On the Idea of Islamic Feminism
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ABSTRACT

The object of this paper is to explore the possibility of defending women's rights (or, more broadly, expressing women's concerns) within a framework of Islamic concepts and ideas. This is to be accomplished by introducing a number of methodological principles that can, and (for feminists) should govern the practice of "religious interpretation" (*ijtihad*) which Muslims have used throughout the centuries to adapt Qur'anic and Islamic teachings to changing realities and circumstances.

I. Introduction

The object of this paper is to explore the meaning and possibility of "Islamic feminism". The name itself assumes that Islam and feminism are compatible, something which many people will deny immediately. But it must be acknowledged that *Islam* and *feminism* are not simple concepts. The terms are often understood and explained in dramatically different ways. Thus it is not a simple matter to prove that one cannot (logically) be an Islamist and a feminist at the same time, as this would require proving that on no *possible* or *thinkable* account of either term can Islam and feminism be combined. This is a large claim which no wise person can profess to be able to prove.

In the course of the present discussion we hope to offer some account, however sketchy and programmatic, of how feminist ideas can be accommodated in the space of Islamic concepts and ideas. But first we need to explain the motivation for the search for Islamic feminism. There are, in fact, two reasons for the undertaking.

Firstly, there is a purely theoretical consideration which is suggested by the existence of a rich variety of "feminisms" which present themselves

as "progressive" or "revolutionary" inflections of previously existing doctrines or systems of thought. We mean to refer to liberal feminism, Marxist feminism, psychoanalytic feminism, existentialist feminism, and many others besides. Even religion and other ancient "philosophies of the spirit", which stand apart from most of the modern "isms" to which feminism gave a progressive turn, have not managed to escape feminist attention. They have been studied and analyzed in search for concepts and themes that have relevance to women's liberation and empowerment[1].

This being so, it stands to reason to explore the theoretical possibility that Islam may provide room for a specific variety of feminism to grow in it, as it is the case with other theories and views of the world which have been "re-thought" by feminism.

Another reason for wanting to explore the meaning and possibility of Islamic feminism is pragmatic in nature. It has to do with the historical-cultural realities which must be taken into account if feminism is to take root and survive in Arab and/or Islamic societies. Of course, it is easy enough to adopt some "Western-grown" intellectual paradigm, say Marxist feminism or liberal feminism, and then use it in order understand, and perhaps change the social realities in which men and women live in Arab and Islamic countries. But there is little virtue to be found in this procedure. In practice it has meant little more than the adoption of odd-sounding terms with no clear equivalent in native languages, which only served to emphasize the foreignness of feminist concepts and concerns. Besides, it has meant relinquishing the field of religion to conservative thinkers who went on to offer, with little or no opposition, oppressive and ill-supported interpretations of religion.

For this reason is important for us to explore the meaning and possibility of a feminism that can be aligned to Islam. This need not mean that all the concessions will have to come from the feminist side. Most likely, there will have be a degree of dialectical give-and-take, whereby a middle ground position can be reached, which can (with some fairness) be called "Islamic" and "feminist" at the same time.

How are we to approach the task of formulating a concept of Islamic feminism? In Section II of this paper I shall draw a broad distinction between two approaches to Islam: a liberal-rationalist approach, and a

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[1] Consider, for example, the idea that "[i]n medieval perspective, female weakness can imitate God's lowering of himself through the incarnated and suffering Christ." (Borresen 1995, 249)

conservative-literal approach. In the process of doing this I shall stop to consider the somewhat "progressive" views of some "modernist" thinkers such as Abduh, Amin, Ghazali, and others. As we shall see, these writers are unable to go past certain limits in their advocacy of women's rights. They stop far short of views that can be reasonably be described as "feminist". This naturally invites one to think of systematic methods of interpretation which are more likely to take us further along the feminist path.

In Section III and the following sections I argue that Islamic feminism can be realized within the framework of a liberal-rationalist view of Islam. This is to be accomplished by introducing a number of methodological principles that can, and (for feminists) should govern the practice of "religious interpretation" (*ijtihad*) which Muslims have used throughout the centuries to adapt Qur'anic and Islamic teachings to changing realities and circumstances.

The principles in question, which are three in number, sound plausible on any reasonably enlightened view of Islam. Should they be accepted, they would not only contribute to the elaboration of an "Islamic feminism", but they could also be used to argue that Islam is not a "lost cause" as far as feminism is concerned, that there is something to be gained from standing on religious ground in order to contest traditionalist and patriarchal interpretations of the faith.

II. Islamic Models

Great religious traditions are invariably complex and rich, which makes it possible for one to view them along many dimensions. Islam is no exception.   One can view it along a *historical* dimension, and thus distinguish between an "early Islam" and later historical stages, however these are defined.   Or one can view Islam along the dimension of living *practice*, and thus distinguish between different ways in which Islam is experienced and practiced by different denominations (Sunni vs. Shi'ite Islam, for example), in different social-economic settings (rural vs. urban Islam), or by ethnically diverse communities (Indian vs. North African Islam).

There is, however one additional dimension along which Islam can be considered which is of special interest to us in this paper. There may be more than way of referring to this dimension and the distinctions that are to be made under it. For want of a more suitable term I shall use "the

intellectual dimension" to refer to the *intellectual attitude* with which one can approach Islam. Thus one may choose to emphasize the character of Islam as a *revealed* religion, or one may choose to emphasize the *rational* character of Islam. (The interplay between reason and revelation is a constant theme in all religions, and Islam is no exception in this regard.) One may view Islam in *liberal* fashion, or in a *conservative* manner. One may view Islamic texts *literally,* or one may choose to exercise a certain *freedom of interpretation.* Finally, one may view Islam as a way of life which is *open to development* and change, or one may view it as an *unchanging tradition.*

The "intellectual attitude" with Islam can be approached is not a tidy concept, nor are the distinctions that are made with its help crystal clear. But despite this relative lack of tidiness and clarity, it must be acknowledged that we are dealing with alternatives and possible methods for considering Islam that have considerable antiquity. In fact, they go as far back as the 8th century, which witnessed the beginnings of the Mu'tazilite school of theology. The Mu'tazilites advocated a "rationalist" interpretation of Islam, which led them to be believe in divine justice and freedom of the will, and to offer non-literal interpretation of anthropomorphic verses in the Qur'an.

