

⁸⁹ *Ibidem*, p. 136.

⁹⁰ Quoted in L. R. Shehadeh, *op. cit.* n° 23, pp. 125-126.

⁹¹ *Ibidem*, p. 136.

⁹² See L. R. Shehadeh, *op. cit.* n° 23, p. 136-137.

"A woman asking her husband for divorce is a crime that deserves punishment⁹³, for is there anything more terrible than a woman threatening the nest of her marriage and her motherhood?"⁹⁴

Besides all these contradictions, al-Ghazali also violated the rule mandating segregation of gender while undertaking her political responsibilities, firstly, by meeting alone with men without the presence of her husband, and secondly, by delivering on some occasions lectures before an all-male audience⁹⁵.

In short, the above mentioned arguments show that al-Ghazali disregarded her own discourse in her own private life. In my opinion, this significantly deprives her position of authority. In fact, I consider ideologists who elaborate theories so specifically related to people's lives should be able to apply their ideas in their own lives. Otherwise, their discourse remains in a mere rhetorical field permanently. Besides, I do not believe in thinkers that demand from people what they themselves cannot fulfil. From my point of view, ideologists who except themselves from the accomplishment of their own rules feel falsely superior in relation to their audience.

And this is precisely what al-Ghazali seems to feel: somehow superior and therefore exempt from her own directives⁹⁶. Her writings and speeches indicate that she holds a unique role in the Islamic movement and that her mission is as high as "to purify the world of unbelief, atheism, oppression, and persecution"⁹⁷. In fact, in her book *Ayyam min hayati* [Days of my life], al-Ghazali presents herself as someone who has been called upon by God to undertake a holy mission and, if

⁹³ She particularly advocates for the beating of the disobedient wife by the husband. It seems that al-Ghazali considers violence acceptable in some cases. Besides the above mentioned situation, she also justifies the use of force against unbelievers in order to lead them "from darkness to light". Quoted in Shehadeh, *op. cit.* n° 23, p. 127.

⁹⁴ Quoted in A. M. Karam, *op. cit.* n° 19, p. 213.

⁹⁵ See L. R. Shehadeh, *op. cit.* n° 23, p. 137, and G. H. Talhami, *op. cit.* n° 23, p. 50.

⁹⁶ Shehadeh also criticises this point. See L. R. Shehadeh, *op. cit.* n° 23, p. 133.

⁹⁷ Quoted in L. R. Shehadeh, *op. cit.* n° 23, p. 134.

necessary, to sacrifice her life for the salvation of Egypt and possibly the whole world. She exemplifies her strength by claiming that while in prison, she withstood torture better than men. Consequently, from al-Ghazali's point of view, she is an exceptional human being, not only among women, but also among men. Of course, this stance clearly infringes on the most basic understanding of equality and humbleness.

(b) *The "women's issue"*. To al-Ghazali, there is no need for Muslims to particularly address a "women's issue". On the contrary, she declares she is concerned about the broader issue of "society", and thus does not acknowledge the struggle of Islamic feminists. Nevertheless, as demonstrated in the previous section, al-Ghazali's discourse is tirelessly focused on women, hence the fact that she has been categorised as a feminist, a label that she has —of course— stoutly rejected. As some researches have recently shown⁹⁸, the Muslim world as a whole is rethinking gender issues and it is doing so either in terms of women's rights, or in more conservative terms, as al-Ghazali does. Either way, the Muslim world is dealing with the issue, regardless of whether or not the Islamists are determined to deny it.

(c) *"Binary thinking"*. Another point that weakens the position of al-Ghazali is the "binary thinking" she uses. Her arguments are based on the following dichotomies: good/bad, Muslim/Western, legitimate/non-legitimate, and so on. For instance, al-Ghazali's arguments insinuate that non-Islamist positions on gender are bad, Western, and/or non-legitimate. In this regard, she conceptualises the West as a sort of supernatural entity embracing the "forces of the evil"⁹⁹ that pose an "external threat to Islam"¹⁰⁰. Or, she brands as "deficient" those Muslims who are not integrated into the Muslim Brotherhood. From my point of view, this type of speech is intolerant and highly demagogic. In addition, it appeals to people's

⁹⁸ See especially L. Abu-Lughod, *op. cit.* n° 4, in p. 5.

⁹⁹ Similarly, some voices in the West (i. e., George Bush) use the same rhetoric with regard to Islam.

¹⁰⁰ Quoted in A. M. Karam, *op. cit.* n° 19, p. 210.

irrational and abstract fears. As such, it is strongly persuasive and greatly effective in political terms, but nonetheless very thorny from a rational standpoint. Given the fact that the grounding of these arguments remains very much in a sort of misunderstood moral field, they are somehow taken for granted and vaguely outlined. For these reasons, any attempt to counter-attack these arguments is likely to be fruitless, as it is not possible to examine accurately its internal logic. Likewise, when this kind of discourse is taking place, legal, political or whatever other arguments are easily rejected as inferior or less important. In my opinion, in order for all types of debates to be successful, the arguments brought forward should be based on other premises so that an enriching discussion is possible. What's more, to discredit one's opponent with the label of "evil", "bad" or "non-legitimate" only provokes distrust and rejection.

(d) *Islam vis-à-vis politics*. Last but not least, I am also concerned with al-Ghazali's position with regards to Islam and politics. Al-Ghazali continuously stresses that the struggle she is engaging in is primarily political. In fact, she posits that she cannot envision Islam detached from politics. This separation would be a "crime", since "Islam cannot live as long as it is separated from its laws"¹⁰¹. This idea is undoubtedly controversial, even among Muslims. As it will be shown in the following Chapter, Fatima Mernissi holds a very different opinion. Her stance is that Islam does not need politics to survive, and that thinking so is to underestimate its potential and innate self-sufficiency. To Mernissi, the link between Islam and politics only leads to religious manipulation. In my opinion, Islam is not politics and the intense relationship both have had throughout history corresponds to the logic of modern state formation, rather than to the nature of Islam¹⁰². Furthermore, the alleged symbiotic fusion between religion and politics has historically been demonstrated to be a product of the fundamentalist discourse, be it Islamic or Christian in the West, Jewish in Israel, Hinduist in India or Buddhist in Sri

¹⁰¹ Quoted in A. M. Karam, *op. cit.* n° 19, p. 210-211.

¹⁰² For further details see D. Jung, *Globalization, State and Religion in the Middle East*. "Is Islam incompatible with Democracy?", in *Distinktion: Scandinavian Journal of Social Theory*, n° 8, 2004, p. 73.

Lanka¹⁰³. Consequently, it is possible to conclude with José Casanova that the politisation of Islam is likely to be the particular claim of fundamentalists in their attempt to build a Muslim identity in the aftermath of colonialism. Casanova explains it as follows:

"I would be inclined to attribute the common 'fundamentalist' impulse to the common context of nation-state formation, rather to some common symbiotic fusion of religion and politics at the genesis of all these religions that has left an indelible mark in their makeup."¹⁰⁴

4.- HEBA RA'UF¹⁰⁵

4. 1.- RAU'F'S THOUGHT

Unfortunately, it has not been possible to access much literature about the Islamist Heba Ra'uf. As a consequence, this section about her thinking is considerably shorter than the previous one. In spite of this, the main ideas of Heba Ra'uf's thought have been outlined and subsequently assessed, and what is even more important for the purpose of this study, the ideological shift operated by these two writers has clearly been presented.

Heba Ra'uf is a disciple of al-Ghazali who belongs to a younger generation¹⁰⁶. However, in many of Ra'uf's ideas, the influence of Qutb is also apparent, above all with regards to the conceptualisation of family as "the basis of society". Like her teacher al-Ghazali, Ra'uf devotes her main intellectual efforts towards dealing with

¹⁰³ See José Casanova, *Civil Society and Religion: Retrospective Reflections on Catholicism and Prospective Reflections on Islam*, in *Social Research*, n° 68 (4), 2001, p. 1056.

¹⁰⁴ J. Casanova, *ibidem*.

¹⁰⁵ For further details, see A. M. Karam, *op. cit.* n° 19, pp. 221-245.

¹⁰⁶ See A. M. Karam, *op. cit.* n° 19, p. 221.

the role of women in Muslim societies while simultaneously discarding the feminist movement¹⁰⁷. Her arguments refusing the legitimacy of feminism are similar to the ones provided by al-Ghazali, based on the idea that it is individualistic, divisive, unnecessary and a vestige from the West which does not apply to Islamic cultures.

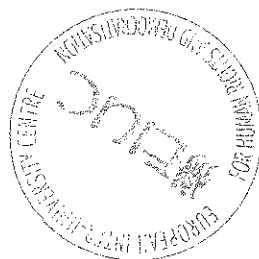
Ra'uf frames her Islamist feminist agenda within the framework of political Islam¹⁰⁸. From this political standpoint, she analyses the role of women within society and the interaction between the family and the state. In this regard, Ra'uf criticises the lack of political significance accredited to the family in certain traditional interpretations of Islam and especially in Western societies. Along with Qutb and al-Ghazali, Ra'uf envisions the family as the base of society and, more importantly, as a political unit. To her, the family constitutes a political microcosm of the larger state unit. She insists on the idea that the family has traditionally been misunderstood as a mere social institution in charge of functions such as affection or the fulfilment of sexual desires. In this sense, it can be stated that Ra'uf's stance erases any differentiation between the public and the private spheres, which she in fact considers to be a notion imported from the West¹⁰⁹.

Concerning the state, Ra'uf indicates that it is lacking in legitimacy since it is a modern institution, and as a result, it cannot handle all the responsibilities expected from it. Conversely, the family is able to face all responsibilities and is thus more legitimate as a political entity. To Ra'uf, only the Islamic state is fully legitimate, but until it is established in Muslim societies, both men and women will remain oppressed. Meanwhile, women can only find liberation from within the family, since it is the only institution the state cannot control. From Ra'uf's standpoint, the family protects women precisely through the ties that unite its members, such as solidarity and mutual respect.

¹⁰⁷ See A. M. Karam, *op. cit.* n° 19, p. 224.

¹⁰⁸ *Ibidem*, p. 235.

¹⁰⁹ *Ibidem*, p. 225-226.



In regard to the eventual participation of women in the public sphere, Ra'uf's stance is interestingly more liberal than al-Ghazali's. Ra'uf argues that women should be allowed to occupy the highest public functions, provided they are qualified. Therefore, any distinctions should be based on gender, but on qualifications. Furthermore, so long as the Muslim World remains in a state of war, women should actively be involved in the management of the *umma* or Islamic nation, since all available efforts are needed to attain the success of the *jihad* —or struggle. Remarkably, Ra'uf states that this participation in the public sphere is absolutely compatible with the roles of motherhood and housewifery. As she writes: "No one has 24 hours to devote to only one sphere"¹¹⁰.

4. 2.- CRITICAL ANALYSIS TO RA'UF'S DISCOURSE

Undoubtedly, Ra'uf's position is more liberal and modern than the one held by Qutb or al-Ghazali. Nevertheless, her discourse still carries the weaknesses of her predecessors' thinking, notably the use of dichotomies and the "satanisation" of the West. She even introduces a new dichotomy in the debate: the state versus the family, the latter being the ideal means of liberation for women. However, I have some doubts about the efficacy of the family as the guardian of women's rights, inasmuch as the main discriminatory practices precisely occur in this sphere —i.e., circumcision. Therefore, as Karam points out, Ra'uf seems to

"ignore that much of the oppression and violence women suffer is a result of the internalization of certain harmful social norms and their practice within the family [such as circumcision]."¹¹¹

¹¹⁰ Quoted in A. M. Karam, *op. cit.* n° 19, p. 227. See also pp. 225-226.

¹¹¹ *Ibidem*.

Furthermore, I consider it extremely controversial to brand the differentiation between the public and the private sphere as Western. In doing so, it seems to me that Ra'uf is overtly obliterating the claims of Western feminists who claimed "the personal is political"¹¹².

These criticisms notwithstanding, it is important to highlight that some elements of Ra'uf's ideology are very revolutionary vis-à-vis Islamism, namely, the advocacy for women's activism in the public sphere and the encouragement for women's occupation of public roles. Besides the breakdown these ideas cause with regard to Islamism, the surprising part of Ra'uf's discourse is that her reasoning precisely stems from Islamist premises. In consequence, as Karam declares, "she attempts to develop this minority discourse from the platform of a majority force"¹¹³. Ra'uf in fact appeals to traditional values, while at the same time widens women's roles in a veiled way. And this, consequently, leads to an important modernisation of the fundamentalist discourse.

5.- CONCLUSION

Against the framework of Sayyid Qutb's ideology, this Chapter has been devoted to assessing the discourse of the female Islamists Zaynab al-Ghazali and Heba Ra'uf. As I have demonstrated, the works of these writers evolved in important ways in regard to women's rights. From the strict relegation of women to the domestic realm, these women's thinking moves gradually towards a more modern stance. In this sense, al-Ghazali fixes the theoretical conditions that later Ra'uf will utilise to go beyond her teacher's premises.

¹¹² As A. M. Karam explains, Ra'uf basically uses their motto, that is, "the personal is political", though she adds the new dimension of the family. See A. M. Karam, *ibidem*, p. 226.

¹¹³ *Ibidem*.

As described previously, while Qutb relegates women to the domestic realm, al-Ghazali in her later writings accepts women's participation in the *jihad* as activists —though under specific conditions. Later still, Ra'uf overtly advocates for women's occupation of the highest public jobs. In consequence, a new discourse on women is being legitimised from within the very scaffolding of Islamism by these female writers, who are not coincidentally more liberal than their male companions.

It is clear that "male interpretations of the Islamic tradition with regard to women's rights are invariably more restrictive than women's forums in their formulations of similar issues"¹¹⁴. As an illustration of this statement, it is interesting to compare two declarations on the role of Muslim women elaborated by Muslim politicians. The first one is the Tehran Declaration on the Role of Women in the Development of Islamic Society, accorded by representatives of Member States of the Organisation of the Islamic Conference in April 1995. And the second one is named the Islamabad Declaration on the Role of Muslim Women Parliamentarians in the Promotion of Peace, Progress and Developments of Islamic Societies, signed by Muslim Women Parliamentarians in August 1995. The latter is undoubtedly more progressive and embodies much more women's rights than the former¹¹⁵.

Furthermore, from my point of view, al-Ghazali's and Ra'uf's shift is certainly an example of something that is occurring in a larger scene: the rethinking of gender in Muslim societies. This process has to be assessed against the framework of post-colonialism and globalisation. With regard to the former, it is worth highlighting that the colonial experience initiated a process of cultural dialogue that led to the creation of "conceptual hybrids". These heterogeneous notions would certainly be used henceforth by Muslims when creating its new identity after colonialism — even by Islamists, who vehemently advocate for the return to pure Islamic ideals¹¹⁶.

¹¹⁴ See S. S. Ali, *op. cit.* n° 1, p. 231.

¹¹⁵ These Declarations can be found in the first and second Appendices of this study.

¹¹⁶ This is the definition given by Ali, see S. S. Ali, *op. cit.* n° 1, p. 185.

With regard to globalisation, I consider it to signify the continuation of this cultural dialogue. Globalisation has indeed been tackled by modern scholarship tirelessly, but only a few studies have analysed it as gendered process¹¹⁷. Islamic fundamentalism is precisely one of the gendered responses that globalisation has provoked, as it is argued in terms of cultural relativism, and has the eventual effect of leading to the impoverishment of women's human rights¹¹⁸

¹¹⁷ Particularly, see Valentine M. Moghadam, *Globalizing Women. Transnational Feminist Networks*, Baltimore and London, The Johns Hopkins University Press, 2005.

¹¹⁸ Some Transnational Feminist Networks are especially concerned with the contemporary revival of Islamic fundamentalism, manifested as antifundamentalist associations like Women Living under Muslim Laws and the Sisterhood Is Global Institute. For further details about these platforms and their aims, see V. M. Moghadam, *ibidem*.

CHAPTER TWO:

SECULARIST PROPOSALS
TO ENHANCE DEMOCRACY
AND WOMEN'S HUMAN RIGHTS
IN ISLAM:

THE DISCOURSE OF FATIMA MERNISSI

1.- DEMOCRACY, HUMAN RIGHTS AND ISLAM:

SOME PRELIMINARY OBSERVATIONS

In the present Chapter I aim to examine the interaction between Islam, democracy and women's human rights. Particularly, I shall use the work of the Muslim Moroccan sociologist Fatima Mernissi as the framework of my analysis.

The current resurgence of religious fundamentalisms, especially Islamic fundamentalism, has attracted the attention of many scholars who have attempted to analyse the eventual interaction between Islam, democracy and human rights. Some of their research has lead to the notion that Islamic fundamentalism is absolutely contrary to modernity and that it basically fights against it. Nevertheless, recent studies have shown that this previous conclusion is by no means true¹¹⁹ and that rather, religious fundamentalism involves what Antoun calls a "selective modernization and controlled acculturation"¹²⁰: that is, a selection of certain technological and organizational innovations of modern society, and the integration of some practices or beliefs coming from another culture into their religious system¹²¹. Such misleading conclusion has been one of the seeds for questioning

¹¹⁹ Brian Turner, *Fundamentalism, Spiritual Markets and Modernity*, in *Sociology*, n° 38 (1), pp. 195-202.

¹²⁰ Quoted in B. Turner, *ibidem*, p. 198.

¹²¹ L. Abu-Lughod's research has lead to the same conclusion. As she states: "The Islamists of today are often branded *medieval* by their opponents. They themselves invoke the past and self-righteously denounce certain versions of modernity. And yet they are very much part of and a product of modernity and best seen as striving – like all contemporaneous social movements – for an alternative modernity." See L. Abu-Lughod (ed.), *Remaking women. Feminisms and Modernity in the Middle East*, Princeton and Chichester, Princeton University Press, 1998, p. 4. See also Mervat Hatem, *Egyptian Discourses on Gender and Political Liberalization: Do Secularist and Islamists Views Really Differ*, in *Middle East Journal*, n° 48 (4), 1994, pp. 661-676.

Islam as a whole —and not only one of its manifestations, Islamic fundamentalism— with regard to its compatibility as a religion with democracy¹²².

Taking this debate as a starting point, this Chapter will be focused upon the position held by Fatima Mernissi, who has carried out a deep analysis of Islam with the purpose of contributing to the debate from an inside view of the issue. Mernissi, aside from arguing that Islam is absolutely compatible with democracy and democratic values, proposes the secularisation of Muslim countries in order to free Islam from the manipulation that it has constantly suffered from throughout its history. The purpose of this Chapter is firstly, to present and theoretically analyse Mernissi's arguments about the compatibility between Islam and democracy, and secondly, to assess and criticise her proposal of secularisation, examining the feasibility of her ideas.

In my assessment of Mernissi's argument, I shall constrain myself to the following two works: *Islam and Democracy*¹²³ and *Women and Islam*¹²⁴. In the first section, I present Mernissi's ideas about the interaction between Islam and democracy. I will look at her hypothesis of the absolute compatibility between both, as well as her arguments concerning the historical and theological manipulation of Islam. In the second section, I elaborate more on one of the main ideas given by Mernissi: the role of the male elite in Muslim societies, which leads me to reflect on the politisation of Islam —third section. Finally, a fourth and last section will be devoted to discuss the solution Mernissi proposes in order to prevent Islam from being politicized, or in other words, the secularisation of the Muslim World. Here, I shall examine Mernissi's concept of secularism and, consequently, her position concerning the relation between religion and politics. When doing so, I shall try to

¹²² See S. Huntington, *The Clash of Civilizations and the Remaking of World Order*, New York, Simon and Schuster, 1996.

¹²³ F. Mernissi, *Women and Islam. A Historical and Theological Enquiry*, translated by M. J. Lakeland, Oxford, Blackwell Publishers, 1991.

¹²⁴ F. Mernissi, *Beyond the veil. Male-female dynamics in Muslim Society*, translated by M. J. Lakeland, London, Al Saqi Books, 1985.

reflect on the feasibility of her theses and on the strength of her arguments combining theoretical and empirical arguments.

Finally, it is necessary to note that thanks to the fact that Mernissi's works are widely translated and published, I have been able to undertake a deep and solid assessment of her discourse —unlike the one in the previous chapter with regard to al-Ghazali's and Ra'uf's ideology.

2.- MERNISSI'S THOUGHT REGARDING THE COMPATIBILITY BETWEEN ISLAM AND DEMOCRACY

2. 1.- ISLAM IS COMPATIBLE TO DEMOCRACY: HISTORIC-THEOLOGICAL ARGUMENTS

The basis of Mernissi's thought can be synthesised in the following sentence: Islam is absolutely compatible with democracy and with democratic values. In this sense, Mernissi states that values such as dignity, democracy, human rights and full participation in political and social affairs are part of the original Muslim tradition¹²⁵. Therefore, adhering to the today so-called "Western values" is not an act of betrayal to Islam, but a fair and coherent adherence to the essence of the Islamic religion. With this affirmation, she tries to refute all the criticisms given by those scholars who see her as a Westernized author. She writes:

"We Muslim women can walk into the modern world with pride, knowing that the quest for dignity, democracy, and human rights, for full participation in the political and social affairs of our country, stems from no imported Western values, but is a true part of the Muslim tradition."¹²⁶

¹²⁵ F. Mernissi, *op. cit.* n° 5, p. viii.

¹²⁶ *Ibidem.*

Mernissi demonstrates and exemplifies her views through her critical historical-theological analysis of the birth of Islam and its subsequent development. She examines in great detail the social and cultural contextualisation of the moment in which Islam was formulated, giving special emphasis to the examination of the figure of Prophet Muhammad and carefully chronicling the years of the Prophet's life. First, she makes important references to the Pre-Islamic era, known as *jahiliyya* —literally, the time of ignorance, in order to better understand the progressive character of the Islamic message.

“This basic equality between the strong and the weak, between the governors and the governed, which is the essence of orthodox Islam, was surely one of the ideas that constituted a rupture with the *jahiliyya*. It introduced a new and revolutionary idea, unknown until then: the idea of *musawat*, “equality.”¹²⁷

Second, she introduces a personal biography of the Prophet, explaining his character in much detail, as well as the relationship he had with his wives, his position towards the public and the private sphere and about women's issues, his interpretation of the verses Allah revealed to him, and so on. Third, Mernissi elaborates on the political tensions that occurred during the last part of the Prophet's life, which increased enormously when he died and finally ended with the secession of Islam into *Sunnis* and *Shi'ites* after the *fitna*, or civil war. In fact, she writes:

“And this was the way Islam began after the death of the Prophet: through a process in which only the elite was involved. And they negotiated to preserve what was essential to them —and the essential varied according to the interests of the participants.”¹²⁸

¹²⁷ F. Mernissi, *Islam and Democracy. Fear of the Modern World*, London, Virago Express Limited, 1994, p. 109.

¹²⁸ F. Mernissi, *op. cit.* 85, p. 39.

In undertaking this historical-critical analysis, Mernissi finds that the original message of Islam, as formulated by the Prophet and put into practice by him during his lifetime, contained many of the values that today are seen as "products from the West" and provoked an absolute breaking point with regard to the Pre-Islamic era, or the *jahilliyya*.

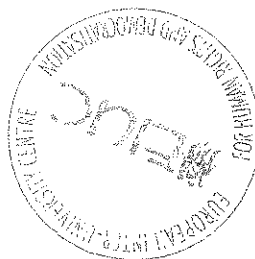
On the one hand, Mernissi concludes that during the first centuries of Islam the freedom of every individual was undoubtedly guaranteed, mainly via its manifestation, freedom of thought¹²⁹. At that time, Islam was the religion of reasoning and responsible individuals and, in fact, this is especially vital to take into account as the believers did not—and do not—only focus on the study the *Qur'an*, but also on the so-called *Hadith*—compilations of sayings and deeds of the Prophet and his interpretation of Allah's verses. As Mernissi states, *Hadith* collections not only contain *Hadith*, but also information about the source of the *Hadith*—that is, the corresponding informant—and the chain of transmitters, so that the reader can judge whether those *Hadith* are credible or not. Throughout the history of Islam many false *Hadith* have circulated, hence the importance for Muslim believers to use their critical filter in order to find out whether a particular *Hadith* is true or not. Consequently, in order to duly respect the original message of Islam, believers must not only have the capacity of reasoning, but also the duty to do so¹³⁰.