For a long time after the Mu'tazilite movement, rationalist interpretations of Islam were rarely visible or influential (The school of Averroes [1198] being the most noteworthy exception to this). However, beginning with the period of "Arab Renaissance" in latter part of the 19th century, and due (in part) to influences emanating from the West, Arab and Muslim thinkers began to feel their way back to enlightened, rationalist interpretations of the faith, interpretations which could pave the way for Muslims to find their place among the "advanced" nations of the modern world.

Not surprisingly, it is among the "modernizing" Muslim thinkers of late 19th and early 20th centuries that we find first signs of recognition of women's rights, and the first calls for the removal of the injustices under which they labored for ages. Prominent examples of such thinkers are Muhammad Abduh, Qasim Amin, and al-Taher al-Haddad.

According to Barbara Stowasser, the modernists relied on a distinction between two aspects of Islamic life: religious observances (*'ibadat,* how one worships God) and social transactions (*mu'amalat,* conduct of worldly affairs) (Stowasser, 1993, 8). Confession of the Islamic creed, prayer, and pilgrimage are examples of *'ibadat.* They may be viewed

as "religious duties" which must be fulfilled without rational inquiry as to the meanings, purposes, or rationale of the divine will. On the other hand, marriage, inheritance, the conduct of politics, economic activity, and the waging of war, are examples of *mu'amalat* . In these areas and others like them, believers are permitted to exercise reason and practical wisdom to the extent that this does not violate explicit divine commands, or the spirit of the message embodied in revelation.

Stowasser also draws attention to yet another concept which played an important role in advancing the discussion of women's rights: the concept of "the public interest", or "common weal" (*al-maslaha*). (Stowasser 1993, 10, 13). In practical terms, this means that believers have a duty to conduct their lives in ways that serve the social well-being of the community, and to refrain from actions that are detrimental to this. Given due weight, the consideration of public interest is sufficient to give legitimacy to legislation that may diverge from the exact letter of divine revelation, provided that one can show that the proposed changes serve the common good of the community.

It is in this light that we can consider the legal opinion (*fetwa)* which Abduh offered in connection with polygamy. He called for abolishing this practice (or greatly restricting it), and one of his argument was unabashedly utilitarian. According to Abduh,

> "…it has become apparent that one of the causes of injustice and enmity between children is the fact that they come from different mothers … For this reason it is permissible for the ruler (*al-hakim)* or those in charge of applying the *Shari'a* to outlaw polygamy, as well as the keeping of slave-girls in order to protect family life (Abduh 1972, Pt. 5, 90-95).

Islamic modernist voices of a moderate, reformist type continue to be heard, even now, at a time when conservative and fundamentalist voices seem to be at their strongest. One can mention Yusuf al-Qardawi, who believes that thinking, genius, and leadership are not a monopoly of men (Qardawi 1991, 70). He castigates men because

> "they are always trying to control women's actions, never giving them a chance to express themselves and reveal talents which would enable them to assume positions of leadership, independent of men's control." (Qardawi 1991, 70)

Another author is Muhammad al-Ghazali, a Muslim writer who has traveled in the West, and who is also aware of the need to present Islam in a civilized and contemporary form. He objects to the "hiding of faces

and hands behind veils and gloves, making women who walk down the street look like ghosts", something which Islam, according to him, has never mandated (Ghazali 1990, 7). He does not hesitate to quote Amin, with whom he agrees in thinking that Islam was the first religion to "liberate" women. Like other reformists before him, Ghazali believes that it is religiously permissible for women to work outside the home, and he shows no desire to see women live their lives behind closed doors.

Still, it must be admitted the many of the modernizing interpreters of Islam, the very same people whose writings have served to put women's issues on the agenda as far as Muslim societies are concerned, tend to run out of steam within a short distance. For example, Muhammad Abduh, who thought it right to disallow polygamy (or greatly restrict it), finds it almost "self-evident" that men will often need to "chastise" women:

> "That it is sometimes legitimate [for husbands] to beat ["physically discipline"] women [their wives] is not so contrary to reason or common sense as to need argument. It is something to which resort must be had at times of moral decadence, and in corrupt environments." (Abduh 1972, 208, 212).

Nor is Muhammad al-Ghazali, writing much later, able to bring himself to take a definite stand against "wife-chastisement". All he can do is to call for making the chastisement more symbolic than physical. According to Ghazali:

> "The consensus of the jurists is that chastisement may be accomplished by the man striking the woman with *suwak* [2]. The act of beating must not be severe, nor is it permissible for it to reach the area of the face." (Ghazali 1990, 175)

The matter of violence against women is just one example which shows how difficult it must be to break free from traditional ideas which are often legitimated by reference to Qur'anic verses and Prophetic custom. Other examples can be easily given. The context in which Qardawi speaks of women assuming positions of leadership refers to areas of work that are restricted to women. Notwithstanding his example of the Qur'anic Queen of Sheba as an example of "women-leaders", he is not a supporter of political equality between men and women. The same applies to occupations: if women are to work outside the home at all, they are to

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[2] This is a small piece of branch, small enough to be used as a tooth-pick, which is (in fact) what pious Muslims use it for, following Prophetic custom.

work in occupations that are suitable for their "feminine nature": health care, education, medicine, and the like.

In view of the many restrictions which some of modernists find it reasonable to impose on women, it is may be surprising to accept Barbara Stowasser's claim that

> "With some ingenuity, the Modernists could very well construct an Islamic paradigm on the basis of the Qur'an which provides for *full* equality, including equal personal status rights, if they were to take their method of *ijtihad* and their emphasis on "the public interest" to their logical conclusions." (Stowasser 1993, 13)

Of course, Stowasser is referring to *principles* and *concepts* which the modernists sometimes employed, not to their actual practice, which often fell short from the ideal. But in order for such Muslim writers to "take their method of *ijtihad* and their emphasis on "the public interest" to their logical conclusions" a more self-conscious and clearly articulated conception of Islam (or "an" Islam) is needed, a conception which these writers do not seriously attempt to formulate.

What is needed, I think, is a radical move towards reform, a move of the kind which the Sudanese author Abdulli an-Na'im calls for. Following in the footsteps of his teacher, an-Na'im says

> "The basic premise of Ustadh Mahmoud is that a close examination of the content of the Qur'an and Sunna reveals two levels or stages of the message of Islam, one of the earlier Mecca period, and the other of the subsequent Medina stage. Furthermore, he maintained the earlier message of Mecca is the eternal and fundamental message of Islam, emphasizing the inherent dignity of all human beings, regardless of gender, religious belief, race and so forth. That message was characterized by equality between men and women and complete freedom of choice in matters of religion and faith." (an-Na'im 1990, 52)[3]

The extant public law of *Shari'a*, according to an-Na'im and his teacher, is based on the Medina stage of Islam. That stage came into being "[w]hen that superior level of the [Meccan] message was violently and

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[3] By the "Medina stage" an-Na'im means the stage which was ushered by the Prophet's migration to Medina in 622 A.D. (the year which marks the beginning of the Islamic calendar). In Medina the Muslims ceased to be a purely *religious* community; they became a *political* community as well. Unlike verses of the Qur'an which were revealed during the Meccan period, Medinese verses tend to be rich in legislation with regard to marriage, women, inheritance, and other things as well.

irrationally rejected and it was practically demonstrated that society at large was not ready for its implementation." (an-Na'im 1990, 52)

Ijtihad which takes place within the confines of historical *Shari'a* has inherent limitations, according to an-Na'im. For it "cannot be exercised in matters that are governed by clear and definite texts of the Qur'an and Sunna." (an-Na'im 1990, 58) Such, one may presume, is the kind of *ijtihad* which Abduh and Ghazali have attempted to exercise.

Regardless of validity of the descriptions and explanations which an-Na'im offers of the history of Islamic jurisprudence, the fact remains that he does propose a rationalist, liberal, forward-looking view of Islam which is unlikely to face difficulties when it comes to accommodating women's rights (or human rights, broadly speaking). For the essence of the "Meccan message" which an-Na'im wants to use as the ethico-philosophical basis for a new *Shari'a,* is something which is universal, egalitarian, and charitable. One can cite the following Meccan verses in support of what an-Na'im claims:

> "Say: Come, I will recite what your Lord has forbidden you: that you associate not anything with Him, and to be good to your parents, and not to slay you children because of poverty; We will provide you and them; and that you approach not any indecency outward or inward, and that you slay not the soul God has forbidden, except by right. That then He has charged you ; haply you will understand. And that you approach not the property of the orphan, save in the fairer manner, until he is of age. And fill up the measure and the balance with justice. We charge not any soul save to its capacity. And when you speak, be just, even if it should be to near kinsman. And fulfill God's covenant. That He has charged you; haply will remember."[4] (6:150-151)

Still, the choice to uphold a rational, liberal, and forward-looking interpretation of Islam does not by itself show us how to articulate an acceptable understanding of gender equality within the Meccan message. Somewhat more helpful is an-Na'im recommendation for us to argue for equality of men and women through a "combination of contextual analysis of the Medinese texts and invocation of the more fundamental Meccan texts." (an-Na'im 1990, 100)

Stated in these terms, this strategy reminds one of what modernizing interpreters have all along tried to do: look for "contextualizing"

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[4] Here and elsewhere I have followed the Arberry translation (Arthur J. Arberry, *The Koran Interpreted,* London: Oxford University Press, 1964).

(sociological) reasons which may enable us to suspend, or restrict what an-Na'im might call "Medinese licenses", while at the same time invoking the humanitarian and egalitarian messages of the Meccan period. Such writers have always done this without dwelling at great length on the Meccan-Medinese distinction, and without using the explicitly abolitionist language which an-Na'im uses.

Still, it is not enough to speak broadly of "contextualizing Medinese texts" and "invoking more fundamental Meccan texts". We need to specify more clearly methods and principles through which these major methodological injunctions can be implemented. This is what I would like to offer in the remaining sections of this paper.

III. A Role for History

To begin to see how feminist ideas can be conceived within an Islamic conceptual framework, we must first come to terms with the fact that religious traditions do not completely stand above history, even when their message is of divine origin.

The role which history plays in the evolution of our understanding of religion) is very complex. This role is recognized in the modern-sounding proposal to "contextualize" religious texts, which an-Na'im advocates, for "contextualizing" means (in part) understanding revealed texts in the light of their *historical context*. It is also recognized in the old, well-established practice of examining the "occasions of revelation" (*asbab al-nuzul*) in search of meanings, purposes, and guidance with respect to the application of the divine revelation. For the occasions are precisely this, namely, *historical moments*, with specific historical conditions of their own, in which religious texts where revealed.

We shall dwell more on the matter of contextuality and the search for *asbab al-nuzul* later in this section. But first we must learn to accept yet another aspect of the role which history plays in conditioning the way we understand the faith, and how we live it. What I mean is that purely historical developments sometimes force on us new understandings and practices that are (in effect) acts of interpretation, even if they are of a somewhat different quality from the interpretations that are made voluntarily and in full consciousness. Two examples can be used to illustrate this point.