"The believing reader has the right to have all the pertinent information about the source of the *Hadith* and the chain of its transmitters, so that her or she can continually judge whether they are worthy of credence or not. Islam was, at least during its first centuries, the religion of reasoning, responsible individuals capable of telling what was true from what was false as long as they were well equipped to do so, as long as they possessed the tools of knowledge—specifically, the collections of *Hadith*."¹³¹

¹²⁹ *Ibidem*, pp. 13-21.

¹³⁰ See F. Mernissi, *op. cit.* n° 5, pp. 25-48.

¹³¹ F. Mernissi, *op. cit.* n° 85, p. 36.



On the other hand, the sovereignty of the individual was also recognised insofar as Muslim believers had the right to remove authoritarian rulers, particularly Imams. On the basis that the Imam is not infallible since he does not enjoy any kind of divine legitimation—though a particular *Shi'a* sect does believe on the infallibility of the Imam—, Muslims have the right to rebel against those Imams who have turned into despotic authorities¹³². Mernissi mentions at least two trends within Islam that exemplify this statement: the philosophical and rationalist tradition, the *Mu'tazila*, that held that thinking individuals can be an effective barrier against arbitrary rulers; and the political and rebel Islamic sect, the *Kharijites*, who justify the use of force and violence—even terrorism and killing—to remove despotic leaders¹³³.

Finally, the third element of Mernissi's reasoning refers to Allah's establishment of the equality of all human beings—what includes, logically, women—in several verses of the Qur'an. Bearing in mind the previous legacy of the Pre-Islamic era, equality was an absolutely progressive value at that time. Here, Mernissi states the reason why, from her point of view, equality never got off the ground. According to her, even though the Prophet tried earnestly to put it into practice during his lifetime, some of his conservative followers were obstacles. One example of such followers is the Hypocrites, who were not at all willing to accept this value in the new socio-political order, neither with regard to women nor to slaves. As a consequence, part of the message of Islam was already negated at an early stage, when the male elite of Medina considered equality to be a serious threat to their own power. Therefore, equality was not actually materialised, even at that early moment: women and slaves remained under Pre-Islamic rules, in spite of the Prophet's efforts to liberate them¹³⁴.

¹³² See F. Mernissi, *op. cit.* n° 9, pp. 22-41.

¹³³ The word *Kharijites* comes precisely from "*kharaja*", which means, "to go out" (from obedience). See F. Mernissi, *ibidem*, p. 27. For further details, see in this issue F. Mernissi, *ibidem*, pp. 22-41.

¹³⁴ See F. Mernissi, *op. cit.* n° 5, pp. 115-140.

2. 2.- WHY DOES ISLAM SEEM TO BE INCOMPATIBLE TO DEMOCRACY?:

HISTORIC-THEOLOGICAL MANIPULATION

According to Mernissi, the original message of Islam therefore contains some of the most important values that are today wrongly termed "Western". What, then, explains why the current interpretation of Islam and its socio-political reality seems to be so far away from these progressive original values?

Mernissi gives two main explanatory reasons to this question: (a) *the history of Islam has importantly been manipulated*; (b) *some Hadith have also been manipulated or even forged*.

(a) *The historical and theological manipulation of Islam* Mernissi adduces that many historical facts that occurred in the past have consciously been interpreted in a biased way by the dominant male elite with the aim of justifying their political *status quo*. She especially elaborates on this manipulation of Islamic history when tackling the issue of women's rights within Islam¹³⁵. She claims that it is necessary to "go back into the shadows of the past" in order to find the seed of the current misogynistic treatment of women in the Muslim World¹³⁶. Mernissi argues that two principle relevant historical events illustrate her statement. After performing a detailed historical examination of the controversial *hijab*, or veil, she concludes that the establishment of the *hijab* did not aim to silence and exclude women from the public sphere, but rather to give the answer to the specific socio-political reality of Medina; i.e. some of the Prophet's wives were constantly being harassed — *ta'arrud*¹³⁷ — in the streets by men that ignored their condition of free women — not slaves. Even though Islam was already promoting equality among all human

¹³⁵ See F. Mernissi, *op. cit.* n° 5, p. ix.

¹³⁶ *Ibidem*, p. vii.

¹³⁷ It means, literally, "taking up a position along woman's path to urge her to fornicate". See F. Mernissi, *op. cit.* n° 5, p. 180.

beings, an important group of the Medinese population, the Hypocrites, was resisting this value and kept practicing *ta'arrud* with slave women. At this point, Mernissi relates, Allah revealed the verse 59 of *sura* 33, which reads:

“O Prophet! Tell thy wives and thy daughters and the women of the believers to draw their cloaks close around them [when they go abroad]. That will be better, that so they may be recognised and not annoyed.”¹³⁸

According to Mernissi, in this verse Allah advised the wives of the Prophet to differentiate themselves from the slaves in order not to be confused for them. From this moment on, the use of the veil would also be extended to the rest of the free women so that they could also be distinguished from slaves¹³⁹. However, as Mernissi states, “(w)e should remember that the Koran is a book rooted in the daily life of the Prophet and his community; [therefore] it is often a response to a given situation”. Particularly, Mernissi contextualises verse 53 of *sura* 33 as follows: the Prophet celebrated his marriage to Zaynab Bint Jahsh and invited nearly the whole Muslim community of Medina. At the end of the party, everyone departed except for three men,

“who continued to chat without concern for the Prophet’s impatience and desire to be alone with his new wife (...) The Prophet, irritated, went out into the courtyard, walked up and down, returned to the room, and left again to wait for the visitors to leave.”¹⁴⁰

Upon their departure, Allah revealed the verse on the *hijab* to the Prophet, which reads:

¹³⁸ Quoted in F. Mernissi, *op. cit.* n° 5, pp. 186–187.

¹³⁹ F. Mernissi, *ibidem*, pp. 180–195.

¹⁴⁰ *Ibidem*, p. 87.

“O ye who believe! Enter not the dwellings of the Prophet for a meal without waiting for the proper time, unless permission be granted you. But if ye are invited, enter, and, when your meal is ended, then disperse. Linger not for conversation. Lo! That would cause annoyance to the Prophet, and he would be shy of [asking] you [to go]; but Allah is not shy of the truth. And when ye ask of them [the wives of the Prophet] anything, ask it of them from behind a curtain. That is purer for your hearts and for their hearts.”¹⁴¹

According to Mernissi, this verse, and especially the expression “from behind the curtain”, has been wrongly understood in the Muslim tradition as the passage which creates the strict division between the public and private sphere and the relegation of women to the latter¹⁴².

In connection with the lack of political participation of women in the public sphere, Mernissi adds that a second manipulated event in Islam’s history has reinforced the relegation of women to the private realm: the “Battle of the Camel” lead by ‘A’isha, one of the Prophet’s wives. When ‘Uthman, the third Caliph, was murdered, ‘A’isha reproached the new Caliph ‘Ali for not having brought the murderers to justice, despite knowing their identity insofar as military leaders of his army. ‘Ali’s inaction motivated ‘A’isha to launch an attack on him, beginning this way the *fitna* or civil war that would end with the secession of Muslims into *Sunnis* —orthodox— and *Shi’ites* —schismatics¹⁴³. According to the male reading of this fact, particularly al-Afghani’s, ‘A’isha is indisputably to blame for the split of the Muslim World. The logic used is simplistic, thus not consistent: if she had not interfered in political affairs, Islam would have taken “the path of peace, progress and prosperity”¹⁴⁴. There can be little doubt, then, that women had to stay away

¹⁴¹ Quoted in F. Mernissi, *ibidem*, p. 85.

¹⁴² See further details in F. Mernissi, *op. cit.* n° 5, pp. 85-101 and 180-195.

¹⁴³ See F. Mernissi, *ibidem*, pp. 49-61.

¹⁴⁴ Quoted in F. Mernissi, *ibidem*, pp. 6-7, from al-Afghani, *‘A’isha wa al-siyasa*, Beirut, Dar al-Fikr, 1971, p. 348.

from the public sphere because, in Al-Afghani's words, "woman was not created for poking her nose into politics"¹⁴⁵. On the contrary,

"It seems that Allah created women to reproduce the race, bring up future generations, and be in charge of households; He wanted to teach us a practical lesson [through the Battle of the Camel] that we cannot forget."¹⁴⁶

(b) *The manipulation and falsification of Hadith* In a Muslim theocracy, Hadith play a major role. To Mernissi, many Hadith have been manipulated, forged or even invented. This is something, in fact, that other Muslim scholars have affirmed by pointing to historical evidence, such as the work of writer Shaheen Sardar Ali, who declares:

"It is a historical fact that numerous *Ahadith*¹⁴⁷ were generated to reinforce societal norms and political expediency. By narrating *Ahadith* favourable to its own group, political legitimacy could be acquired by the ruling elite. (...) [it] was employed to introduce a misogynistic trend with the Islamic tradition by attributing to the Prophet sayings that were derogatory of women."¹⁴⁸

Incredibly, even during the lifetime of the Prophet, false Hadith started to circulate, but this tendency of course increased when he died and power struggles started to take place. Less than two centuries after the death of the Prophet, 596 725 false Hadith had already been spread, many of them of a misogynistic nature, particularly the ones manipulated by Abu Hurayra —one of the Companions of the Prophet¹⁴⁹.

¹⁴⁵ Quoted in F. Mernissi, *ibidem*, p. 6, from al-Afghani, *ibidem*, p. 34.

¹⁴⁶ Quoted in F. Mernissi, *ibidem*, p. 7, from al-Afghani, *ibidem*, p. 342.

¹⁴⁷ *Ahadith* is the plural of *hadith*.

¹⁴⁸ S. S. Ali, *op. cit.* n° 1, p. 22.

¹⁴⁹ See F. Mernissi, *op. cit.* n° 5, p. 44.

As an example of Abu Hurayra's accuracy transmitting the words of the Prophet, Mernissi quotes Imam Zarkashi¹⁵⁰:

"They told 'A'isha that Abu Hurayra was asserting that the Messenger of God said: *'Three things bring bad luck: house, woman, and horse'*. 'A'isha responded: *Abu Hurayra learned his lessons very badly* [she had already warned him that he was manipulating the words of the Prophet]. *He came into our house when the Prophet was in the middle of a sentence. He only heard the end of it. What the Prophet said was: 'May Allah refute the Jews; they say three things bring bad luck: house, woman, and horse.'*"¹⁵¹

Even though many Islamic scholars, among them the respected Al-Bukhari, have devoted their intellectual efforts to distinguish between true and false Hadith, it seems that they did not detect the falseness in many Hadith regarding women¹⁵². For Mernissi the conclusion is clear:

"(w)hen I finished writing this book I had come to understand one thing: if women's rights are a problem for some modern Muslim men, it is neither because of the Koran nor the Prophet, nor the Islamic tradition, but simply because those rights conflict with the interests of a male elite."¹⁵³

3.- COMPLETING MERNISSI'S THOUGHT:

3. 1.- THE CONFUSION ON THE POLITISATION OF ISLAM

Overall, the line of argumentation contributed by Mernissi can be synthesised in the following ideas: "Islam is totally compatible with democracy, for its tradition already contains some of today's so-called democratic values" (*first*

¹⁵⁰ S. S. Ali also describes Abu Hurayra's manipulation of *Hadith*. See S. S. Ali, *op. cit.* n° 1, pp. 54-55.

¹⁵¹ *Ibidem*, p. 76, from Imam Zarkashi, *Al-Ijaba*, p. 113.

¹⁵² *Ibidem*, pp. 25-48.

¹⁵³ *Ibidem*, p. ix.



premise: her hypothesis); “nevertheless, from its very origin, Islam has been manipulated historically and theologically” (*second premise: problem of the issue*) “by the dominant male elite in order to prevent new values to endanger their *status quo*” (*third premise: why this problem exists*).

When comparing Mernissi's conclusions about the past of Islam and its current manipulation in some Muslim countries —where authoritarian rulers have monopolised Islam in order to legitimise their political power¹⁵⁴, it seems clear to me that religion, in this case Islam, is indeed a powerful phenomenon, and as such, can be viewed either as a danger —like equality in the early Islam— or as a strong reinforcement that can give a foundation to politically illegitimate states.