Firstly, there are a number of Qur'anic verses which make the freeing of slaves one way of doing penance for certain sins or offenses. One such verse is to be found in Sura 5:

> "God will not take you to task for a slip in your oaths; but He will take you to task for such bonds as you have made by oath, whereof the expiation is to feed ten poor persons with the average of the food you serve to your families, or to clothe them, or set free a slave ; or if any finds not the means, let him fast for three days. That is the expiation of your oaths when you have sworn."
> (5: 89)

It is generally understood, even if apologists do not bother to dwell on this point at length, that Islam (like the other two great faiths, Judaism and Christianity) did *not* outlaw slavery, that verses such as the above, *presuppose* the existence of slavery, and thereby indicate toleration of it. This does not mean, of course, that Islam favored slavery in its moral code. (More on this later.) Nevertheless, to own slaves, to buy them and sell them, is not something the Qur'an forbids.

But what are we to do with this verse in this day and age, when our moral sensibilities have developed to the extent that the practice of slavery is judged to be morally wrong, and has, in fact, been made illegal?

As the verse indicates, there used to be a number of ways of doing penance for broken oaths. Until fairly recent times, a believer could fulfill the divine command in one of four ways, which included the freeing of a slave. But now a believer cannot do that. One of the four ways has been legally banned. This is a *historical development* that people have come to accept as binding on them, and on the way they live their religion.

Of course, it could be said that God, in his infinite wisdom, did not prescribe one, and only one method of expiation. But this is not in question. We are not claiming that historical developments have rendered *false* one of the verses in the Qur'an. What is claimed is simply that historical developments have imposed certain restrictions, or qualifications on the way God's will can be fulfilled. This argues for the historicity of the ways in which we *understand* and *apply* divine commands: at one time we could live our religion in a certain way, at a later stage this is no longer the case. This is a fact of history which shows how naïve it is to think that religion is a simple, unchanging essence that is fixed for all times.

A second example which illustrates the same point has to do with yet another now-prohibited practice which Islam allows -- sexual relations

between master and slave-girls --"what your right hand holds", as slave-girls are referred to sometimes. According to Qur'an:

> "If you fear that you will not act justly towards the orphans, marry such women as seem good to you, two, three, four; but if you fear you will not be equitable, then only one or what your right hand holds, so it is likelier you will not be partial." (4: 3)

Once again we find ourselves dealing with a practice that has been superceded by historical developments. It is not possible for a Muslim male to own slave-girls, much less have sex with them, in case he is not able to take a wife.

When one considers examples of permissions that have been superceded by historical developments that could not have been anticipated in early Islam, one finds it easy to imagine that a fate of this kind could have befallen the practice of polygamy itself. For as we shall see later, there is an egalitarian ethos in the Qur'an which could have served (it can still serve) to undermine the pro-polygamy position. Had this happened, would we have said that a non-polygamous Muslim society was in violation of God's will? Hardly, unless we are prepared to say that the outlawing of slavery is in opposition to the divine plan for human life. But this is not plausible on any reasonable understanding of Qur'anic ethics.

My suggestion is that the *way we live our faith*, that is to say, which parts of the revelation we apply, and which parts we suspend, which parts we emphasize, and which parts we do not emphasize -- all of these things amount to an interpretation of religion. This is not gainsaid by the fact that the historical processes which led to our living the faith in this or that way were mainly (or to some extent) not under our control. For interpretation is not only (or always) a matter of giving new meanings to texts: it can also be a matter of suspending, highlighting, or ignoring placing emphasis on this text or that.

But this "role for history" which we must accept raises problems which we have to deal with. Foremost among these is the problem of reconciling the often clear and unequivocal implications of the "divine words" to the new historical realities which seem to have no room for these implications. Slavery is "tolerated" by the Qur'an but is banned by law, as well as present-day moral sensibility. Is this not a contradiction of sorts between holy scripture and the real world?

On the face of it, there are two, and only two ways to restore order to our system of beliefs. Either we say that divine revelations are simply wrong in this or that instance which we are concerned with. Or we boldly assert that the historical realities in question are out of line with the divine will, and ought, therefore, to be reversed.

There is no dearth of supporters for the second alternative among present-day Fundamentalists who, in many ways, live more in the past than the present. Some of them take "religious revival" to be a process whereby the present is brought into conformity with the past. It is not improbable that some of them may be willing to accept all the social practices of the Islamic past, their logic being that the "later Muslims" cannot possibly be superior to the early Muslims.

What about the option of "finding fault" in the divine revelation? This is not possible for believers who take religion seriously. Secularists, atheists, and deists may take this path, believing that religion is something of the past, something which modern moral sensibilities and scientific knowledge has no room for it. Sincere Muslims (and believers in general) cannot say that.

Are we therefore condemned either to abrogate sacred religious texts or to compromise moral convictions which long, historical (one could say "evolutionary") developments have led us to? I do not think so. There is a way out of the difficulty which makes use of the injunction to "contextualize", or rely on the "occasions of revelation", which is simply one aspect of recognizing a role for history in the understanding of religious texts.

According to Fazlur Rahman, Qur'anic legal pronouncements are usually accompanied with a *ratio legis* which gives the reason for enunciating the law in question. The *ratio legis*, in turn, cannot be understood without reference to the sociological background of the revelation, which is what Qur'anic commentators call " the occasion of revelation". Moreover,

> "The *ratio legis* is the essence of the matter, the actual legislation being its embodiment so long as it faithfully and correctly realizes the *ratio*; if it does not, the law has to be changed." (Rahman 1980, 48)

Acceptance of Rahman's view of the role of the *ratio legis* in the application of Qur'an legal enactments provides us with a way of

escaping between the horns of dilemma. We neither have to "abrogate" revealed enactments, nor to continue to apply them.