From my point of view, this part of Mernissi's argumentation inevitably launches an unanswered question: what are the very reasons why religion is such a powerful phenomenon in the Muslim World? This question forces to analyse religion as a whole, not just Islam. In trying to do so, I find the Durkheimian perspective on religion to be very useful¹⁵⁵. According to him, religion is a symbolic manifestation of society. As such, it plays a major role with regards to the institutional integration of society and to the feeling of cohesion existing in a particular society¹⁵⁶. Consequently, authoritarian rulers, lacking in political legitimation out of society, seize its symbolic reproduction and use those symbols to legitimise their power and actions. Therefore, through the monopoly of religion, or the symbolic manifestation of society, authoritarian rulers provide themselves with a legitimising theory and achieve control of society so that no revolts put their power at stake. As Jung explains:

¹⁵⁴ See further details in Dietrich Jung, *op. cit.* n° 72, pp. 61 – 78.

¹⁵⁵ See Emile Durkheim, *Definition of Religious Phenomena and of Religion*, in Durkheim, Emile, *The Elementary Forms of Religion Life*, New York, The Free Press, 1995, pp. 21 – 44.

¹⁵⁶ See Talcott Parsons, *The Theoretical Development of the Sociology of Religion*, in Parsons, Talcott, *Essays in Sociological Theory*, London, Free Press of Glencoe, 1949, pp. 197 – 211.

“the close relationship between religion and politics in the Middle East is not so much a result of allegedly inherent Islamic features, but of the logic of modern state formation within a particular historical context.”¹⁵⁷

As I see it, this view establishes a clear separation between the *object*, authoritarian Muslim rulers, and the *subject*, Islam. It becomes extremely important to make this differentiation, since some scholars, particularly Huntington¹⁵⁸, have concluded erroneously that Islam has inner core features that make it intrinsically incompatible with democracy and democratic values. His reasoning is superficial and simplistic: some authoritarian Muslim states are non-democratic, *ergo* Islam is incompatible with democracy insofar as it is the ideology underlying in those regimes. Nevertheless, what a religion in itself is should not be blurred by how it is being used by men. In this sense, it is possible to agree with Mernissi that Islam is perfectly compatible with democracy, precisely because Islam is not politics¹⁵⁹, and the ones who are authoritarian, or non-democratic, are the States or leaders, and not the religion itself. As Jung asserts:

“The authoritarian tendencies of Muslim regimes and Islamist movements reflect the general experience of repressive politics that has characterised modern Middle Eastern formation rather than ‘ontological cultural particularities’ of Islam.”¹⁶⁰

3. 2.– COMPARATIVE HISTORICAL ANALYSIS OF CHRISTIANITY

All of the above arguments would already refute the “*essentialist*” vision that Huntington holds with regard to Islam, but some other historical reasons could be adduced in order to give more strength to the statement that Islam and

¹⁵⁷ D. Jung, *op. cit.* n° 72, p. 73.

¹⁵⁸ See S. Huntington, *op. cit.* n° 4.

¹⁵⁹ See D. Jung, *op. cit.* n° 72.

¹⁶⁰ D. Jung, *op. cit.* n° 72, p. 62.

democracy are definitely not incompatible. Even if Huntington's hypothesis on Islam were true and we accepted that Islam had a core incompatibility with democracy and other resulting values, his theory would empirically be invalidated after doing a retrospective analysis of the Catholic Church. As Casanova highlights, the Catholic Church has historically been seen as the perfect example of an anti-modern fundamentalist religion¹⁶¹. Even the early Tocqueville reflected on it while writing "[t]he Catholic religion has erroneously been regarded as the *natural* enemy of democracy"¹⁶². In the past, the Catholic Church has indeed systematically positioned itself against democracy and human rights. Nevertheless, it experienced an important shift in its dogma with its well-known *aggiornamento*, or official reformulation. It was such a dogmatic shift that today, both democracy and human rights are perpetual topics addressed by the Pope.

On top of that, this *aggiornamento* did not only remain in the field of rhetoric, but rather was materialised in the political arena with the "third Wave of Democratisation", in which the Catholic Church played a major role as an institution of civil society, challenging the authoritarian leaders of many countries—Spain, Poland, Brazil, etc. Casanova has extensively studied this phenomenon and writes:

"the third wave of democratization was predominantly a Catholic wave. Roughly two-thirds of the 30-some countries that have undergone successful transitions to democracy since the mid-1970s were Catholic."¹⁶³

Consequently, Huntington's arguments are once again refuted, since the example of the Catholic *aggiornamento* shows that religion does not have unchangeable core essences, but a capacity to reformulate itself, even in the case of such a centralised

¹⁶¹ See José Casanova, *op. cit.* n° 73, pp. 1041 – 1080.

¹⁶² Emphasis added. See Alexis de Tocqueville, *Democracy in America*, 2 vols., New York, Vintage, 1990, p. 300, vol. 1.

¹⁶³ J. Casanova, *op. cit.* n° 73, p. 1041-1042.

religion as Catholicism. Conversely, Islam has more open and pluralistic authoritative schools. Therefore, what convincing argument can be put forth claiming the “*incapacity*” of Islam to experience its own *aggiornamento*?¹⁶⁴

4.– CHALLENGING REALITY

4. 1.– MERNISSI’S PROPOSAL:

THE SECULARISATION OF THE MUSLIM WORLD

Mernissi points out the main reason why Islam has been distorted as *political manipulation*, for which she proposes two solutions in order to purify Islam and return it to its original message, or freedom of thought, sovereignty of the individual, the right to freedom of action, tolerance, etc. The first issue to address is the new historical and theological analysis of Islam, and the second, the secularisation of the Muslim World.

In response to the proposal to reanalysing the history and theology of Islam, several criticisms have been brought forward, such as: how can Mernissi state that 1400 years of historical scholarly exploration are wrong?¹⁶⁵; theological arguments may indirectly help to legitimise the *status quo* of Muslim societies; theological arguments are very difficult to refute: they are usually a matter of interpretation and multiple interpretations can emanate from the same verse¹⁶⁶; and so on. The debate is undoubtedly very interesting, though it is not the aim of this Chapter to examine it. Instead, I shall focus my criticism on Mernissi’s secularisation thesis.

¹⁶⁴ See J. Casanova, *op. cit.* n° 73.

¹⁶⁵ See Jamal J. Elias, *Secularization, Laicization, and Challenges to Feminist Reform in the Islamic World*, <http://womencrossing.org/elias.html>, July 2005.

¹⁶⁶ As Valentine M. Moghadam states: “*I fear that so long as they remain focused on theological arguments rather than socio-economic and political questions, (...) their impact will be limited at best*”, V. M. Moghadam, *Islamic feminism and its discontents: notes on a debate*, in *Signs: The Journal of Women in Culture and Society*, vol. 27, n° 4, 2002.

The proposal to secularise the Muslim World is quite controversial, but Mernissi insists that secularism is not an attack on God but on the government officialdom, and contrary to what some Muslims fear, it does not at all involve whatsoever the decline of religiosity. To reinforce her view, she points at the example of the United States. This country is the paradigm of a secular and pluralist society that nevertheless has an enormous incidence of religiosity. Again, the bright Tocqueville was already aware of this when examining how Catholics had adapted to republican conditions by learning to compartmentalise religious and secular spheres: "(...) the Catholics of the United States are at the same time the most submissive believers and the most independent citizens"¹⁶⁷. Thus, the direct consequence of secularism is not a decrease in religiosity, but rather, pluralism, unlike what Berger predicted through his "secularisation theory"¹⁶⁸.

When Mernissi proposes the secularisation of Muslim countries, it seems to me she believes the Muslim World, or more exactly its civil society, needs to be *awakened*. Following her conviction about the positive effects from the adoption of secularism, she argues that civil society will flourish through the establishment of secular ideas. In this regard, she presents herself as a fervent supporter of the liberal legacy resulting from the Enlightenment, as from her point of view, the breakdown originated during the Enlightenment made "the debunking of the Medieval thinking" possible¹⁶⁹, thereby resulting in the elimination of religious-political legitimization and theistic forms of moral authority.

In my opinion, what can be deduced by Mernissi's formulations is that the Muslim World still has to go through this process of breakdown, and that secularisation in particular would motivate it. As I see it, this idea clearly illustrates how current feminist discourses in former Muslim colonies use

¹⁶⁷ See A. de Tocqueville, *op. cit.* n° 39, pp. 301-302.

¹⁶⁸ See Peter L. Berger, *Reflections on the Sociology of Religion Today*, in *Sociology of Religion*, vol. 63, n° 4, 2001, pp. 443 – 454.

¹⁶⁹ See F. Mernissi, *op. cit.* n° 9, pp. 42-47.

"conceptual hybrids" as a result of the cultural dialogue that colonialism originated.

4. 2.- CRITICAL ANALYSIS OF MERNISSI'S SECULARIST PROPOSAL

In reading the work of Mernissi, particularly *Islam and Democracy*, in which she precisely elaborates more on the issue I am dealing with in this paper, the concept of secularism is not explicitly and clearly outlined. Mernissi refers to secularism in a rather vague way, taking somehow for granted what she understands by *secularism*. However, this concept, far from being monosemous, has largely been discussed in the field of the Sociology of Religion, and as Jung points out,

"(s)ecularisation lumps together in one semantic concept the multiplicity of different historical developments that have characterised European state formation."¹⁷⁰

At the risk of confusing the reader, it is extremely important not to be ambiguous with regard to this concept. Hence, what exactly is Mernissi suggesting? Next, I shall try to clarify and assess Mernissi's concept of secularism, firstly by assuming she is referring to secularism in classical terms, and secondly, by considering she understands it as how the United States put it into practice.

(a) The classical concept of secularism. In my opinion, from the references Mernissi makes to the Enlightenment and to the positive effects the movement

¹⁷⁰ See D. Jung, *op. cit.* n° 72.

brought forward, it seems that she is using the classical concept of secularism, that is, the liberal idea that the functional and institutional separation of the religious and political sphere are the condition *sine qua non* for achieving rational governments, democracy and the protection of human rights¹⁷¹. Nevertheless, the weakness in Mernissi's statement lies in her use of the classical concept of secularism and in mentioning the United States as the paradigm of this idea of secularism. I shall try to make my hypothesis clear.

On the one hand, it is true that the classical notion of secularism includes among its premises the need to functionally and institutionally separate religion and state. But we also have to remember that it has another essential premise. According to the Enlightenment legacy, once religion is prevented from having monopolistic claims—in the Weberian sense—the level of religiosity within societies will decline and finally religion will disappear. Feuerbach's research on religion in fact hinted at the same, as demonstrated by his idea that the more politics and technology grow, the more religion shrinks, being eventually substituted by the former.

“When man does become knowledgeable and powerful enough, religion withers away and dies; its place is taken by politics and technology as the expression of firmly reality-centred human wishes and as the ground for a real as opposed to an imaginary transformation.”¹⁷²

It is precisely this very idea of the disappearance of religion what Mernissi tries to avoid. For this reason, she brings forward the example of the United States as an exemplary secular country with incredibly high levels of religiosity. Nevertheless, her reasoning here is logically incoherent. Assuming as I do that she is referring to

¹⁷¹ See John Rawls, *Political Liberalism*, New York, Columbia University Press, 1993.

¹⁷² See Eugene Kamenka, *The Philosophy of Ludwig Feuerbach*, London, Routledge & Kegan Paul, 1970, p. 41.

the classical concept of secularism, it is not possible to illustrate this view with the example of the United States, since it has been already shown that this country does not fit into the classical idea of secularism, precisely because the second premise mentioned above, the decline and consequently disappearance of religion, is clearly not materialising there; rather, the contrary is occurring. The expression "American exceptionalism" was coined precisely to refer to the United States as an exception of the "secularisation theory". Therefore, it is not possible to tackle secularism in classical terms and cite the United States as an example.

I do not have the space here to go further about the state of this debate in the field of the Sociology of Religion, but I would just like to mention that recent scholarly research has shown that this so-called "American exceptionalism" is by no means exceptional, but rather the norm: in most of the world the level of religiosity is very high. Therefore, the "secularisation theory" has had to be revised and today what is seen as the exception is Europe, invoking the newly coined expression "European exceptionalism"¹⁷³.

(b) *The American secular experience*. Trying to overcome the weakness of Mernissi's view, one might think that perhaps she is considering secularism in terms of the particular American experience: secularism—understood as functional and institutional separation of the religious and political sphere—with a high level of religiosity. We could think that this model is the one she is trying to defend.