The logical procedure for effecting this escape has two steps. Firstly, we argue that best way to understand Qur'anic legal enactments is *to view of them as being implicitly preceded by conditional clauses which refer to the then-existing sociological conditions surrounding the "occasion of revelation"*. According to one author,

> "If we consider *Shar`ia* commands and judgments as relative to historical circumstances, then we could assume that God revealed these commands and judgments with view to the social, historical and cultural conditions of the Arabs at the time of revelation. In this way the divine commands are to be transformed into conditional statements such as: 'If the conditions are of such and such a nature, then let the male inherit twice as much as the female'." (Daher 1993, 341)

Secondly (following Rahman's suggestion), we argue that the validity of divine legal enactments is contingent on the continued existence of the aforementioned conditions. Should these undergo major changes, or cease to obtain, then the divine commands and prohibitions in question cease to be applicable.

To illustrate this strategy, consider the Qur'anic verses which legislate with respect to women's attire in public places. One such verse says:

> "O Prophet, say to thy wives and daughters and the believing women, that they draw their veils close to them; so that likelier they will be known, and not hurt." (33: 59)

According to Fatima Mernissi, this verse must be understood in light of the conditions which obtained at the time of revelation. In the early days of Islam, women of unknown or "doubtful status" and position could be harassed, propositioned, or otherwise molested in public places. (Mernissi 1993, 229) In these circumstances veiling must have functioned as a "protective measure" against possible harassment in public places. (Similar claims are still heard for the virtues of "Islamic dress", which allows women greater mobility in public spaces.)

Now, the proposal to interpret this verse as containing implicit reference to social and historical circumstances obtaining at the time of revelation, means that the verse should be taken to mean the following:

> "*If* (or: *as long as*) social conditions are such that believing women stand to be hurt when they go out in public (on account of their being mistaken for

women of "doubtful status"), then they are to wear covering garments in such a way that they will be easy to distinguish from other women."

According to the present suggestion, the divine enactment contained in the consequence-part of the above conditional statement is to be followed only as long as the condition which the if-clause formulates holds. Should the condition cease to obtain, women will no longer be obliged to wear covering garments of the type which conservatives nowadays clamor for.

Mernissi's explanation of the social-historical context for the veiling verses may not be entirely convincing. It presupposes that there was a great likelihood for the Prophet's wives, and for other believing women to be confused with women of doubtful status, but it does not explain why this likelihood existed. Nor does it deal with the seeming injustice of legislating for the protection of believing women, as opposed to women in general.[5] Perhaps we need to look deeper for a richer, or more complex explanation of the social circumstance of the veiling verses.

Be that as it may, there are other cases where the method of contextual explanation can be applied with greater success. Thus one may seek an explanation of the license for men to take more than one wife in terms of an attempt to regulate chaotic marital and sexual practices, or as a solution to a problem of relative numbers (of men and women) in society, or any number of other ways. Perhaps the same can be said for Rahman's "contextualization" of 2:282, the well-known verse which makes the testimony of one man equal to that of two women. According to Rahman,

> "The reason for having two female witnesses instead of one male is that women would be more "forgetful" than men, since women in those days were normally not used to dealing with credit." (Rahman 1980, 48-49)

To summarize: the recognition of a "role for history" allows us to come to terms with that the fact that the way we live our faith (our living interpretation of the faith, as it were) is an evolutionary outcome of social-historical processes which do not wait upon our individual acceptance. Instead of denying them, we should seek to understand how they came about. Furthermore, the recognition of a role for history enables us to take (at least partial) control of processes which lead to new understandings of faith. As we proceed to contextualize religious texts,

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[5] I am indebted to anonymous reader of this journal for these points.

we are freed somewhat from the rigid constraints of traditions, and we are left free to explore new and more workable models of religiosity.

Nevertheless, it is important to acknowledge that the injunction to "pay attention to history" does not *by itself* yield feminism (Islamic or other), nor does it necessarily entail a social-political-moral order than can lay claim to universality and rationality. History has many uses, and the uses to which it can be put clearly depend on one's philosophy in general, and on one's philosophy of religion in particular. In the next two sections we shall see how a "historical view" of religion needs to be supplemented with other intellectual principles in order for the move towards Islamic feminism to be possible.

IV. *Ijtihad* as Rational Faith

Most students of religion will agree that religion *as such* embodies an irreducible element of unquestioning faith, something which is not based on empirical evidence or rational argument. If religion in all its aspects were based on rational evidence then we would have a hard time distinguishing a system of religious beliefs from a system of scientific (mathematical or philosophical) beliefs which have little or no room for faith.

But to admit the presence of the non-rational (notice we do not say the "irrational") or that which is not in evidence (notice we do not say "that which has been disproved") does not by itself tell us much about the role which rationality, science, and evidence may be allowed to play in religious life.

Undoubtedly, religious practice can, and will, differ from age to age, and equally undoubtedly*, rationality* is one of the dimensions along which it can vary. Religious beliefs may be held and practiced in a more or less *rational* manner, or they may be held and practiced in a more or less *anti-rational* manner.

Of course, we need to say what we mean by "rational". Now this is a term that has different meanings, which we do not need to discuss here.[6] What we can do in a brief space is to give an idea of what we mean by exercising *ijtihad* within the framework of a "rational faith", which is what we claim is needed in order to establish a ground for Islamic feminism.

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[6] See M. Stenmark (1995, 20-33) for a discussion of various meanings of rationality.

The idea behind speaking of "*ijtihad* as rational faith" is to view *ijtihad* as a relational process which involves human beings, their constantly evolving social needs and circumstances, and (lastly) *divine will viewed as "rational"*. The first two elements need little or no explanation, but the last is certainly problematic. So what does it mean to view divine will as rational?

In the present context, "rational" does not merely means "able to understand and determine relations between means and ends", a definition which would allow an evil serial murderer to be "rational". "Rational" as used here means additionally "that which we can more or less *understand*, that which is *reasonable*". On our use, rationality entails goodness, for someone who does harm for no good reason, or for no reason at all, is not a "reasonable person", though he or she may be rational in the more technical sense of being able to "calculate" or reckon with means and ends[7].

To view divine will as rational is thus to say that God is both "reasonable" and "good". This is something which, I believe, we have to accept anyway, regardless of the use which we intend to make of it in the context of seeking grounds for Islamic feminism. For even if we were to admit that God is far "above" our understanding, we must still attribute goodness to God. On no proper understanding of what religion is all about is it possible to withhold attributing goodness to God. There is another entity to which evil may be freely attributed: it is called "the devil", as we all know.

But what does God's goodness entail, on the theological view presented here? Not only that God wills nothing but what is good for humans, but also that the ultimate justification of divine commands and prohibitions must (in all or most cases) make reference to human interests and welfare.

Now the idea that divine will is good encourages one to introduce into the process of *ijtihad* a distinction between the *essential* divine purposes and designs on the one hand, and any number of *historically specific* rules and judgments which were intended to serve the essential purposes and

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[7] What is "good"? This is hardly a simple question. But this is not the place to discuss it. Nothing in the present argument hinges on a detailed ethical theory about what "the good" is. For our purposes it is sufficient to have agreement (presupposed in this paper) on the idea that equality between men and women (suitably defined) is "good", that feminism, to the extent that it embodies this demand, is "good".

designs. According to al-Taher al-Haddad, a Tunisian advocate of women's rights who wrote in the 1920s, one must distinguish between "the essence of Islam" and certain practices which Islam had to compromise about, given "the firmly established ways" of the pre-Islamic Arabs (which could not be changed all at once):

> "We must take into consideration the following important distinction. On the one hand, there is the message of Islam, which is its essence, its meaning. It remains eternal, just as the belief in the unity of God, the perfection of morals, the establishment of justice and equality between people, and everything that follows from these essentials. On the other hand, we have the contingent circumstances, and the firmly established ways of thinking that were to be found among pre-Islamic Arabs. These latter were not among the things which Islam aimed at. Hence every rule, regulation, or modification that Islam laid for these contingent matters remains as long as these matters remain. And if they cease, then their [Qur'anic] judgement ceases with them. And there in nothing in all of this which negatively reflects on Islam. This applies to such matters as slavery, slave-girls, polygamy, and the like, matters which cannot even be considered to be part of Islam. (al-Haddad 1992, 21)

Al-Haddad may be criticized for presenting an overly simple view of Islam, reducing it to belief in the unity of God, the perfection of morals, and the establishment of justice. Still, an attempt to steer religious interpretation in the direction that al-Haddad envisions need not mean ignorance of the rich complexity of Islamic ideas and history. Perhaps Rahman hits the mark better with his more guarded statement, according to which we have to distinguish between *legal enactments* and *moral injunctions* when we try to understand Qur'anic social reforms. According to Rahman:

> "Only by so distinguishing can we not only understand the true orientation of the Qur'an but also solve certain knotty problems with regard, for example, to women's reform. This is where the Muslim legal tradition, which essentially regarded the Qur'an as a law book and not *the religious source of law*, went so palpably wrong." (Rahman 1980, 47)

Assuming that we are permitted to impart to Islam the kind of inflection which al-Haddad and Rahman, in their different ways, want to impart to it, the question arises as to the use that can made of it insofar as modern *ijtihad* is concerned. Consider, for purposes of illustration, the practice of violence against women, often referred to euphemistically as "wife-chastisement". Now, if we take seriously the idea that Islam is basically belief in the unity of God, the perfection of morals, and the establishment

of justice and equality between people (which means men *and* women); if we remember that the victory of Islam over pre-Islamic customs meant (among other things) abolishing the custom of female infanticide, in addition to granting property rights to women -- if we consider all of these things, what can we possibly say about a supposed right of husbands to "discipline" wives?

There is, of course, the well-known Qur'anic verse which says:

> "And those you fear may be rebellious admonish, banish them to their couches, and beat them. If they obey you, look not for any way against them." (4: 34)

But this verse must be placed in the historical context of a people who did not truly know what domestic violence means, what its effects are, or the moral injustice which it represents. It must also be seen as part of a religion whose victory, *on the whole*, represented an overall improvement in women's conditions. Female infanticide was abolished, restrictions were placed on polygyny, certain forms of sexual exploitation were eliminated, and women gained property rights. *Perhaps* it was not possible for Islam under the then-existing circumstances to ask men to recognize women as *equals*. Perhaps it would not have made sense for God to ask men to give up *all* forms of power over women at that time. After all, what religion, or society, could do these things fifteen centuries ago, when men did not even recognize the humanity of other men? But the Qur'an points clearly in the direction of a higher morality than existed at the time. And it not clear why we should stop at the stage of early Islam, why a modern rational *ijtihad* cannot take us further in the direction pointed to by the Qur'an itself.

It is not to be expected that conservative thinkers will have much sympathy with this attempt to inject rationality into religion. Many of them wonder about the limits to which one may go in attempting to "rationalize" religion.[8] These thinkers are often joined by anthropologists who remind us that we must in the end defer to the ordinary believer's point of view when it comes to understanding what religion says (Horton 1982, 209); that it is not accurate on our part to present religion in terms

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[8] Adel Daher, whom we quoted earlier, formulates a concept of "the doctrinal essence of Islam." This doctrinal essence   is summarized by these words: "Belief in a unitary, omnipresent eternal creator, all-knowing, and all-good, absolutely free, and a source of moral obligation." (Daher 1993, 2) Islam, in this abstract guise, is identical with Deism, the religion of the Enlightenment. It is not clear how this doctrinal essence differs from the one which can be attributed to Christianity or Judaism.

of "softened modernist re-interpretations" which are not freely expressed by ordinary believers (Gellner 1992, 4).