Our good intentions notwithstanding, this position can be again refuted, this time historically. Historical reasons can be adduced to explain why the idea of secularisation has led to different results in the United States and Europe: in the former, where many religious beliefs had to coexist, secularism was considered the way to achieve this peaceful cohabitation among religions; in the latter, where religion had monopolised both state and society and had held an intolerant position

¹⁷³ See P. Berger, *op. cit.* n° 44.

towards other religions, secularism was a liberating solution to free the state from the control of religion. Therefore, the different operationalisation of secularism in the United States and Europe stems precisely from this divergent background. Thereby, while the United States was aiming at creating a country where all kind of beliefs could coexist, Europe was hoping to be freed of religious dominance.

The historical background of the Muslim World, more similar to Europe than to the United States in religious terms, leads me to the conclusion that Mernissi's position is not easily feasible, since the Muslim World is not enjoying the same empirical conditions than the United States. Therefore, if we imagined that secularism was established in Muslim countries and we had to make a hypothesis regarding the direction secularism would take there, I would say that the path followed would more likely be the European one. The example of Turkey could illustrate my position. Turkey has materialised a type of secularism indeed closer to the one existing in France than to the United States, in that Turkey, like France, seems to understand secularism not in terms of religious tolerance, but in terms of rather religious intolerance: negating any kind of religious presence in the public scene, forbidding religious manifestations in the public sphere, and so on¹⁷⁴.

This said, I am not claiming that all the attempts to secularise the Muslim World would end up like the Turkish experience. On the contrary, what I mean is that these attempts would probably not achieve a similar situation to that in the United States.

¹⁷⁴ See D. Jung, *op. cit.* n° 72.

5.- CONCLUSION

As a whole, Mernissi's historical, theological and sociological analysis of Islam is satisfactorily deep and not only gives convincing explanations about the compatibility between Islam and democratic values, but also explains why the contemporary materialisation of Islam is so different from the early message of the Prophet. Furthermore, Mernissi's contribution from a feminist perspective is especially insightful, insofar as it comes from the social group of women, who have traditionally had difficulties in making their voices heard.

In my opinion, the quality of Mernissi's retrospective assessment notwithstanding, her prospective ideas about secularism are not very solidly outlined and argued. Behind her proposal of secularising the Muslim World, there is not a clear and coherent idea of secularism, and this, from my viewpoint, weakens her position, since her proposal remains as a mere blurred concept and an vague goal to achieve, as I have exposed in the previous section.

Of course, I do not consider secularism an impossible challenge for Muslim countries. And, as I pointed out when referring to Turkey, I do not claim that secularising experiences in the Muslim World would necessarily turn out like the Turkish one. Nevertheless, I do think that, taking into account the social and cultural differences between Muslim countries and Europe or the United States, one should be especially explicit when trying to suggest the application of concepts materialised in other cultures.

However, it is precisely this vagueness in Mernissi's notion of secularism that leads me conclude that, in fact, it is secularism that illustrates the alleged use of "conceptual hybrids" in the aftermath of colonialism. In my opinion, cultural dialogues resulting in the hybridisation of concepts are gradually becoming more defined and clear, and so are the concepts that stem from them. Therefore, it can be stated that Mernissi's discourse is centred in the origin of this process and that

it will evolve along with the enhancement of the dialogues that globalisation is promoting.

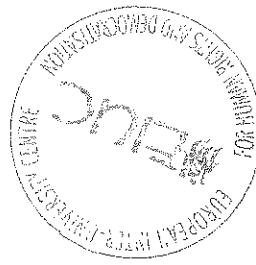
CHAPTER THREE:

THE CREATION OF A MODERN

THEORETICAL FRAMEWORK

FOR WOMEN'S HUMAN RIGHTS WITHIN

ISLAM



1.- CHALLENGING TRADITIONAL APPROACHES ON WOMEN'S RIGHTS AND ISLAM

As it has been described in the introduction of this study, today's debate on women's human rights in Islam has been heavily formulated in Manichean terms. However, it cannot be forgotten that a significant number of Muslim scholars have endeavoured to challenge traditional approaches to women's human rights and Islam by formulating new theoretical frameworks that enhance women's rights. The objective of this last chapter is to illuminate on these modern perspectives and to present its main contributions.

Three theories will be tackled here: the "gradualist" method, John L. Esposito's "hierarchisation of rights", and Taha's "evolutionary approach". Furthermore, this chapter will also present an assessment of the rules contained in the *Qur'an* using these methods, so that this modernist understanding of the *Qur'an* can be illustrated. Precisely, I shall take Shaheen Sardar Ali's categorisation of the *Qur'anic* rules to expose the different types of prescriptions the *Qur'an* includes with regard to women and that Ali classifies in non-discriminatory, corrective and protective, and discriminatory. Concerning this last group, I shall elaborate on the six *Qur'anic* verses that institute the most controversial Islamic regulations related to women, which are the inferior status of women within the household, the value of women's testimony, women's inheritance rights, polygamy practices and the veil.

With regards to the structure of the present Chapter, the first section will be dedicated to the depiction of the three modernist theories previously cited.

Subsequently, in the second section, I shall discuss this modernist outlook with an appraisal of the *Qur'anic* rules as pertaining to women's rights. Here, I shall first outline the state of the debate with regard to the *Qur'anic* prescriptions vis-à-vis women's rights, and next I shall analyse the different categories of rights contained in the *Qur'an*, with especial emphasis on the so-called discriminatory verses.

2.- MODERNIST PERSPECTIVES

ON WOMEN'S HUMAN RIGHTS

Certainly, conservative approaches to Islam are now being defied by modernist Muslim scholars¹⁷⁵ who are interestingly challenging restrictive interpretations of the *Qur'an* on issues such as human and women's rights. These scholars endeavour to offer a perspective which builds a theoretical framework for women's human rights within Islam. I will concentrate here on three proposals, namely, the "gradualist method", Esposito's "hierarchisation of rights" and Taha's "evolutionary approach".

On the one hand, "gradualism" is proposed as a method of interpretation for women's human rights in Islam. This method underlines the importance of taking into account the historical interpretation of the *Qur'an* and the subsequent need of rationalisation and dynamic interpretation of the *Qur'anic* rules. The scholars who support this method argue that the *Shari'a* or principles of Islamic law enjoys a built-in dynamism and receptivity to change, which enables Islam to articulate a

¹⁷⁵ See F. Rahman, *Status of Women in the Quran*, in G. Nashan (ed.), *Women and Revolution in Iran*, Boulder CO, Westview Press, 1983; R. Hassan, *An Islamic Perspective*, in J. Belcher (ed.), *Women, Religion and Sexuality*, Geneva, WCC Publications, 1990; J. L. Esposito, *Women in Muslim Family Law*, Syracuse, Syracuse University Press, 1982; B. Utas, (ed.), *Women in Islamic societies*, London, Curzon Press, 1983; F. Mernissi, *op. cit.* n° 6; F. Mernissi, *Beyond the veil, Male-Female dynamics in Muslim Society*, translated by M. J. Lakeland, London, Al Saqi Books, 1985; A. A. An-Naim, *Toward an Islamic Reformation*, Syracuse, Syracuse University Press, 1990; L. Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate*, New Haven, Yale University Press, 1992; A. Al-Hibri, *A Study of Islamic Herstory: Or how did we ever get into this mess?*, WSIF n° 5, 1982.

discourse relevant to modern times¹⁷⁶. In fact, *Shari'a* literally means "watering place, a flowing stream, where both animals and human beings come to drink water"¹⁷⁷, a meaning that clearly embodies the idea that Islamic rules are intrinsically non-static.

This standpoint, however, is counter-argued by a more conservative and "literalist" position in which the *Qur'anic* prescriptions are valid indefinitely, so "the changing perception of concepts, institutions and actions is no justification for modification in the law"¹⁷⁸. In this regard, modernist Muslim scholars point out the fact that the "gradualist" method derives directly from Islamic rules. They assert that in fact the *Qur'an* and *Sunna* afford the possibility for jurists to adapt the interpretation of a particular verse provided that one among three conditions is fulfilled, namely "necessity or public interest, change in the facts which originally gave rise to the law and, change in the custom or usage on which a particular law was based"¹⁷⁹. The eventual new interpretation provided by the jurist will become part of the *Shari'a* on the condition that it does not contradict the *Qur'an*. As a consequence, Islam is originally provided with an inherently dynamic structure that makes the incorporation of women's human rights within the framework of Islam possible.

On the other hand, John Esposito has devised a "hierarchical notion of rights" with regard to the rules contained in the Islamic tradition¹⁸⁰. According to his theory, the *Qur'an*, which is the most fundamental textual source of Islamic law, encompasses legal value inasmuch as ethico-religious revelation. From the *Qur'an*, specific regulations of substantive law or *furu-al-fiqh* are derived through human exegesis, or the systematic study of the value system of the *Qur'an* and the hierarchisation of its ethico-religious values. Esposito explains that the *Qur'anic* prescriptions contain

¹⁷⁶ See particularly F. Rahman, R. Hassan, *op. cit.* n° 37.

¹⁷⁷ S. S. Ali, *op. cit.* n° 1, pp. 23-24.

¹⁷⁸ *Ibidem*, p. 80.

¹⁷⁹ Quoted in S. S. Ali. *Ibidem*.

¹⁸⁰ J. L. Esposito, *op. cit.* n° 39.

two levels of importance: firstly, "the specific injunction or command, whose details may be relative to its space and time context"¹⁸¹ and secondly,

"the ideal or *Qur'anic* value, whose realisation the specific regulation intends to fulfil. Since the task of the Muslim community is the realisation of these *Qur'anic* values, the goals of jurists is to ensure that *fiqh* regulations embody these *Sha'ria* values as fully and perfectly as possible."¹⁸²

In the initial period of Islam, when a new order was being established, the *Qur'an* was the response to both socio-economic and ethico-religious issues. Therefore, it contains these two categories of legislation, the latter being the discriminatory regulations towards women. As Esposito explains, socio-economic regulations belong to the category of *Muamalaat* or social relations, which are by definition subject to change. On the contrary, the ethico-religious sphere, which is envisaged by the *Qur'an* in strict equal terms for men and women, is part of the category of *Ibadaat* or religious duties towards God, which is immutable¹⁸³. Given the fact that the moral and religious equality of men and women is the highest expression of equality in the *Qur'an*, this value becomes the paradigm on the issue, being hierarchically superior to other values embodied in the *Muamalaat* category¹⁸⁴. As a corollary of all this, the *fiqh* obtained through exegetic exercises should be deferential to the high Islamic value of equality, which would unswervingly lead to the elimination of all discriminatory laws that might stem from the *Muamalaat* category of rules.

¹⁸¹ S. S. Ali, *op. cit.* n° 1, p. 48.

¹⁸² *Ibidem.*

¹⁸³ S. S. Ali, *op. cit.* n° 1, p. 48.

¹⁸⁴ Although Ali deems this theory "an important step in his [Esposito's] endeavour to develop a modern framework for achieving equality for the sexes", she stresses that "we must not lose sight of the fact that in his attempt to realise the legislative value of Qur'anic verses, he places emphasis on exegesis or tafsir" and "the process of exegesis itself (...) resulted in some restrictive interpretations to Qur'anic verses regarding the status of women." S. S. Ali, *ibidem*, pp. 48-49.

Finally, the third proposal provided by modernist Muslim scholars that I shall tackle here is Taha's¹⁸⁵ "evolutionary approach" to women's human rights in Islam¹⁸⁶. The Sudanese reformer Ustadh Mahmood Mohammed Taha reasons that the discriminatory prescriptions contained in the *Qur'an*, such as the inferior status of women, the veil, polygamy and the segregation of sexes, are not original precepts of Islam. From Taha's point of view, the original message of Islam is to be found in the *Qur'an* and *Sunna* texts of the earlier stage of Mecca, which embody the complete value of equality¹⁸⁷ and which are, therefore, extremely progressive. Taking into account that the reception of equality would imply an important breakdown in the seventh century Arabian society living in the *jahilliya*, some practices were accepted by Islam, but only in this transitory period¹⁸⁸. Once the period had passed and an evolution in Arabian society had occurred, discriminatory practices would be overcome and equality finally attained.

As all these works indicate, the fulfilment of women's human rights within an Islamic framework is utterly possible. Furthermore, they show that the liberation of Muslim women does not imply the abandonment of Islam, but rather the negotiation with the Islamic cultural *milieu* of the existing discriminatory practices and gender hierarchies. Scholars like Mernissi¹⁸⁹ and Leila Ahmed¹⁹⁰ believe that in fact, Muslim women "can and should work towards equal rights from within their own perspectives, whether cultural or religious"¹⁹¹.