This type of argument, however, is not convincing. It falls apart when we realize that there is usually more than one point of view for those who believe in religion. Religion has always been (and will always probably be) a contested field of meaning. For example, there have always been liberal, open-minded, progressive points of view, as well conservative, literal, "reactionary" points of view. All of these points of views are part of religion, viewed as continuing historical process that exists in many places. Contrary to what some would have us believe, legitimacy is not a monopoly of this or that point of view, specially that which lays claim to either popularity or antiquity.

Therefore there is no call for the "rationalist" party to abandon the field of battle over what Islam means, on the ground that "this is not how it is usually interpreted". What is usually the case need not always be the case. Rational *ijtihad* is not without powerful and compelling arguments. On the contrary, it has all the power which rationality and common sense bring with them, even when the incoherent voices of the multitude seem to drown all else.

V. Gender-conscious *Ijtihad*

So far we have discussed two methodological requirements that are needed in order to make Islamic feminism possible, at least as an intellectual project, if nothing more.

The two requirements are related to each other in the following way. Historical-minded *ijtihad* reconciles us to the fact of change when it comes to the way we understand and live our faith. Next, we look for ways to preserve that which seems worth preserving, and to lay to rest that which deserves to be laid to rest. But how is this to be carried out? This brings into play the second methodological requirement of practicing *ijtihad* as rational faith. This requires, at a minimum, that life must not be lived in opposition to reason and common sense.

Still, these two methodological requirements are not by themselves sufficient to yield a position that can be characterized as feminist. They are indeed necessary conditions, for without them it is difficult to see how feminist work can be done within the bounds of religion. But there is nothing in them which guarantees that religious interpretation will

represent women's point of view. This brings us to the third and last methodological principle which we want to discuss.

The basic idea behind "gender-conscious *ijtihad*" is to bring out the relevance of gender to the interpretation of religious texts and the elaboration of ethical insights which they embody. Hitherto such tasks have been the exclusive domain of men, who often proceeded to fashion God in a masculinist image that could be relied on to serve and protect their interests. The challenge which an Islamic feminism faces is to go over the religious texts and traditions with the intention of reclaiming at least part of them for women.

One Islamic feminist writer who hints at the possibility of injecting a gender-conscious perspective into Islamic studies is the Moroccan Farida Banani. In her book *Taqseem al-'Amal baina al-Rajul wal-Mar`ah* (Division of labor between men and women), she states that *ijtihad* is a "reading" of religious texts, and that that all readings are not innocent. She does not explicitly say that gender is one of the variables that need to be taken into account in the reading of religious texts. But the extension of her meaning in that direction is both easy and legitimate. According to Banani:

> "If we accept the idea that jurisprudence … is simply an effort to understand the *Shari'a* and to interpret it, then it follows that that one should be able to question [jurisprudence], since it is a human effort, a product of the human mind. … No reading of a religious text is an innocent reading. This is what many Muslim jurists admit in their writings. We find many of them saying, either in the introduction to their work, or in the conclusion, that their efforts of interpretation are their own individual efforts, and should not be taken as being "the" true interpretation of Islam…" (Banani 1993, 23)

Now the idea that people may have vested interests which can influence their understanding (an idea which must be elaborated so as to include gender as one of the relevant variables) is by no means foreign to Qur'an. There are verses which testify that human beings are inclined to believe (or disbelieve) in accordance what pleases them or serves their interests. For example, in Sura 5, the Children of Israel are castigated in these terms:

> "And we took compact with the Children of Israel, and We sent Messengers to them. Whensoever there came to them a Messenger with that their souls had not desire for, some they cried lies to, and some they slew." (5: 70)

One can also cite the famous episode of the "Satanic Verses," which acknowledge pre-Islamic deities, and which, according to tradition, Satan put in the mouth of the Prophet. According to the tradition, this episode took place during a time when the Prophet had an intense desire for his people to accept the new religion. Recognizing the influence which "fancy" has on the Prophet's mind, the Qur'an says:

> "We sent not ever any Messenger or Prophet before thee, but that Satan cast into his fancy, when he was fancying; but God annuls what Satan casts, then God confirms His signs."(22: 50)

And so it was that the Prophet uttered verses which were sure to please his pagan compatriots, only because he wished so much for them to believe his message. Such is the power of subjective inclination!

Now if human beings are liable to let their interests and wishes affect their judgment, as the Qur'an acknowledges, it is not inconceivable that the placing of the practice of *ijtihad* entirely in the hands of men will lead to conclusions that systematically favor men, or fail to give due weight to women's interests.

Obviously, Islamic feminists can pursue this line of thought, and in so doing they would still be on Islamic grounds. Consider the example of polygamy. As Laila Ahmad makes clear in her paper "Early Islam and the position of women: the problem of interpretation", the Qur'anic verses which bear on polygamy, taken as a whole, provide a strong basis for an argument which outlaws (or greatly restricts) polygamy. One is the verse quoted in the preceding section, which says in part "…but if you fear you will not be equitable, then only one" (4: 3), and another which categorically states: "You will not be able to be equitable between women, be you so eager." (4: 129)

Laila Ahmad's discussion raises the question of why society failed to place restrictions on polygamy, or to lay out socially determinable standards and criteria of fairness, in cases where polygamy is permitted. This is a matter of great consequence as far as Ahmad is concerned, for

> "[t]he legal base of marriage and of polygyny would differ profoundly depending on whether the ethical injunction to treat wives impartially was judged to be a matter of legislation or left purely to individual man's conscience." (Ahmad 1991, 59)

Islamic feminists can ask why this did not happen, why the "ethical egalitarianism" found in various place in the Qur'an, was not heeded when it came to relations between men and women. The question can be reasonably answered by reference to biases based on men's monopoly of the power engendered and sustained by their specialized knowledge of *ijtihad*. If Islamic feminists were to say this, they would not be far off the mark.