¹⁸⁵ U. M. M. Taha was the founder of the "Republican Brotherhood" in Sudan. Under his leadership, the Brotherhood emphasised the need for Islamic reform and liberation. His ideas were so progressive, that he became branded as an apostate from Islam and, because of that, he was hanged by the Sudanese government of Jafar Numairy in 1985. See S. S. Ali, *op. cit.* n° 1, p. 21, footnote 44.

¹⁸⁶ See U. M. M. Taha, *The Second Message of Islam*, translated by A. A. An-Naim, Syracuse, Syracuse University Press, 1987.

¹⁸⁷ *Ibidem*, p. 86.

¹⁸⁸ S. S. Ali, *op. cit.* n° 1, p. 85.

¹⁸⁹ *Op. cit.* n° 39.

¹⁹⁰ *Ibidem*.

¹⁹¹ S. S. Ali, *op. cit.* n° 1, p. 86.

3.- THE QUR'AN AND WOMEN'S HUMAN RIGHTS

3.1.- AN EGALITARIAN OR DISCRIMINATORY QUR'AN?

The *Shari'a* or principles of the Islamic law is based on two types of sources¹⁹³: first, the *Qur'an* and *Hadith*, which are the primary sources of the *Shari'a*, and second, the so-called juristic techniques, namely *Ijma*, *Qiyas* and *Ijihad*, through which the primary sources are complemented, completed or interpreted.

The *Qur'an* contains an egalitarian and non-discriminatory message, but at the same time validates and reinforces social hierarchies based on gender¹⁹⁴. In fact, "it concedes to resourceful, adult Muslim men, as the privileged members of society, responsibility to care for (and exercise authority over) women, children, orphans, and the needy"¹⁹⁵. This fact notwithstanding, the verses that embody such patriarchal values are no more than six out of 6666¹⁹⁶. What, then, is the rationale for why the six discriminatory verses from the *Qur'an* became the foundation to women's role and women's rights in Muslim societies?

According to the conclusions of modernist scholars, particularly F. Rahman and F. Mernissi, three reasons explain why these select verses have had such an immense impact on Muslim societies¹⁹⁷. First, these scholars stress Islam has historically been monopolised by male commentators and interpreters of religious texts, as well as legislators, jurists, judges and governors, provoking the continuation of a male-centred interpretation of Islam¹⁹⁸.

¹⁹³ *Ibidem*, p. 19.

¹⁹⁴ Several scholars support this statement. *Op. cit.* n° 39.

¹⁹⁵ S. S. Ali, *op. cit.* n° 1, p. 43.

¹⁹⁶ Namely, verses 2:221, 2:228, 2:282, 24:30, 4:3, 4:34. S. S. Ali, *ibidem*.

¹⁹⁷ See particularly F. Rahman, *op. cit.* n° 37 and F. Mernissi, *op. cit.* n° 38. Also note that Chapter n° 2 of this study fully assesses the position of the scholar F. Mernissi.

¹⁹⁸ S. S. Ali, *op. cit.* n° 1, p. 43.

Second, these scholars elaborate on the anti-Westernism that colonialism has roused in the creation of a new Muslim identity. A process in which women have been utilised as symbols of cultural authenticity, which in my opinion does not derive from any alleged Islamic feature, but is an archetypal characteristic of patriarchal societies —be it Muslim, Hindu, or pagan¹⁹⁹.

And finally, the perpetuation of gender inequalities is also explained as the consequence of the political, economic and legal developments in postcolonial Muslim countries, in which most rulers have been authoritarian. As a result of this lack of democracy, human rights for both men and women have been overlooked, along with the possibility to publicly discuss and modernise gender issues.²⁰⁰ It is precisely this feature of modern state formation that explains why Islam has been used in a discriminatory fashion, as I have described in the previous chapters of this study²⁰¹.

From my point of view, the fact that these six verses have basically determined the status of women in Muslim societies shows the enormous power and influence that patriarchal structures still have in Muslim societies²⁰². Similarly, a few verses in the *Qur'an* tackle slavery, but nonetheless slavery has today been completely discarded by Muslims²⁰³. Why have discriminatory verses not been correspondingly rejected? To me, patriarchy gives us the answer to this question. Other researchers have reached the same conclusion as Kandiyoti, who writes:

“Does this constitute the *differencia specifica* of the Middle East? And, if so, from where does it originate? All contributors appear to concur that patriarchy, defined as a system of social relations privileging male seniors over juniors and women, both in the private and public spheres plays a

¹⁹⁹ About the use of women as cultural symbols, see L. Abu-Lughod, *op. cit.* n° 4, p. 14.

²⁰⁰ See also D. Jung, *op. cit.* n° 72, pp. 61 – 78.

²⁰¹ In particular, see pp. 31 and 48-52.

²⁰² For an interesting analysis on the influence of economic changes with regard to patriarchal structures, see Valentine M. Moghadam (ed.), *Patriarchy and Economic Development. Women's Positions at the End of the Twentieth Century*, Oxford, Clarendon Press, 1996.

²⁰³ For further details, see S. S. Ali, *op. cit.* n° 1, p. 47.

determining role. (...) not Islam *per se*, although 'shari'a'-derived codes are often based on the most conservative interpretations of texts (...).'²⁰⁴

In my opinion, this patriarchal *status quo* in Muslim societies is now being defied by globalisation and its new economic order, which I believe are motivating reformulations of gender constructs. Historical research confirms this statement²⁰⁵. And, in fact, if we analyse how capitalism operates in Western societies, we conclude that inasmuch as it needed a high level of workforce, it has promoted the participation of women in the public sphere. This participation subsequently enhanced women's voices and their interests were significantly better attended.

3.2.- CATEGORISATION OF THE QUR'ANIC VERSES

The Pakistani scholar Shaheen Sardar Ali has endeavoured to categorise the different verses contained in the *Qur'an* by proposing a combination of Esposito's "hierarchisation method" and Hevener's "categorisation of rights". According to Hevener, international human rights instruments related to women's rights can be classified as protective, corrective or non-discriminatory²⁰⁶. Hevener explains this classification as follows:

"The protective category is one where laws are formulated which reflect a societal conceptualisation of women as a group which either should not or cannot engage in specified activities. They imply that women are a subordinate, weak and disadvantaged group in society (...). The second

²⁰⁴ Deniz Kandiyoti, *Foreword*, in *Gender and Citizenship in the Middle East*, Suad Joseph (ed.), Syracuse, New York, Syracuse University Press, 2000.

²⁰⁵ See particularly the study carried out by Ghada Hashem Talhami on the mobilisation of Muslim women in Egypt. G. H. Talhami, *op. cit.* n° 38.

²⁰⁶ See N. Hevener, *International Law and the Status of Women*, Boulder, CO., Westview Press, 1983.



category is the corrective category which also identifies women as a separate group which needs separate treatment. (...) Finally, the non-discriminatory, sex-neutral, category includes provisions which reject a conceptualisation of women as a separate group, and rather reflect one of men and women as entitled to equal treatment. The concept is one which holds that biological differences should not be a basis for the social and political allocation of benefits and burdens within a society.²⁰⁷

In order to extend Hevener's "categorisation of rights" to women's human rights in Islam, Ali adds a fourth group, namely, the discriminatory category, "wherein certain injunctions, rules and regulations of the *Qur'an* and *Hadith* literature may be placed, where women and men clearly appear unequal."²⁰⁸

A) NON-DISCRIMINATORY CATEGORY

The *Qur'an* contains various verses that establish a complete equality between men and women. These verses mostly belong to the ethico-religious sphere or *Ibadaat* on Esposito's hierarchy of rights. The following verses illustrate this first category while also dealing with the moral and spiritual obligations of Muslim believers and their reward in the hereafter on the basis of equality²⁰⁹:

"For Muslim men and Muslim women, for believing men and believing women, for devout men and devout women, for true men and true women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give charity, for men and

²⁰⁷ S. S. Ali, *op. cit.* n° 1, p. 49.

²⁰⁸ *Ibidem*, p. 50.

²⁰⁹ S. S. Ali, *op. cit.* n° 1, p. 51.

women who guard their chastity, and for men and women who engage in God's praise, for them has God prepared forgiveness and great reward."²¹⁰

"Whoever doeth right, whether male or female, and is a believer, him verily We shall quicken with good life."²¹¹

Equality is not only embraced in verses which tackle ethico-religious issues, but also in some passages related to women civil and property rights:

"And their Lord hath heard them (and He sayeth): Lo! I suffer not the work of any worker, male or female, to be lost. Ye proceed one from another."²¹²

"Unto the men belongeth a share of that which parents and kindred leave, and unto the women a share of that which parents and near kindred leave."²¹³

"Unto men a fortune from that which they have earned, and unto women a fortune from that which they have earned."²¹⁴

In addition, the *Qur'an* also envisages women as holders of full rights on their wealth—including the dower—and as *sui juris*, that is, legal persons who are entitled to make their own decisions about acquisition, disposal and alienation of property²¹⁵. And concerning women's participation in the public sphere, Ali highlights that no verse whatsoever in the *Qur'an* excludes women from the public

²¹⁰ The *Qur'an*, verse 33:35. Quoted in S. S. Ali, *ibidem*.

²¹¹ The *Qur'an*, verse 16:97. Quoted in S. S. Ali, *ibidem*.

²¹² The *Qur'an*, verse 3:285. Quoted in S. S. Ali, *op. cit.* n° 1, p. 53.

²¹³ The *Qur'an*, verse 4:7. Quoted in S. S. Ali, *ibidem*.

²¹⁴ The *Qur'an*, verse 4:32. Quoted in S. S. Ali, *ibidem*.

²¹⁵ S. S. Ali points at the following verses: 4:7 and 4:11 with regard to inheritance and bequeathal rights of women; verses 4:4, 4:24, 4:20, 4:21 and 2:229 with regard to full possession and control over their wealth. S. Ali, *op. cit.* n° 1, p. 54 footnote n° 41.

and political life and, therefore, from the right to vote, or the holding of public jobs²¹⁶.

As I see it, it is very important to note that Islam as a whole is advocating for equality throughout its sacred texts. This value is in fact embodied in the main Islamic prescriptions, a fact of paramount importance in my opinion. In this regard, I think religious texts should be interpreted historically and theologically in order to contextualise the religion's formation and elucidate its religious principles. In doing so, it is possible to adapt religions to modern times, while still maintaining their essence and rationale. What could easily be accepted in the past might be discarded in the future as a result of social or economic changes. Reality is inherently dynamic, which needs to be taken into account by religious interpreters, unless they want to proscribe religions into a potential disappearance.

History demonstrates that religions can be interpreted in accordance with new fabrics. Catholicism has certainly experienced such a modernisation through the *aggiornamento* undertaken by the Catholic Church, as highlighted in the second chapter of this study²¹⁷. And Islam has similarly started to undergo such a process through new scholarship discourses, like the ones this chapter is dealing with.

From my standpoint, the following categories of rights —protective and corrective, and discriminatory—need to be understood in the context of these considerations as well.

²¹⁶ S. S. Ali, *op. cit.* n° 1, p. 54. However, many *Hadith* proclaim that women are not allowed to perform some positions in civil service, such as Head of State.

²¹⁷ See pp. 53-54.

B) PROTECTIVE AND CORRECTIVE CATEGORY

This category coincides with Esposito's second level of the hierarchy referred to as the socio-economic sphere or *Muamalaat*. The verses that tackle socio-economic issues are embedded with protective and corrective features, which Ali attributes to their historical context. She describes how Islam constituted a progressive message in seventh century Arabia organised by tribal and patriarchal rules. Some segments of society, largely those of orphans, slaves, the poor and women, held a weak position in the pre-Islamic era, and the *Qur'an* precisely endeavoured to improve their societal and economic position through such protective and corrective rules. These types of verses do not present women in a derogatory manner, rather, they purport that "kindness and fairness of treatment is enjoined"²¹⁸. As Ali explains:

"Here we discern some verses that accord more rights to men but have been framed so as to appear as corrective of wider forms of discrimination in pre-Islamic Arabia and/or seen as protecting women along with other disadvantaged sections of society."²¹⁹

Ali illustrates this point by declaring that in the pre-Islamic era, many Arab tribes rejected new-born girls and buried them alive "for reasons of poverty and honour"²²⁰. The *Qur'an* refers to these practices in its verse 16:58-59:

"When one of them is given the glad tidings of [the birth of] a female, his face darkens as he tries to suppress his chagrin. He hides from people out of a sense of disgrace of the news he has been given and he ponders whether to keep her in disgrace or shove her under the earth. Evil is, indeed, what they judge."²²¹

²¹⁸ *Ibidem*, p. 45.