Of course, the historical fact of polygamy is not solely a matter of what religious texts say, nor is it solely a question of who interprets them, and how. It goes without saying that economic and other material variables are relevant to this historical fact. But one should certainly not underestimate the role of religion as a cultural determinant, nor should one think that it is a matter of indifference who has a monopoly over matters of interpretation.

It is not implausible to think that if Muslim women had a voice in how religious texts are to be understood and applied, then an opinion might have formed which says that polygamy is not ultimately in conformity with the divine will, or (at least) that it is consistent with divine will that society should gradually evolve towards the elimination of this practice.

The example which we have taken from Ahmad's work clearly illustrates the irreplaceable contribution which a gender-conscious *ijtihad* stands to make. For the texts which provide scriptural justification for imposing social and legal restrictions on the practice of polygamy (and may eventually allow society to grow out of it) have always been there, with no one to make use of them. It is too idealistic and simple-minded to believe than male *mujtahids* will want to draw the conclusions that can be drawn from them. The marriage institution, with all its restrictions and licenses, has for ages reflected power-relations in men's favor. Male *mujtahids* are part of the system of these power relations. The service which they perform often reflects itself in a failure to put into sharp relief aspects of the *Shari'a* legislation which can be used to undermine these power relations.

Giving voice to that which has been passed over in silence by male *mujtahids* is not the only task which a gender-conscious method of *ijtihad* can carry out. It can also offer a "re-reading" of the texts; it can search for alternative interpretations and neglected possible meanings.

Some examples will make this clear. One can mention Farida Banani's discussion of the Qur'anic notion of "*qiwamah*": "[Men have *qiwamah* over women], for that God has preferred in bounty one of them over another, and for that they have expended of their property." (4:34) Banani derives "*qiwamah*" from an Arabic root which means "to take care of, to serve, to protect", rather than "to lead, to preside over, to manage". (Banani 1993, 35)

Another example can be found in the writings of Zainab al-Ma'adi. She suggests a distinction between that which "holy", or "sacred", and that which is "cultural". The former includes everything which is "definitely" stated in the Qur'an, leaving no room for interpretation, or diversity of opinion. Everything else, by implication, falls in the realm of the "cultural", something which humans are free to change according to their changing circumstances. The author searches the Qur'an for verses that clearly say that women must not work outside the home, and finds nothing to justify this opinion. Therefore she relegates the verdict against women's work (popular among conservative jurists) to the cultural realm, where it can have no binding force on Muslims. (Ma'adi 1992, 79-91)

Finally, it is interesting to look at the feminist meaning which Khadijah Sabbar injects into the concept of "*infaq*", which means "providing for the home". Being "provider for the home" is the basis for the supposed "leadership" role which husbands have, in accordance with the usual interpretation of 4: 34. Sabbar does not contest the interpretation of "*qiwamah*", as Banani does. But she insists that "providing for the home" is not simply a matter of the monthly salary which the husband brings home. It includes such tasks as helping with the housework, spending time with children, etc. (Sabbar 1992, 33). To her such things are part of "*infaq*". This thought is not likely to cross the mind of a male jurist, but it is made possible when *ijtihad* is approached from a gender-conscious perspective.

These are only some of the interesting "turns" which Islamic feminism stands to give to familiar verses and traditions which have been thought for a long time to favor men. There are others which await being discovered by interpreters who approach the work of *ijtihad* from a feminist point of view.

VI. Concluding Remarks

The aim of this paper has been to argue that it is not impossible for one to entertain feminist ideas within an Islamic conceptual framework. A number of conceptually necessary conditions are needed for this, which can be summarized by saying that one needs to think about Islam historically, rationally, and in a gender-conscious manner.

Suppose we were able to effect a conceptual revolution in the way Islam is understood, a revolution that complied with the requirements of historicity, rationality, and gender: would that justify us in speaking of "Islamic feminism"?

This is bound to be a controversial question. From one side of the divide some will say that what is referred to as "Islamic feminism" is not truly Islamic, because it violates major precepts of Islamicity, as indicated by suspension or abrogation of many licenses that are granted by the Qur'an. From the other side of the divide, some will say that no feminism can remain within the bound of religion, that any self-respecting feminism must reject religion and the understanding of spirituality that is associated with it.[9]

But this is hardly surprising. For we have known all along that Islam is not the same to all interpreters, and that feminism is not the same to all those who advocate it. There is a wide range of understandings in both fields of meanings, and it is somewhere towards the middle that I have sought to find room for Islamic feminism.

My purpose has not been to argue that this or that specific conception of Islam or feminism is true. This is a large task which I am not equipped to carry out. Rather, what I wanted to accomplish is to chart out a possible meeting place for people who want to argue for women's rights within an Islamic framework of thought, as well as people who are prepared to view religion from a gender-sensitive point of view. More work needs to be done in order to create a common vocabulary, and to produce intellectual innovations that are true to the present while not betraying the past of Muslim societies. □

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[9] This is evident from the radical feminist critiques of some of the major concepts that appear in religion and philosophy-- concepts such as "matter", "spirit", "mind", "reason", "God", etc. Leaving aside specific androcentric items of legislation which can be found in most or all religions, many feminists make the further claim that concepts we have just mentioned are thoroughly pervaded with gender bias. See, for example, Hein (1996) and Lloyd (1996). It is not likely such critiques will leave any religion recognizably the same.

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