²¹⁹ *Ibidem*, p. 56.

²²⁰ *Ibidem*, p. 57.

²²¹ Quoted in S. S. Ali. *Ibidem*.

The *Qur'an* also endeavours to correct other types of pre-Islamic discriminatory practices²²², such as the *zihar*, a custom "whereby an Arab husband would make a pronouncement of divorce upon his wife by comparing her with the back of his mother (and therefore prohibited to him)"²²³, which became abolished under Islam by verse 33:4. This verse reads:

"God has not put two hearts in any man's breast: He has not made your wives with whom you do *zihar* your mothers, nor has He made your so-called (i. e., adopted) sons your real sons."²²⁴

This also applies to the exclusion of women from any form of inheritance, which also became abolished by the *Qur'anic* institution, henceforth according women a half share of the inheritance²²⁵. In this regard, verse 4:11 states:

"God thus directs you as regards your children's [inheritance]. To the male a portion equal to that of two females."²²⁶

C) DISCRIMINATORY CATEGORY

This last category of rights encompasses rules that grant status, control and authority to men, being therefore discriminatory and reinforcing gender hierarchies within Islam.

(i) The right to beat women. The most controversial verse is 4:34, which envisions the structure of the Muslim household wherein the wife is under her husband's

²²² See for further examples than the ones provided here, S. S. Ali, *op. cit.* n° 1, pp. 58-63.

²²³ *Ibidem*, p. 58.

²²⁴ Quoted in S. S. Ali. *Ibidem*.

²²⁵ Despite the improvement in women's rights this verse embodies, total equality is still lacking, as S. S. Ali admits. See S. S. Ali. *Ibidem*.

²²⁶ Quoted in S. S. Ali, *op. cit.* n° 1, p. 58.

responsibility and the husband provides her with protection and economic maintenance. The wife has also to be obedient and if she is not, the husband has the right to beat her. Verse 4:34 reads:

“Men are the protectors
And maintainers of women,
Because God has given
The one more [strength]
Than the other, and because
They support them from their means.
Therefore the righteous women
Are devoutly obedient, and guard
In [the husband’s] absence
What God would have them guard.
As to those women
On whose part ye fear
Disloyalty and ill-conduct,
Admonish them [first]
[Next], refuse to share their beds,
[And last] beat them lightly
But if they return to obedience
Seek not against them
Means [of annoyance]
For God is Most-High
Great [above you all].”²²⁷

Several scholars have challenged the traditional interpretation of this controversial verse. Particularly, Riffat Hassan, one of the few female theologians who have extensively tackled the issue²²⁸, states that men’s right to beat women only applies

²²⁷ Quoted in S. S. Ali, *op. cit.* n° 1, pp. 64-65.

²²⁸ See particularly R. Hassan, *op. cit.* n° 35 & 36.

in the eventual situation of women's massive refusal to procreate²²⁹. And with regard to the economic structure of the Muslim household, Hassan further argues:

"While Muslims through the centuries have interpreted Sura An-Nisa: 34 as giving them [men] unequivocal mastery over women, a linguistically, and philosophically / theologically accurate interpretation of this passage would lead to radically different conclusions. In simple words what this passage is saying is that since only women bear children (which is not to say either that all women should bear children or that women's sole function is to bear children) —a function whose importance in the survival of any community cannot be questioned— they should not have the additional obligation of being breadwinners whilst they perform this function. Thus during the period of a woman's child-bearing, the function must be performed by men (not just husbands) in the Muslim "Ummah" (...). It enjoins men in general to assume responsibility for women in general when they are performing the vitally important function of child-bearing."²³⁰

Muslim scholar Aziza al-Hibri has also dealt with verse 4:34 in her works. She argues that:

"nowhere in the passage is there a reference to the male's physical or intellectual superiority. Secondly, since men are *qawwamun*²³¹ over women in matters where God gave some of the men more than some of the women, and in what the men spend of their money, then clearly men as a class are not *qawwamun* over women as a class. The conditions of being *qawwamun* as specified in the passage are two.

- 1) that the man be someone whom God gave more in the matter at hand than the women and
- 2) that he be her provider

²²⁹ R. Hassan, *op. cit.* n° 37, pp. 110-112. However, Ali points out that "neither a textual reading of the verse nor any contextual evidence leads one to this inference". For further details, see S. S. Ali, *op. cit.* n° 1, p. 66.

²³⁰ Quoted in S. S. Ali, *op. cit.* n° 1, p. 65, from a paper presented at a meeting about "Qur'anic Interpretation" celebrated in Karachi, Pakistan (8-13 July 1990), under the auspices of the association "Women Living Under Muslim Laws".

²³¹ "Protectors", "maintainers".

If either condition fails, then the man is not *qawwamun* over that woman. If both obtain, then all it entitles him to is caring for her and providing her with moral guidance. For, only under extreme conditions (for example insanity) does the Muslim woman lose her right to self-determination (...).²³²

Moreover, al-Hibri compares this verse to other *Qur'anic* verses which refute, from her point of view, the traditional interpretation of the above-cited verse. On the one hand, she particularly stresses that the spirit of Islam is completely democratic, and it "enjoins Muslims to counsel each other in making decisions, [therefore] this resolution [that is, the interpretation she proposes] falls totally within the spirit of Islam."²³³ And, on the other hand, she brings forward verse 9:71, which reads "The believers, men and women, are *awliya*, one of the another"²³⁴ According to al-Hibri's thinking, if one interprets verse 4:34 to determine the superiority and absolute authority of men, it would be impossible for women to be *awliya* — protectors or guides²³⁵. And this is precisely what verse 9:71 establishes.

Esposito also deals with the interpretation of verse 4:34. He locates this verse within the socio-economic *Qur'anic* set of rules and elucidates that the purpose of socio-economic prescriptions was the improvement of women's situation. However, the traditional interpretation of verse 4:34 has detracted it from its original objective. In Esposito's opinion, this verse must be understood within the specific socio-economic context of Arabian society at the time of the Prophet's life. This contextualisation makes it clear that Islam aimed to enhance women's pre-Islamic situation by granting them protection and economic security. Men became the ones responsible for it and, as Esposito insists, it is necessary to interpret their different status as stemming from their particular duties and responsibilities towards

²³² A. Al-Hibri, *op. cit.* n° 38, p. 218. Quoted in S. S. Ali, *op. cit.* n° 1, p. 66.

²³³ A. Al-Hibri, *ibidem*. Quoted in *ibidem*, p. 67.

²³⁴ Quoted in *ibidem*. The concept of "*awliya*" refers to the idea of those who are "protectors", "in charge" or "guides", as explained by Ali.

²³⁵ A. Al-Hibri, *op. cit.* n° 38, p. 218. Quoted in *ibidem*, p. 67.

women²³⁶. This specific context has since changed, as have many other social conditions, and thus this verse and the discriminatory rights it affords should be solely understood as regulatory in a particular context that has since disappeared.

In my opinion, Esposito's approach convincingly reconciles Islam and women's human rights by contextualising the above-cited verse and by reflecting on the societal and cultural peculiarities of the seventh century Arabian society. However, he does not explicitly tackle the issue of beating women, which I wholeheartedly deem to be unacceptable. Regardless the fact that these practices might have been tolerated in past times, today we should fiercely advocate for the eradication of any manifestation of violence.

(ii) *The value of women's testimony*. Verse 2:282 tackles the value of women's testimony in the following fashion:

“And get two witnesses,
Out of your own men,
And if there are not two men,
Then a man and two women,
Such as ye choose,
For witnesses,
So that if one of them errs,
The other can remind her.”²³⁷

According to this verse, the testimony of a woman is worth half that of a man in financial transactions reduced to writing, due to the women's inexperience in these matters. In this regard, Fazlur Rahman asserts:

²³⁶ J. Esposito, *op. cit.* n° 38.

²³⁷ The *Qur'an*, verse 2:282. Quoted in S. S. Ali, *op. cit.* n° 1, p. 70.

“The intention of the *Quran* apparently was that since it is a question of financial transaction and since women usually do not deal with such matters or with business affairs in general, it would be better to have two women rather than one —if one had to have women— and that, if possible at all, one must have at least one male.”²³⁸

Rahman also claims that a general law establishing the inferior value of a women’s testimony in all situations cannot be deduced from this verse. However, even if this general formulation were to be accepted, one should use a dynamic interpretative method to understand this verse. Since women today are as educated as men and as proficient as them in all types of affairs, the interpretation of this verse should also evolve and reflect the present²³⁹.

Ali points out an interesting element of verse 2:282 which is its innovative nature within the pre-Islamic era. She analyses this verse “against the background of the social *milieu* of 7th century tribal Arabia”²⁴⁰ and concludes that the verse “was without doubt corrective of complete non-recognition of women as legal persons capable of participating in financial transactions reduced to writing.”²⁴¹ She goes on to add that “involving a woman as witness is an activity that clearly lay within the public sphere of life and was until that time out of bounds for women”. This progressivism notwithstanding, Ali acknowledges that “this step towards according woman greater autonomy and legal personality was frozen in time and not taken forward towards achieving equality.”²⁴² However, verse 24:6-9 seems to make another step towards this equality whilst establishing that “a women’s oath by which she defends herself against her husband’s accusation of adultery outweighs that of the man’s [her husband’s] in the absence of witnesses.”²⁴³

²³⁸ F. Rahman, *op. cit.* n° 37, p. 42.

²³⁹ For further details, see, S. S. Ali, *op. cit.* n° 1, p. 71.

²⁴⁰ *Ibidem.*

²⁴¹ *Ibidem.*

²⁴² *Ibidem.*

²⁴³ Quoted in S. S. Ali, *ibidem.*



(iii) Women's inheritance rights. Muslim women are only allowed to inherit half of what men would inherit in comparable situations. Several arguments have been brought forward to justify this discriminatory prescription. Ali summarises them in three groups:

“a) women are not providers for households, while men are; hence, greater burden requiring greater share;

b) Qur'anic injunctions do not require a Muslim wife to share her resources with her spouse or spend it on household expenses even though the husband may be destitute. On the other hand, a wife may seek a decree for dissolution of her marriage on the grounds that her husband is incapable of, or will not maintain her;

c) a husband is required to pay his wife a sum of money of other property as dower as part of the marriage contract, therefore in addition to her half share in inheritance, she also receives a further share as dower.”²⁴⁴

Concerning the first argument, Ali rightly highlights that current socio-economic circumstances do not sustain this vision of the household any longer. Nowadays, both men and women are breadwinners. Therefore, the premise according to which “*women are not providers for households*” is clearly refuted. With regard to the second argument, Ali questions its feasibility, in that a woman would not contribute to the economic situation of the household if her husband became destitute. Finally, Ali highlights that the idea that the dower compensates the half of the inheritance the women is not receiving is not correct, since the latter is always more than the former²⁴⁵.

As I see it, this discriminatory rule is ingrained in a notion that is no longer existent, which is that men are the only wage earners in the households. On

²⁴⁴ S. S. Ali, *op. cit.* n° 1, p. 73.

²⁴⁵ *Ibidem*.

the contrary, and as Ali also declares, both men and women economically support their families today. On top of that, I do not see any logical coherence in the argument that wage earners must be granted a superior status *per se*. From my point of view, all the tasks that a household requires are interdependent and equally indispensable, whether they concern economic sustenance or childrearing responsibilities.

(iv) *Polygamy*. Polygamy practices have also been pointed to as discriminatory, inasmuch as women are constrained to monogamy, whilst men are allowed to marry more than one woman. The *Qur'anic* verse 4:3 refers to polygamy as follows:

“Marry women of your choice, two, three or four, but if you fear that you shall not be able to deal justly [with them] then only one.”²⁴⁶

However, this verse does not explicitly institute a “right” to marry several women, nor does it elucidate whether certain conditions need to be fulfilled in order to be entitled to be polygamous. Some scholars, particularly Abdur Rahman Doi, have attempted to explain the situations in which polygamy is the “best solution”. According to Doi’s thinking, polygamy is justified when the wife is suffering from a serious disease, when she is barren, when she is of unsound mind, when she is old and infirm, when she is of bad character and cannot be reformed, when she is disobedient and difficult to live with, when she moves away from her husband’s place of residence, or in war situations when dead men leave behind a large number of widows²⁴⁷. Doi finally affirms that polygamy can even be justified when “the

²⁴⁶ Quoted in S. S. Ali, *op. cit.* n° 1, p. 74.

²⁴⁷ For further details, see A. R. I. Doi, *Shariah: The Islamic Law*, London, Ta Ha Publishers, 1984.

husband feels that he simply cannot do without another wife and is capable of providing equal support to the existing wife(ves)²⁴⁸.

Nevertheless, it seems clear to me that these reasons are not fully respectful towards women. Other scholars have endeavoured to analyse this verse from a feminist approach. Al-Hibri, for instance, affirms the fact that Prophet Muhammad was polygamous without concluding that Islam institutes the right to polygamy²⁴⁹. She supports her stance on some verses that explicitly state that neither the Prophet nor His wives were like other men and women and whilst the Prophet's wives were not permitted to remarry after the Prophet's death, he encouraged widows and divorcees to do so²⁵⁰.

Perhaps a more solid argument can be made by taking as a starting point the condition established in verse 4:3, that is, an absolute equal treatment towards all the wives. Modernist Muslim scholars, particularly Al-Hibri, interpret this condition along with verse 4:129, which reads "Ye are never able to be fair and just among women even if you tried hard."²⁵¹ Therefore, if polygamy is only permitted providing that all wives receive an equal treatment, but this equal treatment is not possible to achieve, as a consequence polygamy is not possible. This is precisely the interpretation that some Muslim countries have used to prohibit polygamy. Some Muslim scholars, however, have opposed this interpretation. For instance, Shaikh Mohammed bin Sirin and Shaikh Abubakr bin al-Arabiinfer assert that the concept of equality in verses 4:3 and 4:129 consists of equal provision of residence, food and clothes for the co-wives. If these needs are equally supplied, polygamy can be practiced²⁵².

²⁴⁸ S. S. Ali, *op. cit.* n° 1, p. 74.

²⁴⁹ For further details, see Al-Hibri, *op. cit.* n° 38.

²⁵⁰ See S. S. Ali, *op. cit.* n° 1, p. 74.

²⁵¹ Quoted in S. S. Ali, *ibidem*, pp. 74-75.

²⁵² See S. S. Ali, *op. cit.* n° 1, p. 75.

From my point of view, the importance of theological arguments notwithstanding, other factors must be taken into account when tackling polygamy, such as its historical and social roots —i.e., polygamy as a demographic measure in times of war. Once more, what was conceptualised in the past as a solution for certain problems, might today be deemed as inappropriate. Therefore, as I see it, it is important to contextualise polygamy and subsequently reflect on its eventual implications in modern times, before deciding on its preservation.

(v) *The hijab*. The controversial *hijab* or the veiling of women also falls into this discriminatory category of rights. Verse 24:30 of the *Qur'an* refers to the *hijab* as follows:

“And tell the believing women to lower their gaze and be modest, and to display of their adornment only that which is apparent and to draw their veils over their bosoms, and not to reveal their adornment save to their own husbands or fathers or husband’s fathers, or their sons or their attendants who lack vigour or children who know naught of women’s nakedness. And let them not stamp their feet so as to reveal what they hide of their adornment. And turn unto Allah together, O believers, in order that ye may succeed.”²⁵⁵

Some traditionalist scholars have interpreted this verse in a strict manner. Baydawi understands the above-cited passage as follows:

“*Let them lower their gaze* before the men at whom it is not lawful to look, and *let them guard their private parts* by veiling them, or by bewaring of [or: guarding against] fornication. The lowering of the glances is presented because the glance is the messenger of fornication. And let them not display

²⁵⁵ The *Qur'an*, verse 24:30. Quoted in F. Mernissi, *ibidem*, p. 141.

of their adornment such as jewellery, dress, make-up —let alone the part where they are worn or applied— to those to whom [such display] is not lawful (...) what is meant by adornment is the place where adornment is put [or worn] (...).”

“(...) the whole body of a free woman is prudential and it is illicit for anyone (except for the husband or the *dhawu mahram*²⁵⁶) to look at any part of her except by necessity such as (medical) treatment or the bearing of witness.”²⁵⁷

Nevertheless, modernist Muslim scholars, such as Fazlur Rahman, interpret this verse as a call for sexual modesty addressed to both men and women. He construes verse 24:30 along with verse 24:31, which reads:

“Say (O Mohammed) to believing men that they should observe modesty of the eye and guard their sexual part —this is purer for them, but God knows well what they do. And say to believing women that they should observe modesty of the eyes and guard their sexual parts and let them not display their attractions except those naturally exposed — and let them cast down their head-scarves onto their bosoms.”²⁵⁸

Rahman brings forward historical arguments to support his view by stating that no veil whatsoever was required in the Prophet’s time and that no segregation of sexes existed either²⁵⁹. Consequently, verse 24:30 should not be used to justify the creation of a public and private sphere and to relegate women to the former²⁶⁰. In

²⁵⁶ The *dhawu mahram* is the male whom a Muslim woman cannot marry, since he belongs to one of the prohibited degrees of relationship.

²⁵⁷ See Stowasser, *The Status of Women in Early Islam*, in F. Hussain (ed.), *Muslim Women*, St. Martin’s Press, 1984, pp. 26-27. Quoted in S. S. Ali, *op. cit.* n° 1, p. 76.

²⁵⁸ The *Qur’an*, verse 24:31. Quoted in S. S. Ali, *ibidem*, p. 78.

²⁵⁹ See S. S. Ali, *ibidem*, p. 77.

²⁶⁰ F. Mernissi also shares this stance.

fact, as Taha states, "the purpose of Islam is chastity, emanating from within men and women, and not imposed through closed doors"²⁶¹.

In my opinion, this last point cannot be overemphasized. Traditional Islam not only requires women to dress modestly, but expects the same of men, for whom shorts or sleeveless garments are considered inappropriate. However, the reason why this rule seems to be more flexible for men than for women is that the latter have traditionally been employed and politicised as cultural symbols. As such, the burden women have carried throughout history has prevented them from challenging their cultures as easily.

Finally, it is also worth considering here that the veil is not exclusively Muslim, but it is also worn by non-Muslim women as a cultural symbol —i. e., Christian women in Mediterranean countries.

4.- CONCLUSION

As I have attempted to demonstrate throughout this Chapter, Muslim scholarship is seriously challenging conservative approaches on women's human rights vis-à-vis Islam. The three modernist theories summarised here exemplify how a modern discourse from within Islam can be built upon and, especially, how essential it is to contextualise *Qur'anic* prescriptions. They all emphasise the idea that more modern interpretations of the *Qur'an* are completely respectful to Islam, for they are based on its main premises, namely, the built-in dynamism of the Islamic law and the message of equality for all believers.

²⁶¹ See U. M. M. Taha, *op. cit.* n° 47, p. 141. Quoted in S. S. Ali, *op. cit.* n° 1, p. 79.

Several arguments have been adduced in this chapter to illuminate controversial issues such as men's superior status, polygamy and the veil. As I have reiterated, it is very important to contextualise practices and notions which are allegedly Muslim. Furthermore, some structures that are not inherently Islamic, such as patriarchy, must also be taken into account when analysing gender issues, just as the impact that economic transformations and globalisation are having in Muslim societies must be considered.

In my opinion, this modernist stance is very interesting insofar as it succeeds to legitimise a discourse coherent to contemporary times within an Islamic framework. Consequently, these theories invalidate binary views of Islam and women's human rights, as they present a valid intersection between these two spheres, rather than envisioning them as isolated and unable to intermingle. As I see it, this is a example of a successful and constructive cultural dialogue.

CONCLUSION

The purpose of this study was to engage in the theoretical analysis of some post-colonial feminist discourses that, I have argued, illustrate the existence and subsequent usage of post-colonial hybrid concepts. Moreover, I have highlighted that this hybridisation of concepts is the direct consequence of the cultural dialogue that colonisation has provoked. Further, as I have conceptualised it, this dialogue has consisted of a particular combination that has embraced, translated and repudiated concepts originating in other cultures. Through reflecting on concrete effects of the colonialist experience, I have built a parallelism between past and present globalisation processes, which I then identify as a continuous source of cultural dialogue between Muslim and non-Muslims cultures.

Life, societies and religions are intrinsically dynamic and constantly being transformed. This dynamism is certainly more intense when cultures intermingle with each other or are forced to cohabit, as in the colonial period. However, signs of this cultural communication are not only found in the recent past. As I have shown, when Islam was being formulated in seventh century Arabia, it also participated in a cultural dialogue with the previously existing culture. By taking into account this fact, I have insisted on the importance of contextualising Islamic rules and practices, while understanding them vis-à-vis the Pre-Islamic social, cultural and political fabric.

Today, in the aftermath of colonialism, and stemming from the necessity to create a new Muslim identity and ideology, many philosophical and political movements have emerged to canalise the cultural dialogue occurring in Muslim societies. In this study, I have dealt specifically with two of them, namely Islamic fundamentalism and Muslim modernism. Both of them, I have argued, employ the

aformentioned hybrid concepts; even Islamic fundamentalism, which identifies itself with the original and pure Islamic message. At this point, in analysing the so-called “return to Islam” claim of fundamentalists, I have stated that what Muslim societies are today experiencing is the creation of a new post-colonial identity that emanates from heterogeneous concepts and notions, rather than this alleged “retraditionalisation” of Islam.

On the one hand, Islamic fundamentalism has been formulated as a reaction to this globalisation process, insofar as it negates the cultural global dialogue by advocating for a “return to Islam”. This motto notwithstanding, fundamentalism is indeed part of today’s cultural interaction and the fact that it denies this dialogue, already shows the existence of a communication between globalisation and fundamentalism.

On the other hand, I have presented some of the contemporary approaches offered by Muslim modernist scholars, who have engaged in the creation of a new Muslim identity by constructively proposing a new theoretical framework that reconciles the principles of Islam with modern social needs —and, most importantly, with women’s human rights. From my point of view, these scholars are conceptualising a successful intersection between religion and modern times, while contributing to the consolidation of a religious reformulation, similar to the *aggiornamento* that the Catholic Church has undergone.

Muslim women are also participating in these processes of re-thinking gender issues and reformulating religion, as a significant part of the modernist scholarship consists of female writers. As I see it, this fact will open new horizons for the Islamic culture, as the debate is inevitably enriched when all segments of society articulate their opinions.

It has to be said that the involvement of women in public debates and social reformulations is by no means trivial. It is logical that the outcome of discussions is certainly different when female activists engage in the process. As I concluded in the first Chapter, the discourse presented by female Islamists such as Zaynab al-Ghazali and Heba Ra'uf has posed a remarkable challenge to the foundations of their own thought — which is rooted in the ultra-conservative ideas of Sayyid Qutb. Whereas male Islamists confine women to the domestic realm, al-Ghazali and Ra'uf use the same scaffold of Islamism to legitimise women's participation in the public sphere.

In another example I have illustrated how female thought can lead in significantly different directions as compared to the discourse of males. In this regard, I have suggested contrasting two political declarations concerned with the social role of Muslim women, the Tehran and Islamabad Declarations. Whereas the former was elaborated by representatives of some Muslim states, the latter was prepared by Muslim female Parliamentarians. Interestingly, more women's rights are acknowledged by this second declaration.

Against this backdrop, I have concluded that male interpretations are usually more restrictive than those of females. And as I have described, a significant number of Muslim feminists advocate for the re-interpretation of Islam from a female perspective. However, in order to improve women's participation in public fora, it is essential to invest more effort and economic resources in raising their level of education.

Through my research, I have noticed that Islamic feminism is mostly an elitist movement, within the privileged reach of Muslim upper-class and educated women. It is true that at the present time access to education seems to be increasing as a result of a global modernity. Yet, it also appears to me that the feminist movement

should continue to concentrate on socio-economic proposals, rather than solely focusing their struggle in the theological field.

In conclusion, and as it has been demonstrated, the involvement of women in gender debates is already taking place in Muslim societies. This fact certainly constitutes a major achievement in the authentic and integrationist development of solutions. Nevertheless, there are new challenges to face and other dialogues to enhance, particularly with Muslim women who belong to lower social strata. I hope we can soon witness this new cultural dialogue.

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